

Subject: 20 Canal Road, St Peters
File Ref: DA201400196

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Summary

This report concerns an application to construct and operate a grain storage and container packing (GSCP) facility comprising 9 silos with a total storage capacity of approximately 5,158 tonnes, bucket elevators, rail hopper, conveyor belt system and onsite office at the existing Maritime Container Services (MCS) Cooks River Container Terminal site. The application was notified on 3 separate occasions in accordance with Council's Notification Policy and 1 submission was received during the original notification period.

The application was referred to Sydney Airport Corporation Limited (SACL), Civil Aviation Safety Authority (CASA), Roads and Maritime Services (RMS), Transport for NSW, Australian Rail Track Corporation (ARTC) and NSW Office of Water (NOW) for comment.

The development has an approximate capital investment value (CIV) of \$9.23 million. Private infrastructure with a CIV of more than \$5 million must be referred to the Joint Regional Planning Panel (JRPP) to exercise its consent authority functions under Schedule 4A of Environmental Planning and Assessment Act 1979.

This development has been classified as being:

- 'State Significant Development' (under Part 4A of EP&A Act 1979);
- Alterations and additions to 'Designated Development' (under EP&A Regulation 2000);
- 'Integrated Development' (under Section 91 of EP&A Act 1979);
- 'Advertised Development' (under Section 79A of EP&A Act 1979);
- 'Potentially Hazardous Development' (under SEPP 33);
- 'Traffic Generating Development' (under EP&A Regulation 2000); and
- Development that breaches 'prescribed airspace' of Sydney Airport (under Airport Act 1996).

The proposal generally complies with the objectives and controls contained in Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011) with the exception of car parking.

The proposed scope of construction works and the potential impacts to the surrounding environment during operation of the grain storage and container packing facility have been considered as part of the assessment process. Any potential impacts from the development are considered to be acceptable given the context of the site and the application is recommended for approval, subject to the imposition of appropriate conditions.

PART A - PARTICULARS

Location: South-western side of Canal Road between Burrows Road South and Princes Highway, St Peters.

The Cooks River Container Terminal site is bound by Canal Road to the north-east, Bellevue Street to the north-west, the Metropolitan Goods Line to the south-west, industrial development adjoining the Princes Highway adjoins the site to the north-west and Sydney Airport Corporation land adjoins the site to the south east of the site (refer to Image 1).

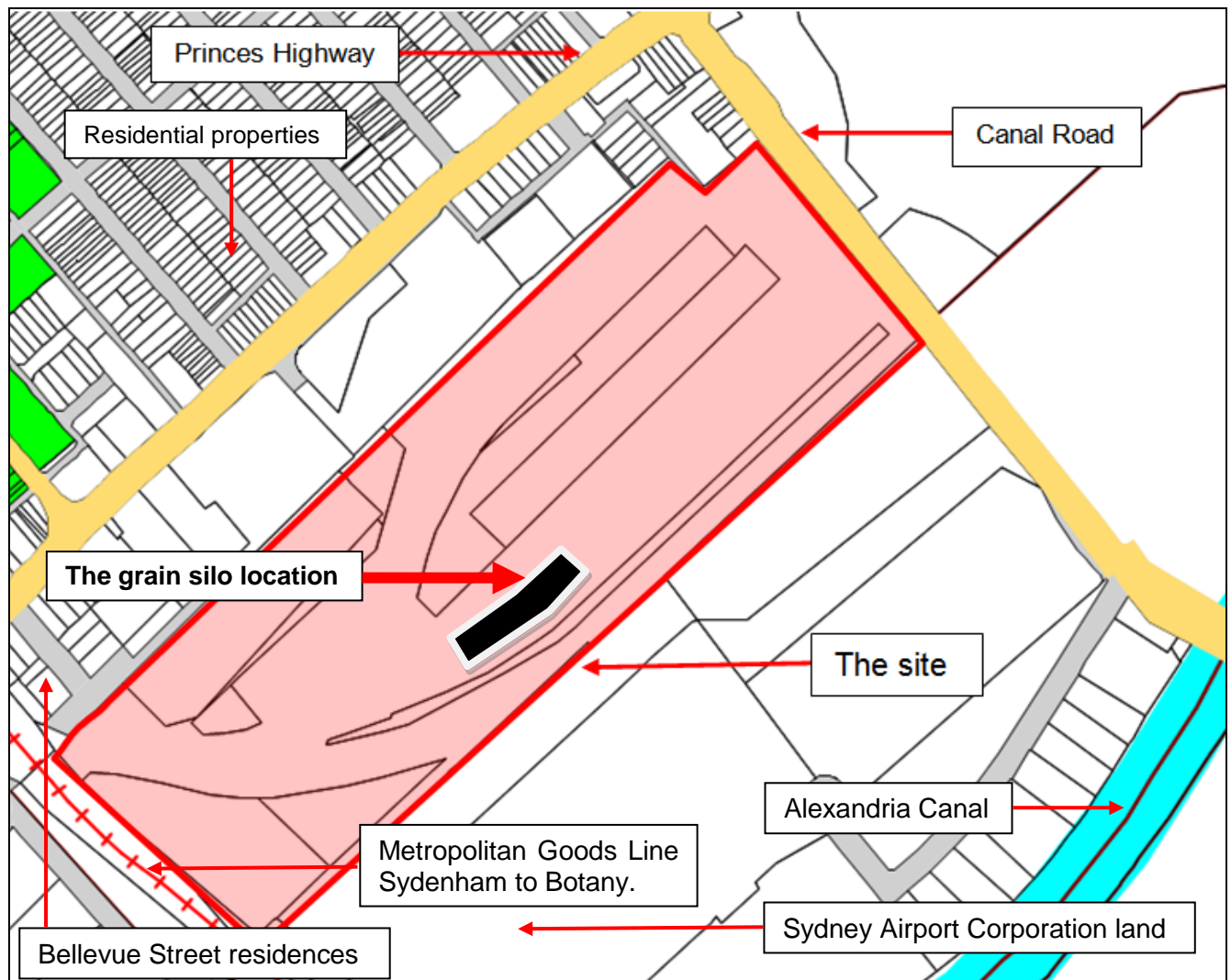


Image 1: Location map indicating the site and the approximate location of grain storage and container packing (GSCP) facility.

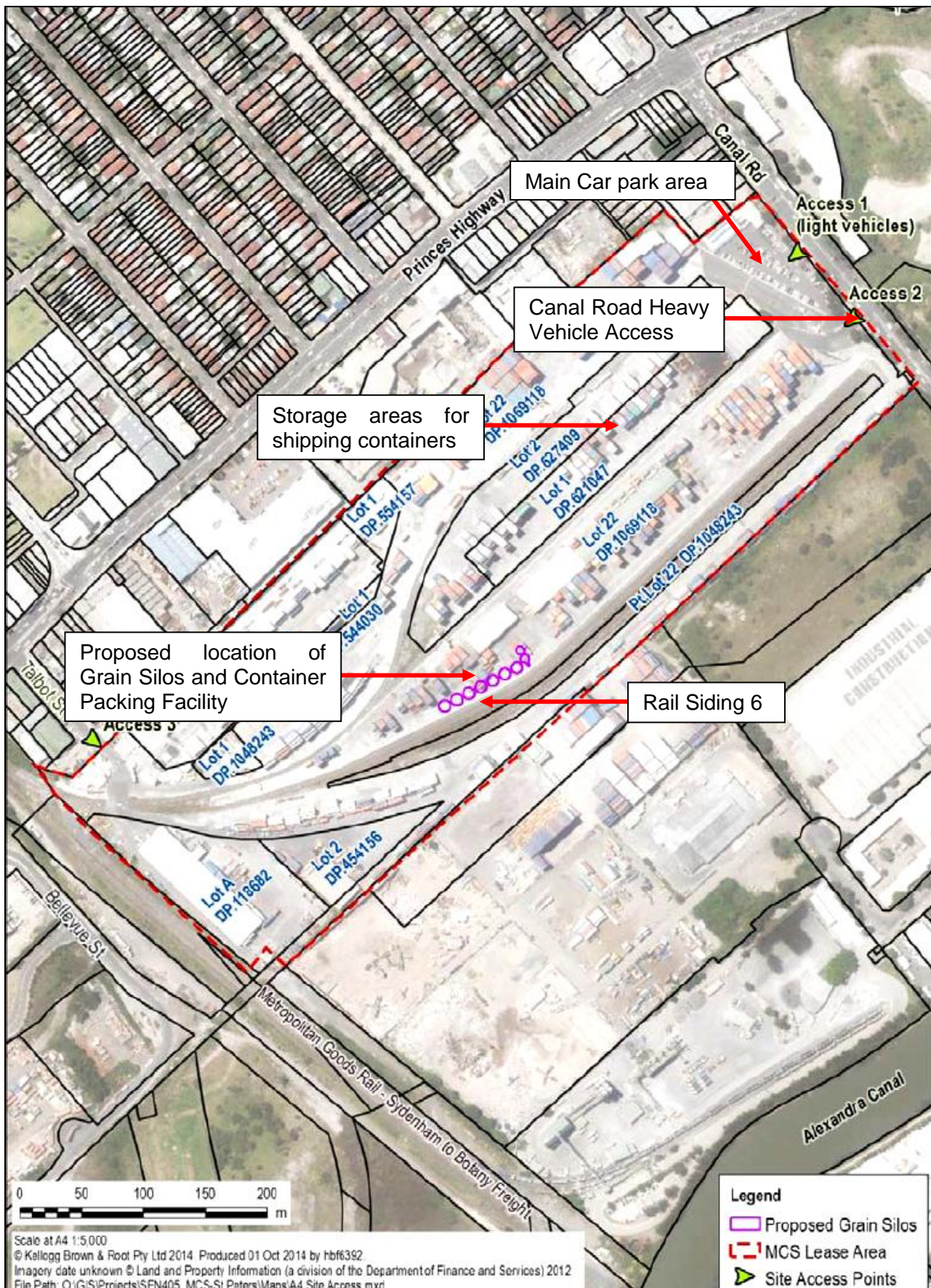


Image 2: Site Plan of the Cooks River Container Terminal Site indicating the location of the proposed grain silos and container packing facility.

DA No: 201400196

JRPP Reference No: 2014SYE086

Application Date: 1 May 2014. Additional information submitted on 15 July 2014, 17 September 2014 and 8 October 2014.

Proposal: To construct and operate a grain storage and container packing facility comprising 9 silos with a total storage capacity of approximately 5,158 tonnes at the existing Maritime Container Services (MCS) Cooks River Container Terminal site.

Applicant: Maritime Container Services (MCS) Pty Ltd

Estimated Cost: \$9,232,520

Zoning: IN1 General Industrial & SP2 Infrastructure (Classified Road)

PART B - THE SITE AND ITS CONTEXT

Improvements: The majority of the site is used for the storage of shipping containers. The site also supports a range of warehouse buildings and ancillary offices. Other facilities include rail infrastructure, internal roads and parking areas.



Image 3: The Canal Road heavy vehicle entrance to the Cooks River Container Terminal site



Image 4: The Canal Road light vehicle entrance to the Cooks River Container Terminal site



Image 5: Cooks River Container Terminal site looking south from the Canal Road frontage



Image 6: Proposed location of the grain storage and container packing facility looking north-east



Image 7: Proposed location of the grain storage and container packing facility looking south-west



Image 8: Proposed location of the grain storage and container packing facility looking west

Current Use: Container Terminal with associated offices and car parking areas.

Prior Determinations: The site has a history of industrial/container terminal use dating back to 1947 with multiple approvals issued in relation to the land. The earliest recorded consent was issued in 1959 with the most recent issued in 2013.

However, the consents issued by the Council do not always identify the full extent of land to which they applied. Whilst some plans identify 'lease areas' or make reference to particular sidings within their description of the site, the land is not particularised by lot number or other title description in nearly all instances. The consents issued are generally relied upon using generic terms such as the Cooks River Goods Yard, Railway Goods Yard Canal Road St Peters and Cooks River Rail Terminal.

Determination No. 200700405, dated 6 February 2008, approved an application to demolish part of the premises (Building 5), install a grain freight transfer facility comprising 5 large and 4 small silos, grain elevator and conveyors and associated works, erection of associated structures and minor realignment of rail sidings.

Determination No. 200800459, dated 6 March 2009, refused an application to carry out alterations and additions to an existing building in the Cooks River Rail Terminal. That application was refused as the RTA refused to provide their concurrence to the works proposed on that part of the site

zoned Arterial Road and Arterial Road Widening Reservation Zone pursuant to Clause 65 (4) of Marrickville Local Environmental Plan 2001.

Determination No. 201100204, dated 2 September 2011, granted a staged consent approving part of an application to reconfigure the rail sidings, construct a container wash bay, install underground electrical services, demolish Building 13, install floodlighting, increase container stacking heights to 6 high on parts of the site, carry out landscaping and fencing works including an updated Traffic Management Plan for the Cooks River Container Terminal and refusing that part of the application which sought approval to remove the trees on the Canal Road frontage of the site.

Determination No. 201100204.02, dated 11 January 2012, to modify Determination No. 201100204 was approved allowing pavement repairs adjacent to driveways and reconfigure rail sidings, install 8 additional light towers and associated services, extend rail siding 9 by 40 metres, adjust rail turnouts and remove 6 trees.

Determination No. 201200548, dated 22 February 2013, approved an application to demolish 2 ancillary office buildings (Buildings 1 and 9) and replace with new, consolidated, office building (to be known as Building 19) and reconfiguration of parking layout.

Environment: Industrial

PART C - REQUIREMENTS

1. Zoning

Is the proposal permissible under zoning provisions? Yes – although permissibility is dependent on the cumulative effect of ongoing development and intensification of the facility. The application was not assessed to be designated development, as discussed later in the report.

2. Development Standards (Statutory Requirements):

Type	Required	Proposed
Height of Buildings (max)	N/A	24.04 metres
Floor Space Ratio (max)	0.95:1	< 0.95:1

3. Departures from Development Control Plan:

Type	Required	Proposed
Car parking	1	0
Bicycle parking	2	0

4. Community Consultation:

Required: Yes (newspaper advertisement, on site notice and resident notification)
 Submissions: 1 submission (first notification), nil submissions (second notification as a JRPP application), nil submissions (third notification as integrated development).

5. Other Requirements:

Airports Act 1996;
 Environment Protection and Biodiversity Conservation Act 1999
 Water Management Act 2000;
 Heritage Act 1977;
 Environmental Planning and Assessment Act 1979;

Contaminated Land Management Act 1997;
Environmental Planning and Assessment Regulation 2000;
Civil Aviation (Buildings Control) Regulations Statutory Rules 1988;
Airports (Protection of Airspace) Regulations 1996;
State Environmental Planning Policy 33 Hazardous and Offensive Development 1992;
State Environmental Planning Policy 55 Remediation of Land 1998;
State Environmental Planning Policy (Infrastructure) 2007;
State Environmental Planning Policy (State and Regional Development) 2011;
Hazardous Industry Planning Advisory Paper 1: Industry Emergency Planning;
Hazardous Industry Planning Advisory Paper 2: Fire Safety Study;
Hazardous Industry Planning Advisory Paper 4: Risk Criteria Land Use Safety Planning;
Hazardous Industry Planning Advisory Paper 5: Hazard Audit Guidelines;
Hazardous Industry Planning Advisory Paper 6: Guidelines for Hazard Analysis;
Hazardous Industry Planning Advisory Paper 7: Construction Safety Studies;
Hazardous Industry Planning Advisory Paper 8: HAZOP Guidelines;
Hazardous Industry Planning Advisory Paper 9: Safety Management System;
Hazardous Industry Planning Advisory Paper 12: Hazards Related Conditions of Consent;
Marrickville Local Environmental Plan 2011;
Marrickville Development Control Plan 2011;
ANEF 2033 Affectation: 25-30 ANEF (affected area)
Marrickville Section 94/94A Contributions Plan 2014 \$92,325.20

PART D - ASSESSMENT

1. The Site and Surrounds

The site is situated on the south western side of Canal Road, between Burrows Road South and Princes Highway, St Peters.

The Cooks River Container Terminal site consists of 10 lots legally described as follows:

- Lot 1 DP 621047;
- Lot 2 DP 454156;
- Lot 1 DP 533013;
- Lot 1 DP 554157;
- Lot 1 DP 544030;
- Lot 2 DP 627409;
- Lot 1 DP 1048243;
- Lot 1 DP 627409;
- Lot A DP 118682; and
- Lot 22 DP 1069118.

The GSCP Facility will be located entirely within Lot 22 DP 1069118. However, access to the road and rail network and the supply of utility services will require the use of other listed allotments as part of this application. The site has an area of approximately 173,000m² (17.3ha). The site is an irregular configuration, with a 205 metre frontage to Canal Road.

The Cooks River Terminal land is under a 99 year lease from the Port Botany Lessor Pty Ltd, to NSW Ports Consortium, a private company, who acts as the land manager for the site. Port Botany Lessor Pty Ltd is an entity that falls within the NSW Treasury cluster within the NSW Government. Maritime Container Services (MCS) sub-lease the Cooks River Container Terminal site from NSW Ports Consortium.

The Cooks River Container Terminal has been continually used as a freight handling site since its inception as a goods yard on 15 December 1947. The primary use of the site is for container storage, handling and distribution by road and rail. The site supports a range of warehouse buildings and ancillary offices and workshops. Other facilities include rail infrastructure, internal roads and parking areas.

Rail sidings which run parallel across the site to the south-western boundary divide the Cooks River Container Terminal land. The sidings connect to the Metropolitan Goods Line, a goods railway from Sydenham to Port Botany. Vehicular access is provided directly from Canal Road, a classified road, with separate entries for light and heavy vehicles and each restricted to a left turn in and out. A separate entry is provided from Talbot Street that connects with the Princes Highway along the north-western side of the site. A total of 193 car parking spaces are provided across the site, with the main employee and visitor car park providing 95 spaces located in the northeast corner of the site. Reflecting its ongoing industrial use, the majority of the site is paved with asphalt and concrete. Mature trees are located along the Canal Road frontage.

The Cooks River Container Terminal is located within an established industrial area. The nearest residential receivers to the GSCP facility are located approximately 290 metres to the north on the far side of the Princes Highway in George Street, St Peters. A small number of residential properties are also located in Bellevue Street, adjacent to the Metropolitan Goods Line, approximately 400 metres from the location of the GSCP facility. A number of industrial properties are located adjacent to the site fronting Princes Highway. The Alexandria Landfill is located on the opposite side of Canal Road, to the north-east of the site.

The site is strategically located for freight handling as it:

- Adjoins the Metropolitan Goods Line connecting Sydenham to Port Botany;
- Has direct access to Canal Road;
- Is within 3km of Sydney Airport;
- Is within 8km of Port Botany by road and rail; and
- Is within 4km of the M5 Motorway which is accessible from Marsh Street at Arncliffe.

Port Botany is the major port for handling containers, bulk liquids and petrochemicals in NSW.

2. The Proposal

Approval is sought to construct and operate a grain storage and container packing facility comprising 9 silos with a total storage capacity of approximately 5,158 tonnes at the existing MCS Cooks River Container Terminal site.

The proposed GSCP facility will consist of the following components:

- 7 silos for the storage of grain (approximately 19.3 metres high, including gantry and handrail, each with a capacity of 656 tonnes);
- 2 smaller loading silos (approximately 17.1 metres high, including gantry and handrail, each with a capacity of 283 tonnes);
- 2 bucket elevators with tower and chute (approximately 24.04 metres high);
- A concrete rail hopper underneath Rail Siding 6 to unload the grain from the rail wagons,
- A steel shed structure over the rail siding to enclose the rail hopper;
- A conveyor system to transport the grain from the rail hopper to the grain silos; and
- Administration office with kitchenette, toilets, offices and grain sampling equipment.

At 24.04 metres, the bucket elevators with tower and chute are the highest structures in the facility. The combined total capacity of the GSCP facility is approximately 5,158 tonnes of grain storage.

Rail Transportation

The majority of the grain that is transported to the facility would be by rail. A goods train would enter the Cooks River Container Terminal from the Metropolitan Goods Line. The grain would be 'bottom discharged' from the rail wagons into the rail hopper located underneath Rail Siding 6.

The hopper and rail line will be enclosed within a rail shed. The rail shed and system would be fitted with 3 separate bag filter units to ensure that any dust generated during the process is captured. A series of conveyors and the main bucket elevator 1 would transfer the grain to the silo for temporary storage. According to the submitted documentation, a 675 metre long train is expected to take up to 10 hours to release its load of grain. A 'rail concept plan' has been provided by the applicant as part of the application. Excavation for the rail hopper is expected to be up to 3.5 metres below the existing ground level.

Approximately 6 grain trains are expected to service the GSCP facility each week.

Road Transportation

The GSCP facility is expected to receive grain by truck via the same hopper that the train wagons discharge into. The trucks would drive over the rail hopper utilising a tipper on the truck trailer to discharge the grain. The truck unloading will remain within the shed enclosure. The grain trucks would be allocated a time slot to ensure that they arrive at the Cooks River Container Terminal when there is no grain being unloaded by train.

Silo Storage

The combined total capacity of the GSCP facility is approximately 5,158 tonnes of grain storage within 9 separate silos. The conveyors and gates for the silos would be controlled electronically from the administration site office that is to be constructed as part of the proposal.

Administration Office

Staff would be located within the site office which would contain a kitchenette, toilets, offices and grain sampling equipment. The office is proposed to be acoustically treated as proposed in the submitted Aircraft Noise Intrusion Assessment.

Staff Numbers

The GSCP facility is expected to operate with a team of 2-3 staff per shift.

Hours of Operation

The facility will operate 24 hours a day, 7 days a week, in accordance with the approved hours of operation for the Cooks River Container Terminal.

Container Packing

The container packing equipment consists of the 2 smaller silos. Grain is drawn from the 7 main silos and placed in the funnel chute to fill the container with grain. Industrial standard dust extraction equipment will be used to prevent dust escaping during this process. The loaded container is then stored on site before being transported to Port Botany by rail for export.

Importance of the GSCP facility

The applicant in the Statement of Environmental Effects has put forward the following justification for the location of the GSCP facility in Sydney:

- Sydney does not currently contain any grain handling facilities;
- At present the grain that is harvested from the Murrumbidgee Irrigation Area (MIA) is transported by road or rail to Port Melbourne or Geelong for export packing.
- This facility creates intermodal capacity to allow the bulk transfer of grain to containers for export from NSW.

A copy of the site plan and elevations of the development submitted with the application are reproduced below:

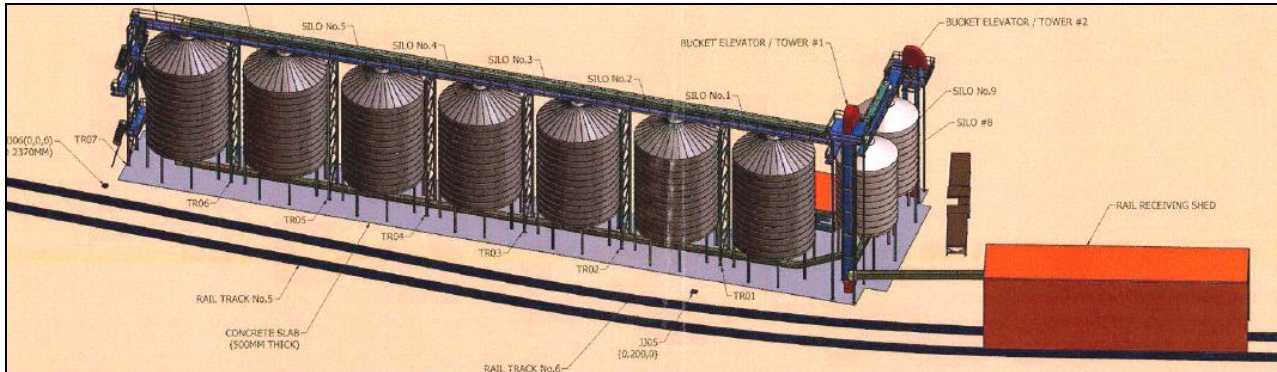


Image 9: North-west view of the proposed grain storage and container packing (GSCP) facility

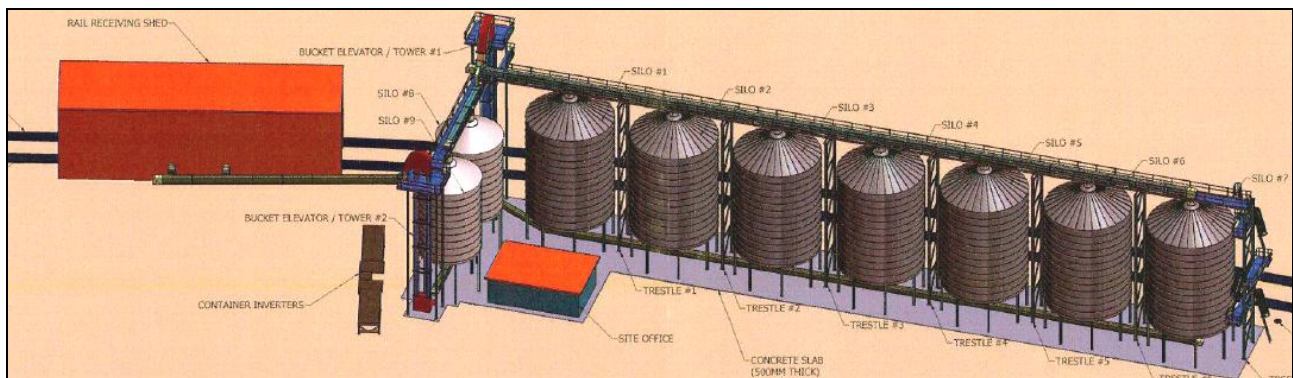


Image 10: South-east view of the proposed grain storage and container packing (GSCP) facility

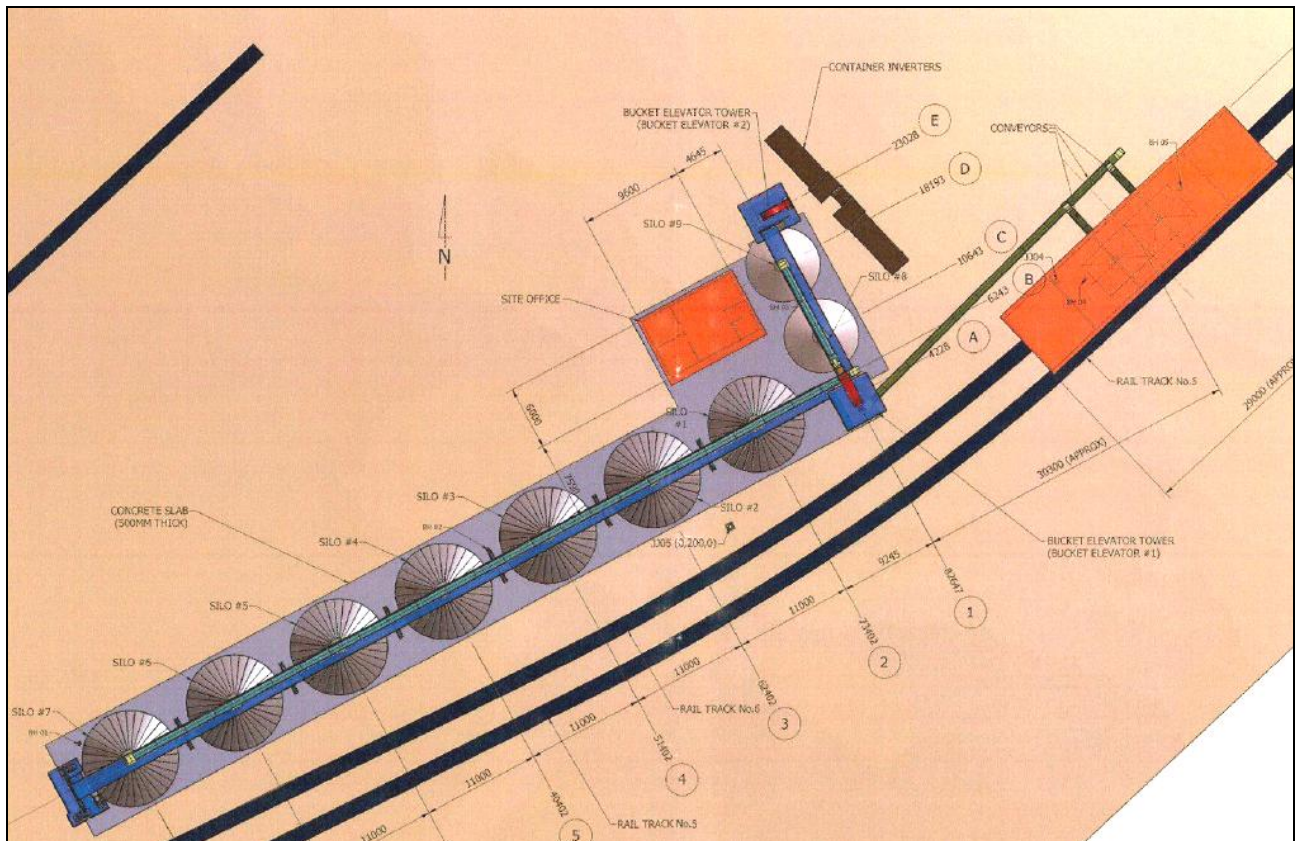


Image 11: Aerial view of the proposed grain storage and container packing (GSCP) facility

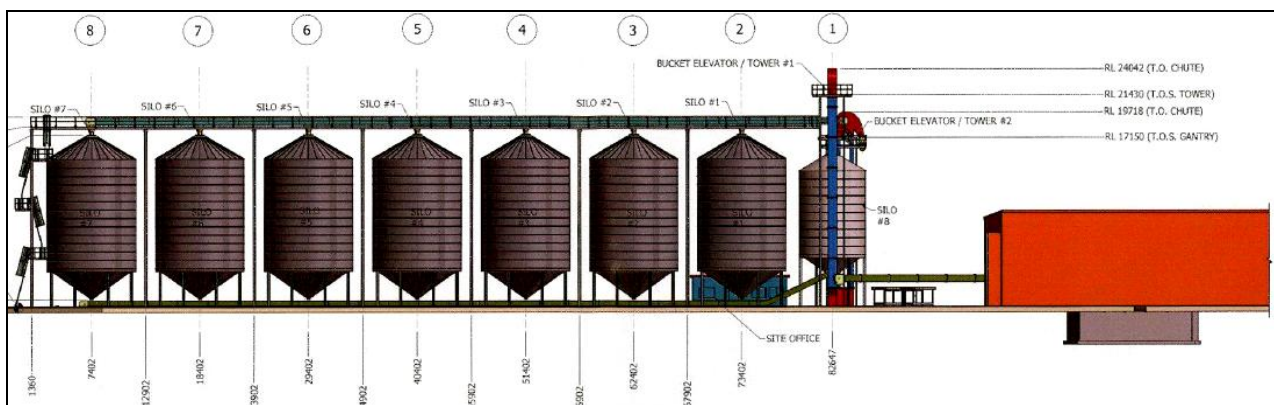


Image 12: Elevation Plan looking west

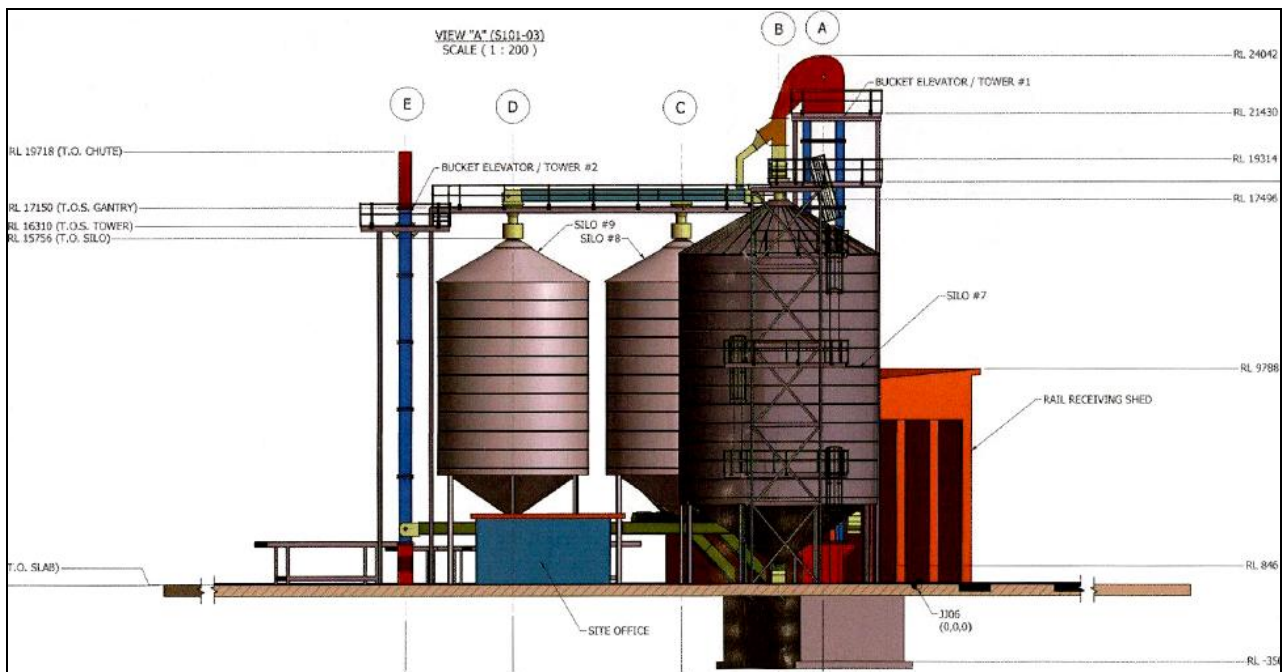


Image 13: Elevation Plan looking north

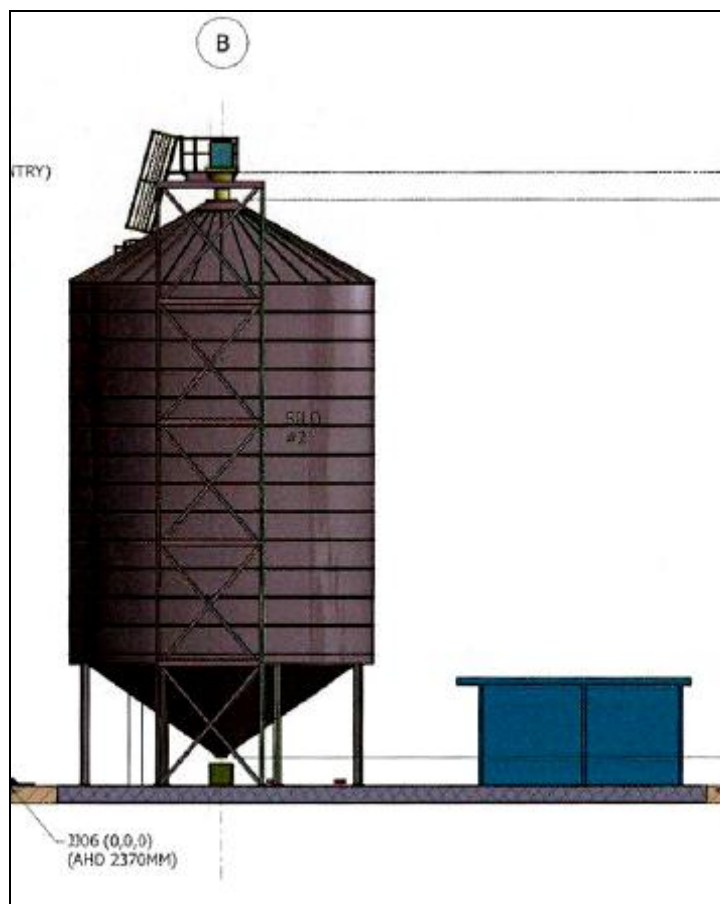


Image 14: Elevation Plan of Silo 2

3. Legislative Framework

The following Commonwealth, State and Local government legislative framework applies to the GSCP Facility:

- Airports Act 1996;
- Environment Protection and Biodiversity Conservation Act 1999
- Water Management Act 2000;
- Heritage Act 1977;
- Environmental Planning and Assessment Act 1979;
- Contaminated Land Management Act 1997;
- Environmental Planning and Assessment Regulation 2000;
- Civil Aviation (Buildings Control) Regulations Statutory Rules 1988;
- Airports (Protection of Airspace) Regulations 1996;
- State Environmental Planning Policy 33 Hazardous and Offensive Development 1992;
- State Environmental Planning Policy 55 Remediation of Land 1998;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (State and Regional Development) 2011;
- Hazardous Industry Planning Advisory Paper 1: Industry Emergency Planning;
- Hazardous Industry Planning Advisory Paper 2: Fire Safety Study;
- Hazardous Industry Planning Advisory Paper 4: Risk Criteria Land Use Safety Planning;
- Hazardous Industry Planning Advisory Paper 6: Guidelines for Hazard Analysis;
- Hazardous Industry Planning Advisory Paper 7: Construction Safety Studies;
- Hazardous Industry Planning Advisory Paper 8: HAZOP Guidelines;
- Hazardous Industry Planning Advisory Paper 9: Safety Management System;
- Hazardous Industry Planning Advisory Paper 12: Hazard Related Conditions of Consent;
- Marrickville Local Environmental Plan 2011;
- Marrickville Development Control Plan 2011; and
- Marrickville Section 94/94A Contributions Plan 2014.

The application was referred to various external agencies other than Marrickville Council as listed in Table 1.

Table 1: External Referral Agencies

Organisation	Reason	Legislation
Sydney Airport Corporation Limited (SACL)/ Civil Aviation Safety Authority (CASA)	Breaches 'prescribed airspace', the Obstacle Limitation Surface (OLS)	<i>Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996;</i>
Transport for NSW / Australian Rail Track Corporation (ARTC)	Development immediately adjacent to rail corridors	<i>SEPP Infrastructure, Clause 85</i>
Transport for NSW / Australian Rail Track Corporation (ARTC)	Excavation in, above or adjacent to rail corridors	<i>SEPP Infrastructure, Clause 86</i>
Roads and Maritime Services (RMS)	Frontage to a Classified Road	<i>SEPP Infrastructure, Clause 101</i>
Roads and Maritime Services (RMS)	Traffic Generating Development	<i>SEPP Infrastructure, Clause 104</i>
Department of Primary Industries (Office of Water)	Aquifer interference approval	<i>Water Management Act 2000, Clause 91</i>

4. Environment Protection and Biodiversity Conservation Act 1999

Under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), a development will require approval from the Commonwealth Minister for the Environment if it is likely to have a significant impact on a matter of national significance.

The Towra Point Reserve is located 8km to the south of the site and is a wetland of international significance containing 1 threatened ecological community and 24 threatened species.

No habitat is located within the site, however, threatened migratory birds may fly over the site at various times. In addition, Sydney Airport has requested that a Wildlife Management Plan (WMP) be developed by the applicant when the facility becomes operational as discussed under the Airports Act 1996 section of the report.

The proposal is considered to have a low potential impact on any area of national environmental significance and as such no referral was considered to be necessary with regard to the EPBC Act 1999.

5. Airports Act 1996

The construction of buildings or structures that intrude into the prescribed airspace of Sydney Airport are considered to be 'controlled activities' under Section 182 of Part 12 of the Airports Act 1996 (Commonwealth).

The height of the prescribed airspace varies across the site from 22 metres and 38 metres Australian Height Datum (AHD) (refer to Image 14 and Image 15).

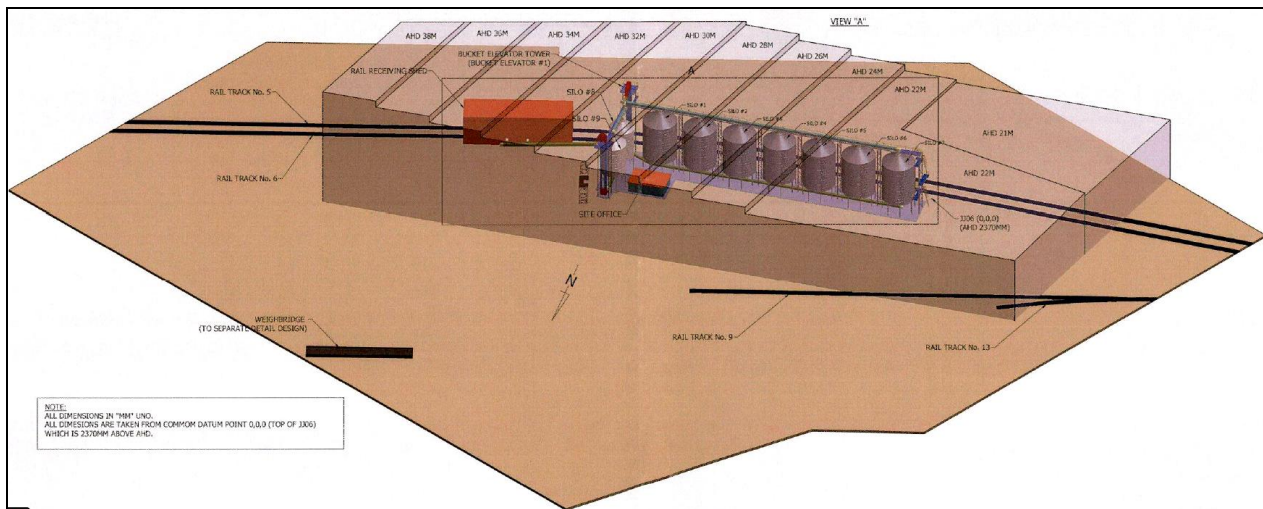


Image 15: The prescribed airspace levels in AHD in relation to the development, looking southeast.

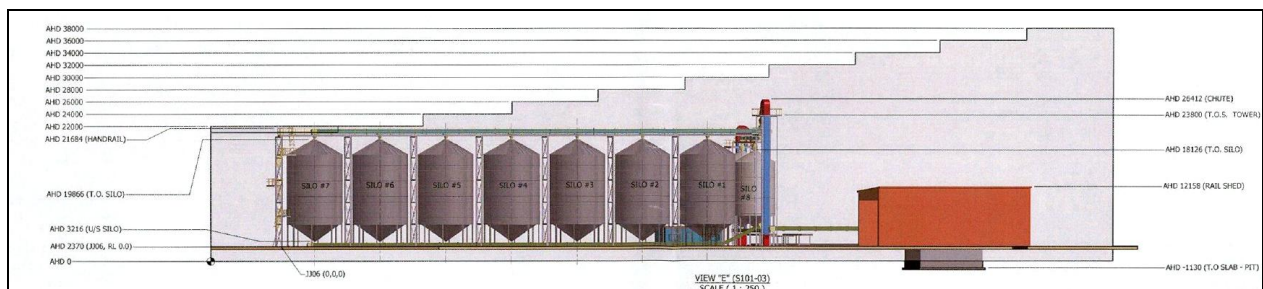


Image 16: The prescribed airspace levels in AHD in relation to the development, looking north.

Any structure over 15.24 metres (50 feet) above existing AHD levels require the prior approval of the Civil Aviation Safety Authority (CASA). The maximum height of the grain handling facility is Tower No.1 Bucket Elevator Chute, with a height of AHD 26.412.

The application was referred to CASA and Sydney Airport Corporation Limited (SACL) for approval. In a letter dated 18 June 2014, the Airfield Design Manager for Sydney Airport, as an authorised person of CASA, raised no objection to the erection of the GSCP facility structure to a maximum height of AHD 26.412 metres. The approved height is inclusive of all lift over runs, vents, chimneys and aerials.

It was advised that should the height of any temporary structure or equipment be greater than 15.24 metres above the existing AHD level, a new approval must be sought in accordance with the *Civil Aviation (Building Controls) Regulations Statutory Rules 1988*.

The approval letter requested that a Wildlife Management Plan (WMP) be developed by the applicant when the facility becomes operational. The WMP should include strategies to ensure that the facility will not become an attractant to wildlife. Other appropriate landscaping treatments and site related measures would also be required to minimise bird attraction to the site and minimise any risk to aviation safety.

The recommendations made by CASA and SACL have been included as conditions in the recommendation.

6. Environmental Planning and Assessment Act 1979

The development requires approval under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Part 4 sets out procedures for development requiring consent and sub categories of classifications. This development has been classified as being:

- 'State Significant Development' (under Part 4A of EP&A Act 1979);
- Alterations and additions to 'Designated Development' (under EP&A Regulation 2000);
- 'Integrated Development' (under Section 91 of EP&A Act 1979);
- 'Advertised Development' (under Section 79A of EP&A Act 1979);
- 'Potentially Hazardous Development' (under SEPP 33); and
- 'Traffic Generating Development' (under EP&A Regulation 2000).

An assessment of the development proposal has been made under EP&A Act 1979 and is discussed under the respective legislative headings below.

7. Environmental Planning and Assessment Regulation 2000

Schedule 3 of the Environmental Planning and Assessment Regulation 2000 establishes a list of uses that constitute designated development. Most of the activities listed involve heavy industry and lists railway freight terminals as designated development with the following operations:

"Railway freight terminals (including any associated spur lines, freight handling facilities, truck or container loading or unloading facilities, container storage, packaging or repackaging facilities):

- (a) that involve more than 250 truck movements per day, or*
- (b) that involve the clearing of more than 20 hectares of native vegetation, or*
- (c) that are located:*
 - (i) within 40 metres of a natural water body, wetland or environmentally sensitive area,*
 - or*
 - (ii) within 500 metres of a residential zone or dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography*

and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.”

The development has the potential to be classified as a ‘railway freight terminal’ within Schedule 3. Part 28 (c)(ii) of Schedule 3 requires ‘railway freight terminals’ within 500 metres of a residential zone or dwelling to be, in the opinion of the consent authority, likely to significantly affect the amenity of the neighbourhood.

The proposed grain silos are located within 500 metres from a residential zone or dwelling. The closest residential dwellings are located approximately 290 metres from the proposed grain silos in George Street, St Peters within the R2 Low Density Residential zone under Marrickville Local Environmental Plan 2011 (MLEP 2011). Additional residential dwellings are located in Park Road and Bellevue Street, St Peters, within the 500 metre radius from the site.

As part of the assessment process, Council requested a detailed justification from the applicant to discuss the cumulative impacts of the site to ensure that the proposed use of the grain silos does not significantly affect the amenity of the neighbourhood. Clause 36 of Schedule 3 of the Regulations 2000 lists factors that are to be taken into consideration by the consent authority in determining whether a development is an ‘alteration or addition to designated development’. These include the impact of the existing development on the site including previous environmental performance, rehabilitation and the cumulative effects of the existing operations on the site.

A number of documents have been submitted by the applicant to Council to support the justification that the development will not increase the cumulative impact from the site being:

- a) Details of dust extraction systems to minimise dust emanating from the area;
- b) An acoustic report that details the current acoustic impacts of the site as well as the potential acoustic impacts of the grain silos on the nearby residential properties. The acoustic report indicates compliance with the requirements of NSW EPA Noise Policy;
- c) A lighting plan that details the location, direction and spillage of the proposed lights for the site and demonstrates compliance with the relevant Australian Standards and Sydney Airport requirements;
- d) A Recycling and Waste Management Plan that addresses waste impacts arising from the proposal; and
- e) A traffic management plan that addresses the traffic implications arising from the proposed use.

Following submission of the supporting documentation listed above, Council is satisfied that impact of the existing development and the likely impact of the proposed grain silos will not significantly increase the environmental impacts of the Cooks River Container Terminal site and that the development should not be classified as ‘designated development’ under Schedule 3 of EP&A Regulations 2000. Council is satisfied that the development is ‘alterations or additions to designated development’ in accordance with Clause 36, Schedule 3, EP&A Regulations 2000.

8. State Environmental Planning Policy 33 Hazardous and Offensive Development 1992;

State Environmental Planning Policy 33 Hazardous and Offensive Development 1992 (SEPP 33) requires the consent authority to consider potential hazards before determining development applications.

Potentially hazardous industry is defined as follows:

“potentially hazardous industry 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:

*(a) to human health, life or property, or
(b) to the biophysical environment,
and includes a hazardous industry and a hazardous storage establishment.”*

The GSCP facility is considered to be a ‘potentially hazardous industry’ and a Preliminary Hazard Assessment (PHA) was required to be submitted. Grain handling facilities are known to experience dust explosions and contribute to respiratory disorders (asthma and suffocation) and are specifically identified in Appendix 3 of the NSW Planning and Environment’s Guidelines for the application of SEPP 33 as being ‘potentially hazardous’.

Development affected by SEPP 33 is classified as ‘advertised development’ and the application has been notified in accordance with Council’s Notification Policy.

The Department of Planning and Environment prepared 12 Hazardous Industry Planning Advisory Papers (HIPAP) to assist in implementing new SEPP 33 integrated assessment process in January 2011. The Advisory Papers have been used by Council as part of the assessment process for potentially hazardous development.

An outline of the hazardous industry assessment process under SEPP 33 is listed below.

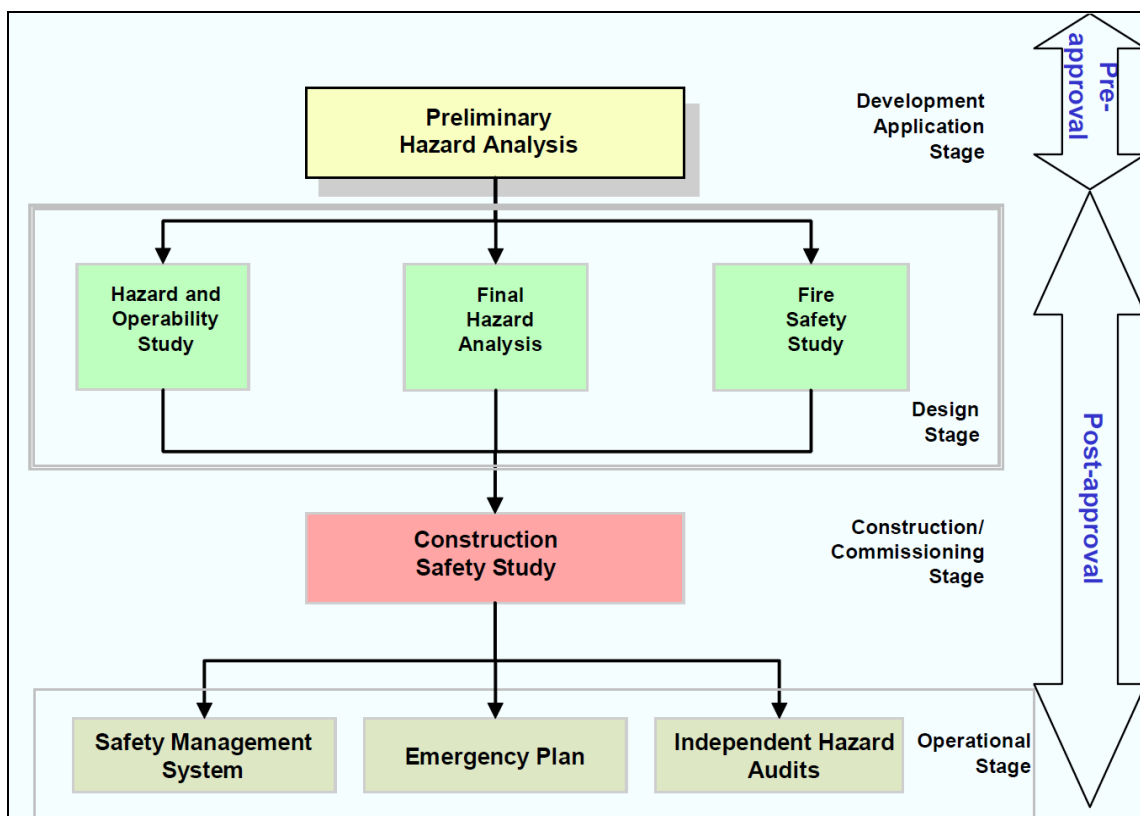


Figure 17: Hazardous Industry Assessment Process under SEPP 33

Under SEPP 33, a PHA is required to demonstrate the following aspects:

- Identification of risks during and after the development;
- That any residual risk will be appropriately managed;
- Advise of risk reduction strategies where unacceptable risks are identified; and

- A PHA that supports the DA by demonstrating that the risk levels do not preclude approval.

The applicant has provided a revised Preliminary Hazard Analysis (PHA), prepared by Ahrens.

A qualitative risk assessment identified a number of possible 'high risk' hazard scenarios originating from the development which would have unacceptable potential consequences to surrounding land users being:

- Deflagration of wheat dust in storage silo;
- Deflagration of wheat dust in bucket elevators; and
- Deflagration of wheat dust in dust collector bag houses.

It is noted that 'deflagration' is the subsonic combustion propagating through heat transfer. A high risk or 'unacceptable risk' is defined as anything that has a 1 in 1 million fatality risk in residential land uses as defined within the HIPAP 4: Risk Criteria for Land Use Safety (HIPAP 4).

The PHA submitted to Council for the GSCP facility demonstrated management procedures and design considerations would reduce risk scenarios as follows:

- Fitting dust suppression systems to the rail hopper and grain silos to minimise dust cloud formation;
- The use of explosion relief systems to the grain silos, dust collection systems and bucket elevators;
- Using anti static bags in the bag houses to limit ignition sites;
- Provision of dust protection to all electricity supplies;
- Zoning electricity supply areas 20-22 according to the Australian Standards;
- Ensuring all silos are electronically earthed; and
- Implementing a monitoring and maintenance program for all critical and safety systems.

The listed management and design procedures reduce the risk scenarios to Level 3 'low risk hazard scenarios' in accordance with HIPAP 4. As a result, it is considered that the PHA demonstrates risk mitigation strategies that ensure that the potentially hazardous development poses 'low hazard' risk levels and is considered to be acceptable with regard to SEPP 33.

Conditions have been included in the recommendation based on the potentially hazardous development (low hazard) guidelines, contained in Appendix 1 of HIPAP 12: Hazards-Related Conditions of Consent. The conditions of consent will require a suitably qualified person to prepare:

- Before Construction:
 - A Fire Safety Study will ensure that the overall fire risk is not increased for the entire Cooks River Container Terminal site (in accordance with HIPAP 2 Fire Safety Study Guidelines);
 - A Hazard and Operability Study will assist in identifying any possible risks during the commissioning phase (in accordance with HIPAP 8: Conducting a Hazard and Operability Study);
 - A Final Hazard Analysis will allow a detailed understanding of the risks of the GSCP facility that is based on the final detailed design (in accordance with HIPAP 6: Hazard Analysis);
 - A Commissioning Safety Study is required during the commissioning phase of the facility (in accordance with HIPAP 7: Construction Safety);

- Before Occupation:

- An Emergency Plan is required for all potentially hazardous development (in accordance with HIPAP 1: Emergency Planning);
- A Safety Management System is required for all potentially hazardous development to ensure the facility is 'fit for purpose' (in accordance with HIPAP 9: Safety Management);
- Ongoing:
 - A Hazard Audit is to be completed 12 months after operation and every 3 years thereafter (in accordance with HIPAP 5: Hazard Audit).

The conditions listed in the recommendation will require all works to be in accordance with the submitted PHA. The conditions will require post approval studies as listed above to be prepared during the design, construction and operational phases of the GSCP facility.

Subject to the above, the development is considered reasonable having regard to hazardous development.

9. State Environmental Planning Policy 55 Remediation of Land 1998;

SEPP 55 relates to the contamination of land at levels that present a risk of harm to human health or any other aspect of the environment. SEPP 55 contains planning controls for the remediation of contaminated land in order for the redevelopment of land for sensitive land uses. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated.

The site has a known and documented history of industrial use since at least 1947. The site is not listed on the Council's contaminated land data-base or been subject to any EPA clean-up order. However, the extent of contamination on the Cooks River Container Terminal land is detailed within the URS Investigation Report and Environ Site Audit in 2006. The report indicated that the site remains suitable for the approved terminal use.

The applicant submitted a Contamination Management Plan (CMP) for the GSCP facility, prepared by Kellogg Brown and Root Pty Ltd, in September 2014. The CMP outlines requirements to effectively manage and address any potential contamination issues arising during construction and operation of the facility.

The site is also located within an area identified as being subject to Class 2 acid sulfate soil risk and an Acid Sulfate Soil Management Plan was submitted with the documentation which is discussed in more detail in the Acid Sulfate Soil section of this report (Part 2.23 of MDCP 2011).

The CMP depicts the management strategy for the handling, assessment and disposal of potentially contaminated soil and groundwater.

Assessment and Disposal of Soil

The CMP submitted for the GSCP facility recommends 18 soil stockpile 'management actions' to guide the placement of potentially contaminated material. For example, excavated spoil will be required to be stockpiled separately prior to disposal so that clean material does not come into contact with potentially contaminated material.

Characterisation of the excavated material is required by the CMP to be undertaken by an appropriately qualified person in line with the guidelines described in NSW Sampling Design Guidelines from NSW Environment Protection Authority (EPA) and the Contaminated Land Management Act 1997. In the event that the excavated soil exceeds the guideline values described in the regulations, the stockpile is required to be removed to a licensed facility and waste tracking receipts will be required.

Dewatering

The GSCP facility requires excavation of soil below the groundwater level and dewatering will be required to be conducted.

The dewatering strategy listed in the CMP estimates that approximately 1,000,000L (1ML) of water will be extracted from the site over a 5 week period during the excavation.

The CMP lists a number of water quality monitoring requirements that are in accordance with the Australian and New Zealand Environment and Conservation Council (ANZECC) freshwater testing and reporting guidelines which must be followed if contaminated groundwater is encountered.

The application involves excavation below the groundwater level, and is 'integrated development' under Section 91 Environmental Planning and Assessment Act 1979 and as such, the application was referred to Office of Water for comment.

The applicant seeks an aquifer interference approval under Section 91 of the *Water Management Act 2000*.

In a letter dated 10 October 2014 the Office of Water submitted the following comments:

- A preliminary assessment of the documentation indicates that the groundwater will be intercepted as part of the excavation works;
- Dewatering and contamination issues have been managed succinctly in the supplementary advice contained in the CMP and ASS Management Plan prepared by Kellogg, Brown and Root dated September 2014; and
- On this basis, NSW Office of Water considers that General Terms of Approval are not required for the basement construction and dewatering proposed.

In light of the above comments, an aquifer interference approval under Water Management Act 2000, is not required for the use of the site as a GSCP facility.

A condition requiring all works to be in accordance with the CMP for the GSCP facility are included in the recommendation.

Subject to the above, the development is considered reasonable having regard to contamination.

10. State Environmental Planning Policy (Infrastructure) 2007

Railways (Division 15)

Development immediately adjacent to rail corridors (Clause 85) & Excavation in, above or adjacent to rail corridors (Clause 86)

The application involves excavation 3.5 metres below the existing natural ground level to accommodate the rail hopper. The rail hopper excavation works will occur within the rail corridor of Rail Siding 6 within the Cooks River Container Terminal. The applicant has submitted a Rail Concept Plan as part of the documentation for the application.

In accordance with Clause 85 and Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure), the application was referred to ARTC for concurrence. ARTC is the rail corridor management group coordinator for the Metropolitan Goods Line between Sydenham and Port Botany.

ARTC have reviewed the application and granted their concurrence in an email, dated 18 August 2014 which is outlined as follows:

- Discussion will need to occur with the operator of the GSCP facility regarding trains with a length greater than 600 metres and their impacts on the operation of the Metropolitan Goods Line; and
- Discussion will need to occur with the operator regarding the route of the good trains that will service the GSCP facility on the ARTC rail network.

ARTC requirements have been included in the recommendation. Subject to greater discussion with ARTC, the application is considered to be satisfactory with regard to railways.

Roads and Traffic (Division 17)

Development on proposed classified road (Clause 100)

Part of the south east boundary of the MCS Cooks River Container Terminal site is identified as SP2 Classified Road under the Land Reservation Acquisition Map within the Marrickville Local Environmental Plan 2011 (MLEP 2011).

Clause 100 requires concurrence from RMS for development within land reserved for the purposes of a classified road.

However, given that the GSCP facility is not located within the land reserved for the purposes of a classified road, it is not considered to be necessary for the application to be referred to RMS for comment with regard to Clause 100 of SEPP Infrastructure.

Development with frontage to classified road (Clause 101)

The site has a frontage to Canal Road, a classified road. Under Clause 101 (2) of SEPP Infrastructure the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that the efficiency and operation of the classified road will not be adversely affected by the development.

The application was referred to Roads and Maritime Services (RMS) for comment. Roads and Maritime Services (RMS) raised no objections with the application with regard to ingress and egress to the site which remains adequate to support the intended vehicle movements by road. The application is considered to be acceptable with regard to Clause 101 of SEPP Infrastructure.

Traffic-generating development (Clause 104)

In accordance with Column 2 in Schedule 3 of Clause 104 SEPP (Infrastructure), 'freight terminals' of any size or capacity are classified as traffic generating development. Accordingly, the application was referred to RMS for comment.

In a letter dated 29 May 2014, the RMS raised no objection to the development as the traffic generated by the proposed works would have minimal impact on the classified road network.

11. State Environmental Planning Policy (State and Regional Development) 2011

Private infrastructure and community facilities that have a CIV of more than \$5 million are referred to the JRPP to exercise its consent authority functions under Schedule 4A of Environmental Planning and Assessment Act 1979 (EP&A Act). 'Railway infrastructure facilities' are a form of private infrastructure for the purposes of SEPP (State and Regional Development) and SEPP Infrastructure.

Under SEPP Infrastructure 'railway infrastructure facilities' have the following characteristics:

- "(a) railway tracks, associated track structures, cuttings, drainage systems, fences, tunnels, ventilation shafts, emergency accessways, bridges, embankments, level crossings and roads, pedestrian and cycleway facilities, and*
- (b) signalling, train control, communication and security systems, and*
- (c) power supply (including overhead power supply) systems, and*
- (d) railway stations, station platforms and areas in a station complex that commuters use to get access to the platforms, and*
- (e) public amenities for commuters, and*
- (f) associated public transport facilities for railway stations, and*
- (g) maintenance, repair and stabling facilities for rolling stock, and*
- (h) refuelling depots, garages, maintenance facilities and storage facilities that are for the purposes of a railway, and*
- (i) railway workers' facilities, and*
- (j) rail freight terminals, sidings and freight intermodal facilities,*
but do not include buildings or works that are for residential, retail or business purposes and unrelated to railway purposes."

The development has been defined as a 'rail freight terminal' (Section J) in accordance with SEPP Infrastructure, a group term within 'railway infrastructure facilities'.

The development has a CIV of \$9.23 million which is greater than \$5 million and 'railway infrastructure facilities' are captured within private infrastructure as types of development that are determined by the relevant JRPP, pursuant to the provisions of Section 23G (4) and Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.

As such, the application has been referred to the JRPP - Sydney East regional panel to exercise consent authority functions of Council.

12. Marrickville Local Environmental Plan 2011

(i) Land Use Table and Zone Objectives (Clause 2.3)

The property is zoned IN1 General Industrial under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land.

The development has been defined as a 'freight transport facility' under *Marrickville Local Environmental Plan 2011* (MLEP 2011):

"freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved."

'Freight transport facilities' are listed as being permitted with consent within the IN1 General Industrial zone under MLEP 2011.

The development is acceptable having regard to the objectives of the IN1 General Industrial zone in accordance with MLEP 2011.

Part of the site is zoned SP2 Infrastructure (Classified Road) under the provisions of MLEP 2011. No part of the development will be located within the SP2 Infrastructure zone (Classified Road) and

the development is acceptable having regard to the objectives of the SP2 Infrastructure zone in accordance with MLEP 2011.

(ii) Height (Clause 4.3)

There is no maximum building height applying to the property on the Height of Buildings Map that accompanies MLEP 2011.

The development has a maximum building height of approximately 24.04 metres. Despite the relative height of the silos, given the location of the structures and the surrounding environment, the silos will only be visible from oblique and distant vantage points in the public domain. The height of the development is considered to be acceptable.

(iii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 0.95:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The proposed site office measures 57.6m² (9.6 metres x 6 metres) and the proposed rail hopper shed measures 191.4m² (29 metres x 6.6 metres). The total increase in the gross floor area is 249m². These structures increase the FSR by 0.0014:1 on the 17.3 ha site.

The grain silo structures do not have solid external walls and as such do not meet the definition to be included in the gross floor area calculations for the site.

The overall FSR of the site remains significantly below the maximum FSR of 0.95:1 for the entire site and as such, the application complies with the abovementioned development standard.

(iv) Relevant Acquisition Authority (Clause 5.1)

Part of the site is listed in the Land Reservation Acquisition Map under MLEP 2011. This matter is discussed in Section 10 of this report.

(v) Heritage Conservation (Clause 5.10)

The Cooks River Container Terminal has been continually used as a freight handling site since its inception as a goods yard on 15 December 1947.

The site is not listed as a heritage item nor is it located within a Heritage Conservation area under MLEP 2011. However, the Cooks River Container Terminal is a site listed on the State Heritage Register under Section 170 of Heritage Act 1977. The site's listing number 4560046 was registered by the then Sydney Ports Corporation on 13 November 2006. Given that item was listed by a State Agency rather than the NSW Heritage Office, the application is not required to be referred to the Heritage Office as integrated development under Section 91 of EP&A Act 1979.

The layout of the Cooks River Goods Yard in 1949 is shown below:

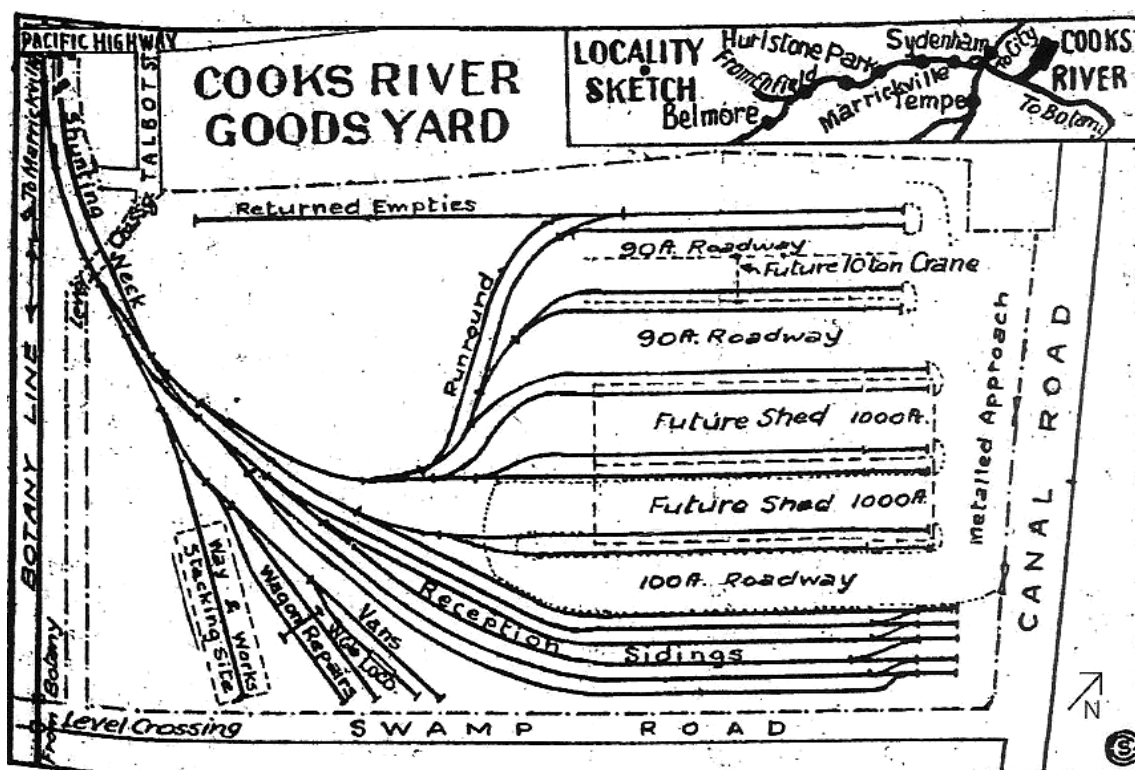


Image 18: Layout of the Cooks River Goods Yard in 1949. (Conybeare Morrison Report, 2006)

The application was referred to Council's Heritage and Urban Design Advisor who provided the following comments:

- The heritage listing is based on the findings of the Cooks River Container Terminal Heritage Assessment prepared by Conybeare Morrison in 2006.
- The proposal is unlikely to impact on identified items on the surface as there are no heritage features in the immediate vicinity of the works.
- There is expected to be potential archaeology (Aboriginal and European) at 1-4 metres below the natural ground level according to the Conybeare Morrison report.
- Conditions are included in the recommendation to ensure all significant features are protected from damage throughout the works and that a heritage induction is conducted for all individuals and employees involved in construction and operation of the site. The induction should be conducted by a heritage specialist and should detail the heritage significance of the site and why it is significant.

Having regard to the comments made by Council's Heritage and Urban Design Advisor, the proposal is considered acceptable on heritage grounds.

The proposal is therefore considered satisfactory in relation to the objectives and controls for heritage as contained in Part 8 of MDCP 2011.

(vi) Acid Sulfate Soils (Clause 6.1)

The property is identified as land being affected by Class 2 acid sulfate soils on the MLEP 2011 Acid Sulfate Soils Map. This matter has been discussed in Section 14 of this report.

(vii) Earthworks (Clause 6.2)

Earthworks are proposed as part of this development. This matter has been discussed in Section 8 and Section 14 of this report.

(viii) Flood Planning (Clause 6.3)

The property is identified as land that is shown as "Flood planning area" on the MLEP 2011 Flood Planning Area Map. This matter has been discussed in Section 14 of this report.

(ix) Development in areas subject to Aircraft Noise (Clause 6.5)

The property is located within the 25-30 Australian Noise Exposure Forecast (2033) Contour. The development is likely to be affected by aircraft noise. The site office would need to be noise attenuated in accordance with AS2021:2000. An Acoustic Report was submitted with the application which details that the development could be noise attenuated from aircraft noise to meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS2021:2000. The report contains recommendations to be incorporated into the development in order to mitigate acoustic impacts.

Appropriate conditions are included in the recommendation to ensure the requirements recommended within the Acoustic Report are incorporated into the development.

(x) Airspace Operations (Clause 6.6)

The development would penetrate the Limitation or Operations Surface (OLS). The proposal's impacts on the operational airspace of Sydney Airport have been discussed in detail in Section 5 of this report.

Overall, the application is considered to be satisfactory with regard to Clause 6.6 of MLEP 2011.

13. Draft Marrickville Local Environmental Plan 2011 (Amendment 2)

Draft Marrickville Local Environmental Plan 2011 (Amendment 2) (the Draft LEP Amendment) was placed on public exhibition commencing between 31 July 2014 and 6 October 2014 and accordingly is a matter for consideration in the assessment of the application under Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application.

14. Marrickville Development Control Plan 2011

PART 2 - GENERIC PROVISIONS

(i) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the application and is acceptable.

(ii) Equity of Access and Mobility (Part 2.5)

Part 2.5 of MDCP 2011 requires consideration to be given to accessibility before granting development consent.

To ensure that the site office is accessible to all persons, a condition shall be included to ensure an amended plan is submitted indicating ramped access to the site office, via the principal place of entry and an accessible toilet complying with AS 1428.1- 2001 "Design for access and mobility".

Subject to the above the development is considered reasonable having regard to the access controls contained in MDCP 2011.

Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the new Premises Standards. An assessment of whether or not these aspects of the proposal fully comply with the requirements of relevant Australian Standards and the new Premises Standards has not been undertaken as part of this assessment. That assessment would form part of the assessment under the Premises Standards at the Construction Certificate stage of any proposal.

(iii) Visual and Acoustic Privacy (Part 2.6)

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic and visual privacy.

The 9 large grain silos have a maximum height of approximately 24 metres to the top of the bucket elevator. Despite the relative height of the silos, given the location of the structures and the surrounding environment, the silos will only be visible from oblique and distant vantage points in the public domain.

The new installation of this structure within the terminal will not generally alter the appearance of the development from that as currently exists, as depicted on the site layout plan. Vantage points on Canal Road to the north-east, and Bellevue Street, to the south-west in which the installation will be barely visible and is considered to be acceptable with regard to the visual privacy of the surrounding environment. The landscaping on the Canal Road frontage provides an effective visual screen for the proposal.

An acoustic report was submitted with the application that details the current acoustic impacts of the site as well as the potential acoustic impacts of the grain silos on the nearby residential properties. The acoustic report indicates compliance with the requirements of NSW EPA Noise Policy.

The development maintains a high level of acoustic and visual privacy for the surrounding properties and is considered to be acceptable with regard to Part 2.6 of MDCP 2011.

(iv) Parking (Part 2.10)

The majority of the grain will be delivered to the site using the train. To supplement the train movements, the GSCP facility is expected to generate an additional 19 truck movements per week. The trucks will service grain harvesting locations in the Murray Irrigation Area that do not have rail connection. The application was referred to RMS under Clause 100 and Clause 104 of SEPP Infrastructure and they have advised that they have no objection to the proposed grain terminal. It is considered that the proposed increase in heavy vehicle movements using Canal Road is small and will have a negligible impact on the existing traffic conditions in Canal Road.

Previous approvals on the Cooks River Container Terminal site have resulted in a cap of the maximum number of vehicle movements that can enter and exit the site per day. This aims to manage the intensity of the use and impact on the local traffic movement. The site has an approved ceiling of 2,500 commercial and private vehicles (1,600 trucks, 800 each way) per day. Currently, the site currently generates a total of 2,047 commercial and private vehicles (1,561 truck movements and 486 light vehicle movements) per day. The internal layout of the site is not proposed to change as part of this application.

The submitted Traffic Management Plan by PeopleTrans indicates that an additional 32 commercial and private vehicles - 8 truck movements (4 truck deliveries) and 24 light vehicle movements will occur per day giving a combined total of 2,079 traffic movements to enter and exit the site as result of the development.

On this basis, the future truck and light vehicle movements as a result of the proposed grain handling facility will not breach the 2,500 vehicular cap for the site or significantly impact the surrounding road network.

The Cooks River Container Terminal site has 3 access points, 2 access points from Canal Road and 1 from Talbot Street in St Peters. A condition will be included in the recommendation to require all truck movements associated with the development to use the signalised Canal Road entry/exit only.

Car, Bicycle and Motorcycle Parking Spaces

The property is located in Parking Area 3 under Part 2.10 of MDCP 2011. The site office and rail hopper have a GFA of approximately 249m², and as such the use would require the provision of 1 car parking spaces under Part 2.10 of MDCP 2011.

The Cooks River Container Terminal contains 193 on-site car parking spaces. The majority of the spaces are located in the main car park on the Canal Road frontage. The existing on-site car parking arrangement is considered to be sufficient to accommodate the GSCP facility and the proposed variation to car parking is considered acceptable under Part 2.10 of MDCP 2011.

Bicycle Parking

A total of 2 bicycle parking spaces would be required to be provided for staff under the controls contained in Part 2.10 of MDCP 2011.

Given the small size of the premises and its location within a heavily industrialised site, no provision of bicycle parking is considered to be reasonable in this instance.

(v) Energy Efficiency (Part 2.16)

Subject to the imposition of appropriate conditions regarding the installation of energy and water efficient fixtures, the development is considered acceptable having regard to the objectives and controls contained in Part 2.16 of MDCP 2011.

(vi) Site Facilities and Waste Management (Part 2.21)

A Recycling and Waste Management Plan (RWMP) was not submitted in accordance with Council's requirements. A condition is included in the recommendation to ensure a RWMP is submitted to the certifying authority.

(vii) Flood Management (Part 2.22)

The property is identified as land that is shown as "Flood planning area" on the MLEP 2011 Flood Planning Area Map.

A floodplain risk assessment was completed for the Cooks River Container Terminal in November 2010 and was prepared by WMA Water. Based on the assessment of the existing flood risk for the site, 9 measures were recommended in the WMA Water report being:

- Flood proofing of buildings;
- Location of electrical circuits;
- Location of car parking;
- One-stop site shutdown in severe conditions;
- Video surveillance of critical locations;
- Ongoing maintenance and monitoring of the drainage system;
- Incorporate flood risk in the site induction;

- Adherence to the floodplain risk management plan; and
- Review of the floodplain risk management plan.

The application was referred to Council's Development Engineer who provided the following comments:

- The site office and switch rooms shall be protected by a 500mm freeboard above the 1 in 100 year flood level;
- The office and silos shall be designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood level of RL 3.56 metres AHD from the Alexander Canal
- The recommendations outlined in Clause 5.2 of the Flood Risk Management Plan prepared by WMA Water Dated November 2010 as they relate to the grain terminal works shall be implemented with details submitted to Council; and
- The detailed drainage construction plans shall be generally in accordance with the drainage plan C101 (Rev A) provided by Bryant Concepts dated 28 February 2014 and shall be submitted to Council.

The conditions recommended by Council's Development Engineer and the WMA Water report are included in the recommendation.

(viii) Acid Sulfate Soils (Part 2.23)

The development is within an area identified as being subject to acid sulfate soil risk (Class 2 and Class 5) and will require excavation up to 3.5 metres in depth. Clause 6.1 of MLEP 2011 requires that before consent is granted, Council must consider a preliminary soil assessment which ascertains the presence or absence of acid sulfate soils.

Development consent is required as the Acid Sulfate Soils Mapping identifies that the majority of the site is Class 2 with a section along the north-western boundary included in Class 5.

An Acid Sulfate Soil Management Plan (ASSMP) has been prepared by Kellogg Brown and Root for the proposal and identifies the potential ASS risks associated with construction works and proposes appropriate management measures to minimise these risks.

Management actions pertaining to the treatment and management of soil stockpiles and waters affected by acid sulfate soils have been included in the ASSMP. Management actions recommended include:

- All soil with acid generating potential should be stockpiled on an impervious surface;
- Any material which is visibly different from other material should be stockpiled separately for classification purposes
- Visual inspection of the soil stockpiles for evidence of ASS affected seepage shall be conducted;
- Water shall be tested for pH, filtered iron and filtered aluminium;
- Treating acidic soil with lime at a rate specified by an accredited laboratory test with a safety factor of 1.5:1
- Stockpile controls should be managed in accordance with the Blue Book – Managing Urban Stormwater Soils and Construction by Landcom 2004;

Subject to implementing the recommendations contained in the ASSMP the development is considered acceptable having regard to acid sulfate soils in accordance with Clause 6.1 of MLEP 2011 and Part 2.23 of MDCP 2011.

PART 6 - INDUSTRIAL DEVELOPMENT

The proposal is considered to satisfy the controls contained in Part 6.1 – General Industrial Controls of MDCP 2011 in that the proposal:

- Has a coherent site layout that provides a functional and efficient working environment;
- Is compatible with the streetscape;
- Provides basic amenities including a designated lunch room;
- Adopts energy efficient principles;
- Provides basic amenities including a designated office;

The proposal is acceptable having regard to the objectives and controls for Industrial Development as contained in MDCP 2011.

15. Marrickville Section 94/94A Contributions Plan 2014

A Section 94A levy of \$92,325.20 would be required for the development under Marrickville Section 94/94A Contributions Plan 2014. A condition requiring that levy to be paid is included in the recommendation.

16. Community Consultation

The application was notified 3 times during assessment of the application. Various aspects of the development such as penetration into the groundwater aquifer were identified during the assessment process. These aspects of the development were not identified by the applicant up front in the documentation submitted to Council as part of the original application. As such, re-notification of the application was required to be conducted by the Environmental Planning and Assessment Act 1979.

The application was first advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy for 14 days until 27 May 2014. One submission was received raising the following concerns which have already been discussed throughout the main body of this report:

- (i) Noise and vibration;
- (ii) Train movements; and
- (iii) Hours of operation.

The submission also raised the following issues:

- The proposed development creates additional railway traffic which should not be approved as it will have a disregard for noise levels;
- Existing and any additional railway traffic should be between the hours of 10.00pm to 6.00am in line with the Sydney Airport curfew;
- The proposal would only be acceptable if a wall is erected on the boundary of the residences in Bellevue Street and the train line to reflect the noise of the train line; and
- An alternative to building the wall would be to offer to sound insulate all buildings in Bellevue Street to minimise noise disruption.

The applicant has supplied an acoustic report that details the current acoustic impacts of the site as well as the potential acoustic impacts of the grain silos on the nearby residential properties. The acoustic report indicates compliance with the requirements of NSW EPA Noise Policy. As such the proposal has considered the potential effects and impacts to the local environment during operation of the grain storage and container packing facility.

The application was re-advertised as a JRPP application with an on-site notice displayed on the property and residents/property owners in the vicinity of the property notified of the development in accordance with Council's policy for 28 days until 12 August 2014. No submissions were received by Council during the second notification period.

The application was re-advertised a third time as an integrated development application with an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy for 30 days until 30 October 2014. No submissions were received by Council during the third notification period.

17. Conclusion

The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The proposal generally complies with Commonwealth, State and Local government controls and does not result in any significant impacts on the amenity of adjoining premises and the streetscape. The application is considered suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

- A. THAT** the development application to construct and operate a grain storage and container packing (GSCP) facility comprising 9 silos with a total storage capacity of approximately 5,158 tonnes, bucket elevators, rail hopper, conveyor belt system and onsite office at the existing Maritime Container Services (MCS) Cooks River Container Terminal site be **APPROVED** subject to the following conditions:

GENERAL

- The development must be carried out in accordance with plans and details listed below:

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
Job No. 12-631, Sheet No. S101-01, Rev H.	General Arrangement North-East View	26 February 2014	Bryant Concepts	1 May 2014
Job No. 12-631, Sheet No. S101-02, Rev H.	General Arrangement South-East View	26 February 2014	Bryant Concepts	1 May 2014
Job No. 12-631, Sheet No. S101-03, Rev J.	Site Layout	26 February 2014	Bryant Concepts	1 May 2014
Job No. 12-631, Sheet No. S101-04, Rev J.	Sections/ Views	26 February 2014	Bryant Concepts	1 May 2014
Job No. 12-631, Sheet No. S101-05, Rev J.	Elevation / Sections	26 February 2014	Bryant Concepts	1 May 2014
Job No. 12-631, Sheet No. S101-06, Rev G.	Elevation / Sections	26 February 2014	Bryant Concepts	1 May 2014
Job No. 12-631, Sheet No. S101-07, Rev G.	Elevation / Sections	26 February 2014	Bryant Concepts	1 May 2014
Job No. 12-631, Sheet No. S108,	Elevation / Sections	26 February 2014	Bryant Concepts	1 May 2014

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and details submitted to Council on 1 May 2014, with the application for development consent and as amended by the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. Before the issue of a Construction Certificate, details must be submitted to Council's satisfaction that incorporates the following recommendations contained in the Grain Handling Facility Lighting Report, dated 15 July 2014, prepared by Ahrens, Bass Electrical & Pierlite Lighting, submitted to Council on 15 July 2014:

- a) A lighting plan design must be based on the requirements of AS1158 and AS1680 as well as the Sydney Airport requirements that all lighting associated with the development must have zero light transmitted above the 'horizontal plane'; and
- b) The proposed lighting does not create significant environmental impact on the nearby residential properties.

Reason: To ensure the development does not create any significant amenity impacts on the surrounding area.

3. Before the issue of an Occupation Certificate, written verification from a suitably qualified professional must be submitted to and accepted by Council stating the recommendations contained in the Grain Handling Facility Lighting Report listed in Condition 2 have been satisfied.

Reason: To ensure all lighting works comply with the recommendations listed in the Grain Handling Facility Lighting Report dated 15 July 2014.

4. Before commencing demolition, excavation or building work, during site works, the person acting on this consent must incorporate the recommendations contained in Part 5 Management Strategy contained within the Contamination Management Plan, Revision no. SEN405-TD-EV-PLN-0001 Rev. 0, prepared by Kellogg Brown & Root Pty Ltd, dated 16 September 2014, submitted to Council on 17 September 2014.

Reason: To ensure the development incorporates the measures contained in the submitted Contamination Management Plan, dated 16 September 2014.

5. Before commencing demolition, excavation or building work, during site works, the person acting on this consent must incorporate the recommendations contained in Part 6 Acid Sulfate Soil Management Strategy of the Acid Sulfate Soil Management Plan, Revision no. SEN405-TD-EV-PLN-0002 Rev. 0, prepared by Kellogg Brown & Root Pty Ltd, dated 16 September 2014, submitted to Council on 17 September 2014.

Reason: To ensure the development incorporates the measures contained in the submitted Acid Sulfate Soil Management Plan dated 16 September 2014.

6. At all times, the person acting on this consent must incorporate the listed management and design procedures to reduce the potential risk of the facility to an acceptable level as contained in Part 7, Part 8 and Part 9 of the Site Preliminary Hazard Assessment Report, Revision no. AA114001.PHA.001.doc, prepared by Ahrens Pty Ltd, dated 29 August 2014, submitted to Council on 17 September 2014.

Reason: To ensure the development incorporates the measures contained in the submitted Preliminary Hazard Assessment Report, dated 29 August 2014.

7. The ongoing operation of the grain storage container packing facility must comply with the recommendations contained in the Noise Emission Assessment Report, Revision no. 20130227.1, prepared by Acoustic Logic, dated 15 July 2014, submitted to Council on 15 July 2014, in particular, the requirements of the Environmental Protection Authority - Industrial Noise Policy.

Reason: To ensure the development does not create any significant amenity impacts on the surrounding area.

8. Before the issue of a Construction Certificate the following technical reports must be prepared by a suitably qualified person and submitted to Council's satisfaction:

- a) A Fire Safety Study must be prepared in accordance with Hazardous Industry Planning Advisory Paper 2: Fire Safety Study.
- b) A Hazard and Operability Study must be prepared in accordance with Hazardous Industry Planning Advisory Paper 8: HAZOP Guidelines;
- c) A Final Hazard Analysis must be prepared in accordance with Hazardous Industry Planning Advisory Paper 6: Hazard Analysis.
- d) A Commissioning Safety Study must be prepared in accordance with Hazardous Industry Planning Advisory Paper 7: Construction Safety.

Reason: To ensure construction and on-going operation of the development is carried out with minimal risk and impact.

9. Before the issue of an Occupation Certificate the following technical reports must be prepared by a suitably qualified person and submitted to Council's satisfaction:

- a) An Emergency Plan must be completed in accordance with Hazardous Industry Planning Advisory Paper 1: Industry Emergency Planning.
- b) A Safety Management System is required for all potentially hazardous development to ensure the facility is 'fit for purpose' and must be prepared in accordance with the Hazardous Industry Planning Advisory Paper 9: Safety Management System;

Reason: To ensure appropriate Emergency Plan and Safety Management System is established.

10. A Hazard Audit must be completed 12 months after the Occupation Certificate is issued and every 3 years thereafter. The Hazard Audit must be prepared by a suitably qualified person and submitted to Council's satisfaction. The Hazard Audit is required to be completed in accordance with Hazardous Industry Planning Advisory Paper 5: Hazard Audit Guidelines.

Reason: To ensure the integrity of the safety systems of the proposal are adequate and that the facility is being operated consistently with the hazards related conditions of consent.

11. A Wildlife Management Plan (WMP) must be completed 12 months after the Occupation Certificate is issued. The WMP must be prepared by a suitably qualified person and submitted to Council's satisfaction to ensure the facility will not become an attractant to wildlife. Details of other appropriate landscaping treatments and site related measures would also be required to minimise bird attraction to the site and minimise any risk to aviation safety.

Reason: To ensure the development does not affect aviation safety, in accordance with Sydney Airport requirements.

12. Before work commences the operators of the grain storage and container packing (GSCP) facility are to hold further discussion with Australian Rail Track Corporation (ARTC) to ensure that key requirements ARTC are able to be met by the person acting on this consent.

Reason: To ensure the development meets key ARTC requirements.

13. All employees and visitors to the site must undertake a heritage induction which includes an introductory talk by a heritage specialist detailing what is significant on the site and why. All employees and visitors to the site must undertake a site tour of the heritage features listed below (as described in the Section 170 register listing No: 4560046 Cooks River Container Terminal):

- a) Pre -cast concrete Hut;

- b) Pre -cast concrete Huts 2;
- c) Former Station Masters Office;
- d) MCS HR & T Site Administration Building; and
- e) Lay Down Points Lever.

Reason: To ensure that all employees and visitors to the site are aware of the heritage significance of the Cooks River Container Terminal.

14. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

15. All loading and unloading in connection with the use must be carried out wholly within the property and in such a manner as not to cause inconvenience to the public.

Reason: To ensure loading and unloading operations do not interfere with traffic and pedestrian movements in the area.

16. The facility being permitted to operate 24 hours a day, 7 days a week.

Reason: To confirm the hours of operation as requested.

17. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.

Reason: To provide for the existing and potential electrical power distribution for this development and for the area.

18. All vehicles associated with the new grain transfer facility shall enter and leave the site via Canal Road. In addition all heavy vehicles and in particular B-doubles associated with the new grain transfer facility shall be restricted to the state road network and shall not access or approach the site via Council's local road system.

Reason: To ensure there is no additional access to the site via Talbot Street and that additional traffic generated by the new grain transfer facility is kept to the state road network.

19. In accordance with the approved Transport Impact Assessment Report for the Cooks River Freight Terminal the total vehicle trips (commercial vehicles) generated by the site shall not exceed 2500 vehicle trips per day.

Reason: To ensure traffic generated by the Cooks River Freight Terminal does not exceed the limit approved in the TMP for the site.

20. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

21. No work must commence until:

- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
- b) A minimum of 2 days written notice must be given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

22. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

23. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities must be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

24. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

25. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and must be submitted to and accepted by the PCA before work commences.

Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

26. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

27. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign must include:

- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

28. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and must be submitted to and accepted by the PCA. A copy of the Plan must be submitted to and accepted by PCA before work commences. The plan must indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

29. The person acting on this consent must apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Reason: To ensure all necessary approvals have been applied for.

30. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

31. The person acting on this consent must provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent must submit a hoarding application and pay all relevant fees before commencement of works.

Reason: To secure the site and to maintain public safety

32. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc.

Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, or the amenity of the area.

33. The person acting on this consent must submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.

Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue the Construction Certificate.

34. A levy of \$92,325.20 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville

Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 94A levy (as adjusted) must be paid to the Council **in cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) before the issue of a Construction Certificate**. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 94A levies **CANNOT** be made by Personal Cheque, Company Cheque or Credit Card.

(LEVY PAYMENT REFERENCE NO. DC000715)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

35. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating ramped access to the site office, via the principal place of entry and an accessible toilet complying with AS 1428.1- 2001 "Design for access and mobility".

Reason: To ensure that the premises are accessible to all persons.

36. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

NOTE: The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

37. Detailed drainage construction plans generally in accordance with drainage plan C101 (Rev B) provided by Bryant Concepts dated 28/2/14 shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To provide for adequate site drainage.

38. The proposed site office and switch rooms shall be protected by 500mm freeboard above the 1 in 100 year flood level. In addition the proposed structures and silos shall also be designed to withstand the forces of flood water, debris and buoyancy up to the PMF flood level of RL 3.56m AHD from the Alexander Canal (ref Cooks River Flood Study February 2009 by

PB+MWH). Details of compliance with the above measures shall be submitted to and approved by Council before the issue of a Construction Certificate.

Reason: To ensure that the site is protected from the affects of flooding in extreme storm events.

39. Payment to Council of \$11,457.40 before to the issue of a Construction Certificate as a Building Security Deposit (B.S.D.) to provide security against damage to Council's infrastructure. Council may utilise part or all of the B.S.D. to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

Reason: To ensure all damage to Council's infrastructure is repaired at the person acting on this consent's expense and to a satisfactory standard.

40. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

41. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021-2000 in relation to interior design sound levels, in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-2000.

Reason: To reduce noise levels within the development from aircraft.

SITE WORKS

42. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, must be restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

43. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.

Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.

44. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

45. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another certifying authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:

- a) At the commencement of the building work;
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);

- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

46. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

47. A clear unobstructed path of travel of not less than 1,000mm is to be provided to all exits and paths of travel to exits.

Reason: To provide safe egress in case of fire or other emergency.

48. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals must have a minimum 3 Star WELS rating.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

49. New or replacement toilets must have a minimum 3 Star WELS rating and be 6/3 litre dual flush or more efficient.

NOTE: Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: www.waterrating.gov.au.

Reason: To conserve water.

50. That all significant heritage features be protected from damage throughout the works.

Reason: To ensure the heritage significance of the site is protected.

51. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, must be collected in a system of pits and pipelines/channels and major storm event surface flow paths and must be discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.

Reason: To provide for adequate site drainage.

BEFORE OCCUPATION OF THE BUILDING

52. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;

- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and
- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

53. Occupation of the building must not be permitted until such time as:

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

54. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

55. a) Upon completion of the required noise attenuation measures referred to in the “Before the Issue of a Construction Certificate” Section of this Determination, and prior to the occupation of the building, a report must be prepared and submitted to the Certifying Authority’s satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021-2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

Reason: To reduce noise levels within the development from aircraft and to ensure that the noise attenuation measures incorporated into the development satisfactorily comply with the relevant sections of Australian Standard 2021-2000.

56. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before the issue of an Occupation Certificate. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".
Reason: To ensure that the person acting on this consent completes all required work.
57. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development must be at no cost to Council and undertaken before the issue of an Occupation Certificate.
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council.
58. The person acting on this consent shall implement a Flood Risk Management Plan for the site which incorporates the recommendations outlined in clause 5.2 of the Flood Risk Management Plan for the Cooks River Container Depot submitted by WMA water dated November 2010. Details of the implementation of the recommendations as they relate to the grain terminal works shall be submitted to Council before the issue of an Occupation Certificate.
Reason: To ensure that the flood risk is managed as recommended by the Management Plan for the Cooks River Container Depot submitted by WMA water dated November 2010.
59. Before the issue of an Occupation Certificate written verification from a suitably qualified professional civil engineer, stating that all stormwater drainage and related work has been and constructed in accordance with the approved plans must be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, must be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.
Reason: To ensure drainage works are constructed in accordance with approved plans.
60. Before the issue of an Occupation Certificate the person acting on this consent must obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.
Reason: To ensure that all Road, Footpath and Drainage Works required to be undertaken as a result of this development have been completed satisfactorily.
61. The Certifying Authority must be satisfied that each of the commitments listed in Aircraft Noise Assessment Report required by this Determination have been fulfilled before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate).
Reason: To ensure that all of the commitments associated with Aircraft Noise Assessment Report have been fulfilled.

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- Contact “Dial Before You Dig” before commencing any building activity on the site.
- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2:00pm - 5:00pm www.basix.nsw.gov.au
Department of Fair Trading	☎ 13 32 20 www.fairtrading.nsw.gov.au Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 www.dialbeforeyoudig.com.au
Landcom	☎ 9841 8660 To purchase copies of Volume One of “Soils and Construction”
Long Service Payments Corporation	☎ 131441 www.lspc.nsw.gov.au
Marrickville Council	☎ 9335 2222 www.marrickville.nsw.gov.au Copies of all Council documents and application forms can be found on the web site.
NSW Food Authority	☎ 1300 552 406 www.foodnotify.nsw.gov.au
NSW Government	www.nsw.gov.au/fibro www.diysafe.nsw.gov.au Information on asbestos and safe work practices.
NSW Office of Environment and Heritage	☎ 131 555 www.environment.nsw.gov.au
Sydney Water	☎ 13 20 92 www.sydneywater.com.au
Waste Service - SITA Environmental Solutions	☎ 1300 651 116 www.wasteservice.nsw.gov.au
Water Efficiency Labelling and Standards (WELS)	www.waterrating.gov.au

WorkCover Authority of NSW

☎ 13 10 50

www.workcover.nsw.gov.au

Enquiries relating to work safety and asbestos removal and disposal.

- B. **THAT** the person who lodged a submission in respect to the proposal be advised of the Council's determination of the application.
- C. **THAT** Road and Maritime Services (RMS) be advised of Council's Determination of the application.
- D. **THAT** NSW Heritage Office be advised of Council's Determination of the application.
- E. **THAT** Sydney Airport Corporation Limited (SACL) be advised of Council's Determination of the application.
- F. **THAT** Transport for NSW be advised of Council's Determination of the application.
- G. **THAT** Regional Traffic Committee be advised of Council's Determination of the application.
- H. **THAT** NSW Office of Water be advised of Council's Determination of the application.
- I. **THAT** Civil Aviation Safety Authority (CASA) be advised of Council's Determination of the application.
- J. **THAT** Australian Rail Track Corporation (ARTC) be advised of Council's Determination of the application.