

JRPP REPORT

10 McLachlan Avenue, ARTARMON NSW 2064.

JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2015SYE085
DA Number	2015/264
Local Government Area	Willoughby City Council
Proposed Development	Demolition of the existing structures and construction of a Materials Recovery and Waste Transfer Facility and associated works.
Street Address	10 McLachlan Avenue, ARTARMON NSW 2064
Applicant/Owner	STIMSON & BAKER PLANNING/ DAKALA PTY LIMITED
Number of Submissions	0
Regional Development Criteria (Schedule 4A of the Act)	Schedule 4A (8) – Particular designated development (c) waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the <u>Environmental Planning and Assessment Regulation 2000</u> .
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">• SEPP (Infrastructure), SEPP (State & Regional Dev), SEPP (33), SEPP (55), WLEP 2012.• Draft WLEP 2012 – House Keeping Amendments• Willoughby Development Control Plan 2005• S94A Developer's Contribution Plan• Protection of the Environment Operations Act 1997
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none">• Schedule of recommended conditions Attachments: <ol style="list-style-type: none">1. Notification Map2. Plans and Elevations3. General terms of approval (EPA)
Recommendation	Approval
Report by	Annie Leung
Report date	30 Nov 2015

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ADDRESS: 10 McLachlan Avenue, ARTARMON NSW 2064.

DA NO: DA-2015/264

RECOMMENDATION: APPROVAL

LOCATION: CORNER OF MCLACHLAN AVE AND MARDEN STREET

OWNER: DAKALA PTY LIMITED

APPLICANT: STIMSON & BAKER PLANNING

PROPOSAL: DESIGNATED DEVELOPMENT - DEMOLITION OF THE EXISTING STRUCTURES AND CONSTRUCTION OF A MATERIALS RECOVERY AND WASTE TRANSFER FACILITY AND ASSOCIATED WORKS.

DATE OF LODGEMENT: 03-JUL-2015

REPORTING OFFICER: ANNIE LEUNG – DEVELOPMENT PLANNER

DESCRIPTION OF PROPOSAL

Development Application 2015/254 seeks Council's consent for demolition of the existing structures and construction of a materials recovery and waste transfer facility.

The proposed works involve:

- demolition of existing structures
- construction of a waste transfer facility
- retention of existing basement area for car parking with access from Marden Street

The development is a Designated Development pursuant to Schedule 3 (32) of the Environmental Planning and Assessment Regulation 2000.

The proposed facility is a transfer station that will sort, consolidate or temporarily store waste or materials for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse.

The facility is identified to be capable of processing/transferring approximately 60,000 tonnes per annum of inert wastes being mainly general solid (non-putrescible) dry waste generated from construction and demolition activities as well as wastes generated from commercial and industrial premises. The facility is not proposed to process any food waste or hazardous materials.

The application is not a state significant development, which covers resource recovery or recycling facilities that handle more than 100,000 tonnes per year of waste. The proposed facility does not meet the relevant threshold.

The consent authority for the proposed development is JRPP (Sydney East) in accordance with Schedule 4A (8c) of the Environmental Planning and Assessment Act 1979.

Neighbour Notification/Advertisement

The application, including the Environmental Impact Statement was advertised in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*, and adjoining and surrounding properties were notified of the development in accordance with the requirements of Part B of the WDCP.

The advertisement and notification of the application from 21 July 2015 to 26 August 2015 attracted no submission.

Notice of the application has also been issued to the Department of Planning and Environment in accordance with Clause 77 of the Environmental Planning and Assessment Regulation 2000. No submission has been received from the Department in response to this notification.

Existing Buildings and Site Context

The site is located on the southern corner of the intersection of McLachlan Avenue and Marden Street, and has an approximate area of 2,254m². It is identified as Lot 5 DP 25667. The previous use of the existing buildings/structure at the site is a factory/warehouse.

The site is surrounded by other industrial uses, including timber yard, warehouses and manufacturing. Directly opposite the site, on the northern side of McLachlan Ave is a road reserve area with sound barriers to the Gore Hill Freeway.



Figure 1 - Aerial Photo of the site

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Figure 2 -Site photo 1 (as viewed from the corner of Marsden Street and McLachlan Ave.



Figure 3 - Site photo 2 (as viewed from Marden Street)

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Controls and Classification	
Willoughby Local Environmental Plan 2012	Yes
Zoning	IN1 – General Industrial
FSR	1.5:1
Conservation area	No
Heritage Item	No
Bushfire Prone Area	No
Flood related planning control	Yes. Overland flow (Major flooding)
Willoughby DCP	Yes
Applicable SEPPs	SEPP (Infrastructure), SEPP (State & Regional Dev), SEPP (33), SEPP (55).
S94A	a. Applicable rate (%): 1% b. The cost of development: \$2,586,100 c. Date of accepted cost of development: 3 July 2015 d. The total contribution payable (subject to Building Price Indexing (Enterprise Bargaining Agreement)): \$25,861.00

Referrals	
<u>Internal</u>	
Building Services	Standard conditions of consent.
Waste Coordinator	No objection to the proposed development.
Environmental Health	No objection to the proposed development subject to recommended conditions of consent.
Engineering	The site is flood affected. A flood report has been requested from the applicant. It has since been received and considered satisfactory by Council's Development Engineer. The proposed development is considered acceptable subject to the recommended conditions of consent.
Traffic Engineers	The proposal is assessed as having minimal impacts on the existing road network. The existing basement car park is identified to be non-compliance with the applicable Australian Standards, but is considered to be acceptable. No objection is raised against the proposed development.
<u>External</u>	
Roads & Maritime Services (RMS)	The proposed development is identified as a traffic generating development on Schedule 3 of State Environmental Planning Policy (Infrastructure). The application has been reviewed by the Roads and Maritime Services, who raised no objection to the proposed development subject to recommended conditions of consent.
Environmental Protection Authority NSW	The development is integrated development pursuant to the Protection of the Environment Operations Act 1997 (Clause 43 (b), 48 and 55). The application has been referred to the EPA NSW for assessment. General Terms of Approval (GTA) have

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	been issued by the EPA.
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Development Statistics			
	Proposed	Standard	Compliance
Site Area (m ²)	2254m ²	-	-
Willoughby Local Environmental Plan 2012			
Gross Floor Area (m ²)	1929m ²	1.5 x 2254 = 3381m ²	Yes
Floor Space Ratio	0.83:1	1.5:1	Yes
Willoughby Development Control Plan 2005			
Frontage	>40m	20m	Yes
Setbacks			
Front	3m	3m	Yes
Marden Road	0m	1.5m	No (Note 1)
Car parking	12 car spaces	Designated developments are subject to site specific traffic/parking assessment	Yes

Note 1: Secondary street setback (Part F 3.5): The objectives of the secondary street setback relate to opportunities for additional landscape planting in order to improve the visual quality of the streetscape.

The secondary street frontage of the site on Marden Street has a curved alignment and has an extra wide landscaped nature strip of over 13m, which will be retained by the proposed development. It is noted that the property at No 8 Marden Street only has a nature strip of 6-7m. As such, it is considered unnecessary for the proposed development to provide additional landscape setback from Marden Street.

Matters for Consideration Under S.79C EP&A Act

Satisfactory ✓ Unsatisfactory ✗ Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	• State Environmental Planning Policies (SEPP)	✓
	• Regional Environmental Plans (REP)	N/A
	• Local Environmental Plans (LEP)	✓

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	<p><i>SEPP 33 – Hazardous and offensive development:</i> the proposed facility is not intended to deal with materials that are likely to create excessive odour or materials that would require consideration under SEPP 33 – Hazardous and offensive development. An incoming waste quality management plan is required to be developed. (Condition 3)</p> <p><i>SEPP 55 – Remediation of land:</i> The previous use of the site is identified to be a warehouse use. Given the proposed development is a waste transfer facility and continued to be an industrial use, there is no additional requirements to address SEPP 55. An appropriate condition has been imposed by Council's Environmental Health officer with respect to any unexpected finds.</p> <p><i>SEPP (Infrastructure):</i> The development is a traffic generating development as identified on Schedule 3 of State Environmental Planning Policy (Infrastructure). No objection has been raised by the RMS or Council's traffic section.</p> <p><i>WLEP 2012:</i> The proposed waste transfer facility is permissible in the IN1 – General Industrial Zone. The proposed development is consistent with the objectives of the zone in accommodating a variety of industrial developments, and meets the applicable FSR development standard.</p>	
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> • Draft State Environmental Planning Policies (SEPP) 	N/A
	<ul style="list-style-type: none"> • Draft Regional Environmental Plans (REP) 	N/A
	<ul style="list-style-type: none"> • Draft Local Environmental Plans (LEP) 	✓
	<p>Comments: there are exhibited draft (housekeeping) amendments to WLEP 2012. No specific amendments affect the proposed development.</p>	
(a)(iii)	Any development control plans	
	<ul style="list-style-type: none"> • Development control plans (DCPs) 	✓
	<p><i>Part F (Industrial Developments):</i> The proposal generally complies with the relevant provisions of the WDCP with the exception of a secondary street front setback. See <u>Note 1</u> below the Development Statistic table.</p> <p><i>Part C.17 (Awnings):</i> A 5m deep awning is proposed to overhang the exit driveway over Council's footpath and nature strip to offer weather protection to this vehicular access. Council's Engineer has no objection to this structure. It is noted controls contained in this part of the plan generally relate to street awnings in commercial zones, and do not relate to the awning proposed for the waste transfer facility. Additional approval will be required under the Roads Act 1993 for this awning. (Condition 20)</p> <p><i>Part C16 (Lane Cove Tunnel Ventilation Stacks):</i> The proposed development is located in close proximity to the ventilation stack of the Lane Cove Tunnel (less than 800m). Part C16 of the WDCP sets out preliminary assessment criteria with respect to Developments near Lane Cove Tunnel Ventilation Stacks. It generally covers developments located within 800m of the stacks, but exemptions apply to developments that are less than RL98m AHD. The maximum height of the proposed building is RL88.18m AHD.</p>	
(a)(iv)	Any matters prescribed by the regulations	

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	<ul style="list-style-type: none"> • Clause 92 EP&A Regulation-Government Coastal Policy 	N/A
	<ul style="list-style-type: none"> • Clause 93 EP&A Regulation-Fire Safety Considerations 	N/A
	<ul style="list-style-type: none"> • Clause 94 EP&A Regulation-Fire Upgrade of Existing Buildings 	N/A
(b)	The likely impacts of the development	
	<ul style="list-style-type: none"> • Context & setting 	✓
	<ul style="list-style-type: none"> • Access, transport & traffic, parking 	✓
	<ul style="list-style-type: none"> • Servicing, loading/unloading 	✓
	<ul style="list-style-type: none"> • Public domain 	✓
	<ul style="list-style-type: none"> • Utilities 	✓
	<ul style="list-style-type: none"> • Heritage 	N/A
	<ul style="list-style-type: none"> • Privacy 	N/A
	<ul style="list-style-type: none"> • Views 	N/A
	<ul style="list-style-type: none"> • Solar Access 	N/A
	<ul style="list-style-type: none"> • Water and draining 	✓
	<ul style="list-style-type: none"> • Soils 	✓
	<ul style="list-style-type: none"> • Air & microclimate 	✓
	<ul style="list-style-type: none"> • Flora & fauna 	✓
	<ul style="list-style-type: none"> • Waste 	✓
	<ul style="list-style-type: none"> • Energy 	✓
	<ul style="list-style-type: none"> • Noise & vibration 	✓
	<ul style="list-style-type: none"> • Natural hazards 	✓
	<ul style="list-style-type: none"> • Safety, security crime prevention 	✓
	<ul style="list-style-type: none"> • Social impact in the locality 	N/A
	<ul style="list-style-type: none"> • Economic impact in the locality 	✓
	<ul style="list-style-type: none"> • Site design and internal design 	✓
	<ul style="list-style-type: none"> • Construction 	✓
	<ul style="list-style-type: none"> • Cumulative impacts 	✓
	Comment: Please see further comments below.	
(c)	The suitability of the site for the development	
	<ul style="list-style-type: none"> • Does the proposal fit in the locality? 	✓
	<ul style="list-style-type: none"> • Are the site attributes conducive to this development? 	✓
	Comment: The site is located within the general industrial zone, and is not adjoining sensitive uses that may be adversely affected by the proposed waste transfer facility. The site has good access and connection to the Gore Hill Freeway and Pacific Highway, and is considered suitable for the proposed facility.	
(d)	Any submissions made in accordance with this Act or the regulations	
	<ul style="list-style-type: none"> • Public submissions 	N/A
	<ul style="list-style-type: none"> • Submissions from public authorities 	✓
	Comment: Notification/advertising of the application did not attract any submission. However, in RMS's response to Council relating to the SEPP (Infrastructure), it is noted that due to the site's proximity to the ventilation stack of the Lane Cove Tunnel, the operator to of the tunnel, Transurban has requested that the proposed development, including its construction must not interfere with air monitors associated with the Lane Cove Tunnel. (Condition 23)	
(e)	The public interest	

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	• Federal, State and Local Government interests and Community interests	✓
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Other likely Impacts of the proposed development

Traffic & Parking

The proposed development is identified as a traffic generating development on Schedule 3 of State Environmental Planning Policy (Infrastructure). The application has been reviewed by the Roads and Maritime Services, who raised no objection to the proposed development.

Council's traffic section is also satisfied that the proposed development will have acceptable traffic impacts having regard to the capacity of the surrounding road network. The proposed 12 car parking spaces at the site are considered sufficient for use by staff and visitors of the development.

It is noted that the operation of the proposed facility will be split between daytime and evening to minimise the traffic impacts of the proposed development on the surrounding road network. The submitted EIS refers to approximately 45,000 tonnes being received and processed during normal daytime hours with a projected 15,000 – 20,000 tonnes being received during evening and night time operations. **(Condition 54)**

Streetscape/Built forms/FSR

The proposed development has a proposed Floor Space Ratio of 0.83:1 (1929m²) and is well below the maximum FSR standard of 1.5:1. The proposed built forms are not considered to be incompatible with the surrounding industrial buildings along Marden Street and McLachlan Ave.

The existing landscaped road reserve along Marden Street will be unaffected by the proposed development. Additional landscaped area/planting will be provided along the McLachlan Ave frontage of the site to soften the overall appearance of the proposed development.

Odour and external impacts

The proposed waste facility is primarily a waste transfer station which is intended to carry out primary waste sorting to extract recyclables. No food waste or hazardous waste or material will be processed at the site.

The submitted EIS notes that an Incoming Waste Quality Plan will further deal with this aspect of the proposed operation to ensure that the facility will not deal with materials that are likely to create excessive odour and materials that would require considerations under SEPP 33 – Hazardous and Offensive Development. **(Condition 3)**

The proposed facility is also fully enclosed to further minimise external impacts such as odour.

CONCLUSION

Based on the assessment above, the application for the development of a waste transfer facility is considered to be acceptable and approval is recommended.

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The design of the proposed development is considered acceptable for a waste transfer facility. Subject to the recommended conditions of consent to manage the likely impacts of the proposed development, including traffic and other environmental outcomes, the proposed development is considered a suitable use for the site and is compatible with other industrial uses at the locality.

OFFICER'S RECOMMENDATION

- 1) That Development Application 2015/264 seeking development consent for a Waste Transfer Facility at 10 McLachlan Ave, Artarmon be approved and a consent notice be issued subject to the attached conditions.**

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SCHEDULE OF RECOMMENDED CONDITIONS

Conditions of Consent: (Including reasons for such conditions)

CONSENT IDENTIFICATION

The following condition provides information on what forms part of the Consent.

1. Approved Plan/Details

The development must be in accordance with the following plans:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Architectural (110405)	DA001, 100, 101, 102, 105, 200, 210	1	31.03.15	Pacearchitects
Stormwater Plan	SKC 02	P3	19.10.15	Taylor Thomson Whitting
Driveway	SKC 04	P1	14.10.15	
Landscape	RAC1915	A	19 March 2015	Huon

the application form and any other supporting documentation submitted as part of the application, except for:

- a) any modifications which are "Exempt Development" as defined under S76(2) of the Environmental Planning and Assessment Act 1979;
- b) otherwise provided by the conditions of this consent.
(Reason: Information and ensure compliance)

2. General Terms of Approval – Integrated Development

The development is subject to the General Terms of Approval ("GTA") as detailed in Attachment A of the Notice 1533334 (File Number: SF 15/8554) date 10 Sept 2015 issued by the Environmental Protection Authority for an integrated development within the meaning of *s91 of the Environmental Planning and Assessment Act 1979*.

The GTA provided in Appendix A to this determination notice forms part of the conditions of this development consent.

(Reasons: Integrated development approval)

3. Approved Development and Operation

The maximum processing capacity, staff numbers, type of waste transfers, and associated operational matters of the approved waste transfer facility must be consistent with the details contained in the submitted Environmental Impact Statement ("EIS") dated June 2015 prepared by Stimson & Baker Planning, except for otherwise provided by the conditions of this consent, and any Licence requirements issued by the Environmental Protection Authority ("EPA") (NSW).

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An Operational Environmental Management Plan ("OEMP") consistent with the submitted EIS must be developed and implemented by the development to ensure site specific issues are appropriately managed throughout the life of the development. This plan must be developed prior to the commencement of any works at the site or prior to the issue of any construction certificate, whichever is sooner. The OEMP is to be submitted to Council and EPA for approval.

The OEMP must include, but not limited to:

- a) An Incoming Waste Quality Plan. This must ensure no food waste or hazardous waste or materials are to be processed at the site.
- b) A construction environment management plan.
- c) A traffic management plan.
- d) Air Quality Management Plan.

Please also refer to additional requirements contained in other conditions of this development consent with respect to point b), c) and d) above.
(Reason: Information and ensure compliance)

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate.

4. Section 94A Contributions

A monetary contribution of \$25,861 (subject to indexing as outlined below) is to be paid in accordance with Section 94A of the Environmental Planning and Assessment Act, 1979.

This contribution is based on 1% of the estimated development cost of \$2,586,100 at 3 July 2015 and the adopted Section 94A Contributions Plan.

To calculate the monetary contribution that is payable, the proposed cost of development is to be indexed to reflect quantity variations in the Building Price Index (Enterprise Bargaining Agreement) [BPI(EBA)] between the date the proposed cost of development was agreed by the Council and the date the levy is to be paid as required by this Plan.

To calculate the indexed levy, the formula used to determine the cash contribution is set out below.

$$NL = \$Lo + \$Lo \times \frac{[\text{current index} - \text{base index}]}{\text{base index}}$$

Where:

NL is the new section 94A levy

Lo is the original levy

Current index [BPI(EBA)] is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works

available at the time of review of the contribution rate

**Base index
[BPI(EBA)]**

is the Building Price Index (Enterprise Bargaining Agreement) as published by the NSW Public Works at the date of the proposed cost of development as above

In the event that the current BPI (EBA) is less than the previous BPI(EBA), the current BPI(EBA) shall be taken as not less than the previous BPI(EBA).

Prior to payment Council can provide the value of the indexed levy.

Copies of the S94A Contributions Plan are available for inspection online at www.willoughby.nsw.gov.au
(Reason: Statutory requirement)

5. Services - Energy Australia

The applicant should consult with Energy Australia to determine the need and location of any electrical enclosure for the development. Should such an electrical enclosure be required, the location and dimensions of the structure are to be detailed on all the plans issued with the Construction Certificate. In the event of Energy Australia requiring such a structure eg. a substation, the applicant is required to dedicate the land for the substation as public roadway. The Plan of Dedication shall be lodged to Council prior to issue of the Construction Certificate and registered at the Department of Lands prior to issue of the Occupation Certificate.
(Reason: Compliance)

6. Reflectivity

External finishes and colours to the approved development shall be painted or treated to minimise the effects of glare to surrounding developments. Details are to be submitted with the construction certificate application for approval by the certifying authority.
(Reason: Amenity)

7. Sydney Water 'Quick Check' Certificate

The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains and to see if further requirements need to be met.

Plans will be appropriately stamped and the Certifying Authority must ensure the plans are stamped by Sydney Water prior to release of the Construction Certificate.
(Reason: Ensure compliance)

8. Fire Safety Schedule

Submission of the anticipated schedule of current and proposed fire safety measures to be implemented in the building, such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.
(Reason: Compliance)

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9. Damage Deposit

The applicant shall lodge a Damage Deposit of \$90,000 (GST Exempt) as cash, cheque or an unconditional bank guarantee, to Council against possible damage to Council's asset during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of \$300 (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

(Reason: Protection of public asset)

10. Temporary Ground Anchors

Obtain written permission from all private property owners affected by any encroachment either below ground or the air space above as a result of the above works prior to issue of the Construction Certificate. Copies of the permission shall be sent to Council. All works associated with the drilling and stressing of the ground anchors shall be installed in accordance with approved drawings.

(Reason: Encroachment of works)

11. CCTV Report of Existing Council Pipe System

A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Council drainage pipeline fronting the site. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- The inspection survey shall be conducted from manhole to manhole.

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

(Reason: Protection of public asset)

12. Stormwater to Street Drainage via Reinforced Concrete Pipe (RCP)

Stormwater runoff from the site shall be collected and conveyed to the underground drainage system in McLachlan Ave via a 375 mm RCP in accordance with Council's specification. A grated drainage pit (min. 600mm x 600mm) shall be provided within the property and adjacent to the boundary prior to discharging to the Council's drainage system. In this regard, full design and construction details showing the

method of disposal of surface and roof water from the site are to be submitted to Council for approval.

(Reason: Prevent nuisance flooding)

13. Analysis of Outlet Condition

The capacity of the existing Council stormwater drainage system at the proposed connection of the outlet shall be hydraulically evaluated using the Hydraulic Grade Line method to ensure that no stormwater will be able to surcharge from Council's system to the proposed OSD drainage system. Full engineering details of the hydraulic evaluations prepared and signed by a practising Civil Engineer shall be submitted to Council for consideration.

(Reason: Prevent property damage)

14. Detailed Stormwater Management Plan (SWMP)

Submit for approval by the Certifying Authority, detailed stormwater management plans in relation to the on-site stormwater management and disposal system for the development. The construction drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer. All drawings shall comply with Part C.5 of Council's Development Control Plan and Technical Standards, AS3500.3 – *Plumbing and Drainage Code* and National Construction Code.

(Reason: Ensure compliance)

15. Basement Pump-out Drainage System

The applicant shall submit, for approval by the Certifying Authority, detailed stormwater management plans in relation to the pump-out drainage system. The construction drawings and specifications, shall be generally in accordance with the approved stormwater management plans with the following requirements:

- The pump-out drainage system shall comprise with two (2) submersible type pumps. The two pumps shall be designed to work on an alternative basis to ensure both pumps receive equal use and neither remains continuously idle.
- Each pump shall have a minimum capacity of 10L/s or shall be based on the flow rate generated from the 1 in 100 year ARI 5-minutes duration storm event of the area draining into the system, whichever is greater.
- An alarm warning device (including signage and flashing strobe light) shall be provided for the pump-out system to advise the occupant of pump failure. The location of the signage and flashing strobe light shall be shown on the stormwater management plans.
- The volume of the pump-out tank shall be designed with a minimum storage capacity equivalent to the runoff volume generated from of the area draining into the tank for the 1 in 100 year ARI 2-hours duration storm event.

All drawings shall be prepared by a suitably qualified and experienced civil engineer and shall comply with Part C.5 of Council's Development Control Plan, AS3500.3 – *Plumbing and Drainage Code* and the National Construction Code.

(Reason: Prevent nuisance flooding)

16. Overland Flow/Flood Level

A suitably qualified and experienced civil engineer must certify that the finished floor levels of the proposed new building and new car parking area have a minimum

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freeboard of 500mm and 300mm respectively above the 1:100 year ARI flood event, which is conveyed through the site.

The engineer must undertake an assessment of the critical flows as determined necessary to satisfy this condition. Where floor levels need to be raised or other flood protection measures are deemed necessary, details must be submitted and approved by the Certifying Authority.

(Reason: Prevent property damage)

17. Construction Management Plan (CMP)

Submit, for approval by the Certifying Authority, detailed Construction Management Plan (CMP). The CMP shall address:

- (a) Construction vehicles access to and egress from the site
- (b) Parking for construction vehicles
- (c) Locations of site office, accommodation and the storage of major materials related to the project
- (d) Protection of adjoining properties, pedestrians, vehicles and public assets
- (e) Location and extent of proposed builder's hoarding and Work Zones
- (f) Tree protection management measures for all protected and retained trees.

(Reason: Compliance)

18. Traffic Management Plan

A detailed Traffic Management Plan shall be prepared for pedestrian and traffic management and be submitted to the relevant road authority for approval. The plan shall: -

- a) Be prepared by a RTA accredited consultant.
- b) Implement a public information campaign to inform any road changes well in advance of each change. The campaign shall be approved by the Traffic Committee.
- c) Nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police.
- d) Temporary road closures shall be confined to weekends and off-peak hour times and are subject to the approval of Council. Prior to implementation of any road closure during construction, Council shall be advised of these changes and a Traffic Control Plan shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.

(Reason: Public safety and amenity)

19. Vehicle Access – Engineer's Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on the architectural drawings and the structural drawings, and must make specific reference to the following:

- a) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- b) That the proposed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,

- c) That the headroom clearance of minimum 2.2 metres between the basement floor and any overhead obstruction is provided which complies with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
 - d) That the headroom clearance of minimum 2.5 metres is provided to all parking spaces for people with disabilities which complies with Section 2.4 of AS2890.6.
 - e) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.
 - f) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.
- (Reason: Ensure Compliance)

20. Design of Works in Public Road (Roads Act Approval)

Prior to issue of any Construction Certificate, the Applicant must submit, for approval by Council as a road authority, full design engineering plans and specifications prepared by a suitably qualified and experienced civil engineer for the following infrastructure works:

- Construction of 1.5 metres footpath (max. 2.5% crossfall) for the full frontage of the site in McLachlan Ave and Marden Street. All Adjustments to public utility services and associated construction works in the nature strip are to be at the full cost to the applicant. Detailed long section and cross sections at 5 metres interval shall be provided.
- Construction of new kerb and gutter for the full frontage of the development site in McLachlan Ave and Marden Street with 5 metres wide road restoration. Detailed long sections and cross-section at 5m interval shall be provided.
- Construction of a 3 x new vehicular crossings in McLachlan Ave and Marden Street. The design levels at the property boundary shall be in accordance with the revised long sections.

The required plans must be designed in accordance with Council's specifications (AUS-SPEC). A minimum of three (3) weeks will be required for Council to assess the *Roads Act* submissions. Early submission is recommended to avoid delays in obtaining a Construction Certificate. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council prior to issue of the approved plans. Approval must be obtained from Willoughby City Council as the road authority under the Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate.

Additional approval will also be required under the Roads Act 1993 for the awning overhanging public land, and must be obtained prior to the issue of a construction certificate.

(Reason: Ensure compliance)

21. Steep Vehicular Access – Provide Longitudinal Sections

Prior to issue of any Construction Certificate, The applicant shall submit longitudinal sections along each side/edge of each proposed vehicular accesses path drawn at 1:20 Scale. The driveway is to be designed using Council's standard vehicle profile

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- Horizontal distance from the centreline of the road to the proposed parking slab, including provision of Council's standard layback as per Council's standard drawing SD105 which is available from Council's website. Council's standard layback is 500mm deep and the back of layback is 100mm above the gutter invert.
- Both existing and proposed levels (in AHD) and gradients represented in percentage of the vehicular crossing and driveway.

- At property boundary Adopt the existing boundary levels (McLachlan Ave and Marden Street)

The new proposed crossing for the existing car parking area in Marden Street shall be 3.5m wide with no spays. The longitudinal section must demonstrate that the designed gradient and levels as per the flood study prepared by TTW dated 19/10/2015 has been provided from the Marden Street into the basement and a minimum clearance of 2.5 metres (clear from any proposed roller shutter or building above) at the basement entrance can be achieved to comply with AS2890.1.
(Reason: Ensure compliance)

Submit to the accredited certifier a geotechnical engineer's report of the proposed geotechnical works including excavation, piling, and shoring. The report shall specifically address safety issues. A report from the Geotechnical Engineer shall be submitted to Council for record purposes.
(Reason: Safety & Amenity)

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. All of these conditions are to be complied with prior to the commencement of any works on site, including demolition.

Prior to the commencement of any works, including demolition, an Air Quality Monitoring / Air Emission Management Program must be developed in consultation with the operator of the Lane Cove Tunnel (currently Transurban) to control and

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monitor air emission from demolition, construction and on-going operation of the approved development to ensure the development does not impact the stack monitoring system at Marden Street.

To avoid potential air pollution from the un-stabilised nature of any excavated surface, stockpiling of building materials and associated activities during demolition and construction, details of proposed dust control strategies shall be provided for both the demolition and construction phases.

The Program must also include measures to sufficiently control air emissions from the development, and any on-going air quality monitor results must be made available upon requests by Council or the Roads and Maritime Services.

The Air Quality Monitoring / Air Emission Management Program must be approval by the Roads and Maritime Services and submitted to the principal certifying authority and to Council, if Council is not the principal certifying authority.
(Reasons: Air Monitoring)

24. Licensee Details

The name, address and contractor licence number of the licensee who has contracted to carry out the work or the name and permit number of the owner-builder who intends to carry out the work shall be furnished in writing to the Certifying Authority.

NB: Should changes be made for the carrying out of the work the Certifying Authority must be immediately informed.
(Reason: Information)

25. Building Site Hoarding

Provision of a hoarding, complying with State Cover NSW requirements which is to be erected to restrict public access to the site (including demolition and/or excavation site) and building works, materials or equipment. A separate application is to be made to Council's Infrastructure Services Division for this purpose should the hoarding be located on Council property.
(Reason: Safety)

26. Site Management

A site Management Plan shall be submitted to and approved by the Certifying Authority. The site management plan shall include the following measures as applicable.

- Details and contact telephone numbers of the owner, builder and developer;
- Location and construction details of protective fencing to the perimeter of the site;
- Location of site storage areas, sheds and equipment;
- Location of stored building materials for construction;
- Provisions for public safety;
- Dust control measures;
- Site access location and construction;
- Details of methods of disposal of demolition materials;

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- Protective measures for tree preservation;
- Provisions for temporary sanitary facilities;
- Location and size of waste containers and bulk bins;
- Soil and Water Management Plans (SWMP); comprising a site plan indicating the slope of land, access controls, location and type of sediment controls and storage/control methods for material stockpiles;
- Construction noise and vibration management.

The site management measures shall be implemented prior to the commencement of any site works and maintained during the construction period. A copy of the approved Site Management Plan shall be conspicuously displayed, maintained on site and be made available to the Certifying Authority/Council officers upon request. (Reason: Environment protection, public health and safety)

27. Dilapidation Report of Adjoining Properties

Submit a photographic survey and report of the adjoining properties to the PCA and all owners of these adjoining properties. Such photographic survey and report shall be prepared by a suitably qualified person, detailing the physical condition of these properties, both internal and external including items as walls, ceilings, roof, structural members and other items as necessary.

In the event of a property owner refusing to allow access to carry out the photographic survey, the proponent must demonstrate in writing to the PCA, and provide a copy to Council, that the purpose of the survey was made clear to the property owner and that reasonable attempts to obtain access were made. (Reason: Protection of adjoining owners)

28. Locate and Expose Existing Pipeline

Prior to commencement of any drainage connection works, the applicant shall locate and expose the existing Council's drainage line for assessment of the condition of such pipeline by the design engineer and Council. Inspection by Council's Engineers is required prior to any backfilling. For the purpose of inspections carried out by Council Engineers, the corresponding fees set out in Council's current *Fees and Charges Schedule* are payable to Council. (Reason: Protection of public asset)

29. Dilapidation Report of Council's Property

Submit a dilapidation report including photographic record of Council's property extending to a distance of 50m from the development, detailing the physical condition of items such as, but not exclusively to, the footpath, roadway, nature strip, and any retaining walls.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this regard, the damage deposit lodged by the applicant may be used by Council to repair such damage on Council's property.

This dilapidation report shall be submitted to Council and the Certifying Authority. (Reason: Protection of Council's infrastructure)

30. Permits and Approvals Required

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:-

- a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and the RTA. A separate written application to work outside normal hours must be submitted for approval.

It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.

- c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees.
- d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.

(Reason: Legal requirements)

31. Application for Vehicle crossing

Submit an application with fees to Council for the construction of a plain concrete vehicular crossing.

(Reason: Protection of public asset)

32. Spoil Route Plan

Submit a "to and from" spoil removal route plan to Council prior to the commencement of excavation on the site. Such a route plan should show entry and exit locations of all truck movements.

(Reason: Public amenity)

DURING DEMOLITION, EXCAVATION AND CONSTRUCTION

The following conditions are to be complied with throughout the course of site works including demolition, excavation and construction.

33. Hours of Work

All construction/demolition work relating to this Development Consent within the City, unless varied by an Out of Hours Work Permit, must be carried out only between the hours of 7 am to 5 pm Mondays to Fridays and 7 am to 12 noon on Saturdays. No work is permitted on Sundays or Public Holidays.

An application for an Out of Hours Work Permit to allow variation to these approved hours must be lodged with Council at least 48 hours prior to the proposed commencement of the work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and must be accompanied by the required fee. One (1) permit is required for each variation to the approved working hours within any 24 hour period.

If a variation to these approved hours for multiple or extended periods is sought, an application under Section 96 of the Environmental Planning and Assessment Act 1979 must be lodged with Council at least twenty-one (21) days in advance of the proposed changes to the hours of work. The application must include a statement regarding the reasons for the variation sought, the type of work/s to be carried out, the additional time required, the anticipated impact upon the local amenity and how this will be minimized, and be accompanied by the required fee. Note: This S96 application may require re-notification in some circumstances.
(Reason: Ensure compliance and amenity)

34. Construction Information Sign

A clearly visible all weather sign is required to be erected in a prominent position on the site detailing:

- (a) that unauthorised entry to the work site is prohibited;
- (b) the excavator's and / or the demolisher's and / or the builder's name;
- (c) contact phone number/afterhours emergency number;
- (d) licence number;
- (e) approved hours of site work; and
- (f) name, address and contact phone number of the Certifying Authority (if other than Council)

ANY SUCH SIGN IS TO BE REMOVED WHEN THE WORK HAS BEEN COMPLETED.

Council may allow exceptions where normal use of the building/s concerned will continue with ongoing occupation, or the works approved are contained wholly within the building.

(Reason: Ensure compliance)

35. Building Site Fencing

Public access to the site and building works, materials and equipment on the site is to be restricted, when work is not in progress or the site is unoccupied.

A temporary safety fence is to be provided to protect the public, located to the perimeter of the site (unless the site is separated from the adjoining land by an existing structurally adequate fence, having a minimum height of 1.5m). Temporary fences are to have a minimum height of 1.8m and be constructed of cyclone wire or similar with fabric attached to the inside of the fence to provide dust control.

Fences are to be structurally adequate and be constructed in a good and workmanlike manner and the use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

The public safety provisions and temporary fences must be in place and be maintained throughout construction.

(Reason: Safety)

36. Provide Erosion and Sediment Control

Erosion and sediment control devices shall be provided whilst work is being carried out in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into Council's stormwater system natural watercourses, bushland and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. The control devices are to be maintained in a serviceable condition AT ALL TIMES.

(Reason: Environmental protection)

37. Demolition Work AS 2601

Demolition works being carried out in accordance with the requirements of AS 2601 "The demolition of structures".

(Reason: Safety)

38. Neighbour Notification of Asbestos Removal

The applicant/builder is to notify the adjoining residents five working days prior to demolition works involving removal of asbestos. Such notification is to be clearly written, giving the date work will commence, Work Cover NSW phone number 131 050, Councils phone number 9777 1000.

This notification is to be placed in the letterbox of every property (including every residential flat or unit) either side and immediately at the rear of the site.

(Reason: Public health)

39. Asbestos Removal

Works involving the removal of asbestos must comply with Councils Policy on handling and disposal of asbestos, and must also comply with the Code of Practice for Safe Removal of Asbestos (National Occupational Health and Safety Commission 2012 (1994)).

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Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS 2601 – The Demolition of Structures.

(Reason: Public health and safety/Ensure compliance)

40. Asbestos Disposal

All asbestos laden waste, including bonded or friable asbestos must be disposed of at a waste disposal site approved by the NSW Department of Environment, Climate Change and Water.

Upon completion of the asbestos removal and disposal the applicant must furnish the Certifying Authority with a copy of all receipts issued by the waste disposal site as evidence of proper disposal.

(Reason: Environmental protection/Public health and safety)

41. Road and Footpath

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

(Reason: Maintain public safety)

42. No Storage on Foot/Roadway

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

(Reason: Safety)

43. Skips and Bins

Rubbish skips or bins are not to be placed on Council's footpath, nature strip or roadway unless prior written approval has been granted by Council.

(Reason: Safety)

44. Excavations and Backfilling

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

(Reason: Safety)

45. Temporary Toilet Facilities

Temporary toilet facilities shall be provided to the satisfaction of the Certifying Authority.

The provision of toilet facilities must be completed before any other work is commenced on site. NOTE: Portable toilet facilities are not permitted to be placed on public areas without prior approval having been obtained from Council.

(Reason: Health and amenity)

46. Temporary Ground Anchors – Supervision

A professional Geotechnical Engineer shall be on site to supervise the piling, excavation and finally the installation and stressing of the ground anchors. On completion of these works, a report from the Geotechnical Engineer shall be submitted to Council for record purposes.

A Chartered Professional Engineer shall monitor adjoining public infrastructures to detect any ground heaving or settlement during and after the installation of the piling and ground anchors. A rectification report shall be submitted to Council should unacceptable displacements occur within the zone of influence.
(Reason: Protection of public assets)

47. Sweep & Clean Pavement

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.
(Reason: Legal requirement)

48. Street Signs

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.
(Reason: Protection of public assets)

49. Unexpected Finds Protocol

An unexpected finds contingency plan should be incorporated into site redevelopment works. In the event that previously unidentified contaminated soils or materials are identified during site redevelopment, works should cease in the immediate vicinity and the affected area isolated to minimise disturbance. A suitably qualified contaminated site consultant should be engaged to assess the degree, type and extent of contamination and establish a suitable remediation plan. The Site Manager/landowner shall notify Council in writing when they become aware of any contamination.
(Reason: Environment & Health Protection)

50. Construction Noise

Construction noise shall be controlled to comply with the requirements as set out in the EPA Interim Construction Noise Guideline. Noise levels shall not exceed the rated background level by more than 10dB(A) at the most sensitive receiver during the standard construction hours. A noise monitoring plan shall be implemented during construction.

In accordance with the acoustic report prepared by EMM report no. J14158RP1 dated 24 March 2015 where noise levels may be exceeded appropriate measures to control and mitigate excessive noise shall be implemented immediately.

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Measures to control excessive construction noise shall include, but may not be limited to the following;

- Plant to be turned off when not in use;
 - Location of the plant to be placed away from neighbours that will potentially be affected by the noise or erect barriers to place the plant behind;
- (Reason: Amenity)

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an occupation certificate.

51. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to occupation. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Certifying Authority.
(Reason: Ensure statutory compliance)

52. Access for the Disabled - Disability Discrimination Act

The building/development must comply with the requirements of the Disability Discrimination Act.

It should be noted that this approval does not guarantee compliance with this Act and the applicant/owner should investigate their liability under this Act.
(Reason: Access and egress)

53. Fire Safety Certificate Forwarded to NSW Fire and Rescue

Upon completion of the building work a Fire Safety Certificate shall be furnished by the owner to Council, and the owner must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be forwarded to the Commissioner of New South Wales Fire and Rescue, and must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building in accordance with Clause 172 of the Environmental Planning and Assessment Regulation 2000 in respect to each essential fire safety measure included in the Schedule attached to the Construction Certificate.
(Reason: Safety)

54. Traffic Management Plan – Operations

A traffic management plan prepared by a suitably qualified traffic consultant must be submitted to and approved by the PCA prior to occupation of the development, and a copy be provide to the Council (if Council is not the PCA).

The management plan must detail the operating procedures of the site, including internal circulation, the coordination of deliveries, loading and unloading. The plan is to be consistent with the traffic report titled *Traffic Impact Statement Ref 14-141*

dated May 2015 prepared by Thompson Stanbury Associates submitted with the development application.

The traffic management plan shall be reviewed and updated from time to time as directed by the relevant road authorities, including Willoughby City Council and the Roads and Maritime Services to mitigate any adverse impacts on the surrounding road network and/or road safety.

The traffic management plan must be adhered to at all times, and is the responsibility of the developer/occupier of the site.
(Reason: Traffic management)

55. Environmental Management Contingency Plan

Prior to occupation of the development, an environmental management contingency plan with procedures to be undertaken in the event of any spills and significant rainfall events must be prepared by suitably qualified environmental science consultant, and submitted to the PCA for approval.

The plan must include the positioning of spill kits and drain seals in high risk locations, and emergency response training for all staff to deal with spills effectively.

The environmental management contingency plan shall be implemented and adhered to at all times. A copy of the plan must be maintained and kept at the site.
(Reason: Environmental Management)

56. Temporary Ground Anchors – Destressing

All damages to Council's infrastructures due to the works associated with the piling and installation of the ground anchors shall be restored to the requirements of Willoughby City Council at no cost to Council. All ground anchors shall be de-stressed by the removal of the anchor heads and protruding tendons on completion of the works. A certificate issued by a professional Geotechnical Engineer verifying that all ground anchors have been decommissioned shall be submitted to Council.
(Reason: Destressing of ground anchors)

57. CCTV Report of Council Pipe System After Work

A qualified practitioner, with a certificate of attainment in NWP331A Perform Conduit Evaluation, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline after the completion of all works. No person is to enter any Council stormwater conduit without written approval from Council. The camera and its operation shall comply with the following: -

- The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner.
- The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints.
- Distance from the manholes shall be accurately measured and displayed on the video.
- All pipe joints and defects are to be inspected by stopping movement and panning the camera to fully inspect the joint and/or defect.
- The inspection survey shall be conducted from manhole to manhole.

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The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage that has occurred to the section of the pipeline since the commencement of any works on the site shall be repaired in full to the satisfaction of Council at no cost to Council, which may include full reconstruction. A written acknowledgment shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority. (Reason: Ensure compliance and protection of public asset)

58. On-site Water Management System

The stormwater runoff from the site shall be collected and disposed of via an approved OSD system in accordance with Sydney Water's requirements, the NSW Code of Practice – Plumbing and Drainage, Council's DCP and Technical Standards. The construction of the stormwater drainage system of the proposed development shall be generally in accordance with the approved design stormwater management plans and Council's specification (AUS-SPEC). (Reason: Prevent nuisance flooding)

59. Sign for On Site Detention System

An aluminium plaque measuring no less than 400mm x 200mm is to be permanently attached and displayed within the immediate vicinity of the OSD system.

The wording for the plaque shall state *"This is the OSD system required by Willoughby City Council. It is an offence to alter any part of the system without written consent from Council. The registered proprietor shall keep the system in good working order by regular maintenance including removal of debris"*. (Reason: Prevent unlawful alteration)

60. Confined Space Sign

Securely install a standard confined space danger sign in a prominent location within the immediate vicinity of access grate of the OSD System. (Reason: Safe access to tank)

61. Certification of OSD

A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify on Council's standard certification form that the as-built OSD system is in accordance with the approved plans and complies with Council's DCP and Technical Standards. Council's standard certification form is available in the appendix of Council's Technical Standard No.1. (Reason: Legal requirement)

62. Certification of the Basement Pumpout Drainage System

Upon completion of the pump-out system, the following shall be submitted to the Certifying Authority.

- A suitably qualified and experienced civil engineer (generally CP Eng. Qualification) shall certify that the as-built pumpout system complies with Part C5 of Council's DCP, all relevant codes and standards and the approved stormwater management plans.

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- Work-as-executed plans based on the approved pump-out system plans from a registered surveyor to verify that the volume of storage and pump capacity are in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved pump-out system plans.
- Certification from a licensed plumber to ensure that the constructed pump-out system complies with the current plumbing requirements of Sydney Water and Committee on Uniformity of Plumbing and Drainage Regulations of NSW.

(Reason: Ensure compliance)

63. Works-As-Executed Plans - OSD

Upon completion of the OSD System, the following shall be submitted to the Certifying Authority:

- Work-as-Executed plans based on the approved stormwater management plans from a registered surveyor to verify that the volume of storage, PSD, water and floor levels are constructed in accordance with design requirements. Any minor changes or variations to the approved plans should be highlighted in red on the approved stormwater plans.
- Engineer's certification of the OSD system together with the completed Council's standard form for On-Site Detention Record of Installation.

(Reason: Record of works)

64. S88B/S88E(3) Instrument

Create Positive Covenant and Restriction on the Use of Land on the Title in favour of Council as the benefiting authority for the as-built OSD system. The standard wording of the terms of the Positive Covenant and Restriction on the Use of Land are available in Council's Technical Standards.

The above instruments shall be created under Section 88B of the Conveyancing Act 1919 for newly created lots. For an existing lot, the instruments can be created under Section 88E(3) of the Conveyancing Act 1919 using Form 13PC and 13RPA respectively. The relative location of the system, in relation to the building footprint, must be shown on the final plan of subdivision/strata plan or must be shown on the scale sketch, attached as an annexure to the request 13PC and 13RPA forms. The S88B instrument or 13PC/13RPA forms shall be lodged with Council's Standard S88B/S88E Lodgement Form with all supporting documentations listed in the Form. Council's Standard Form is available from Council upon requested.

Documentary evidence of registration of these instruments with the Land and Property Information shall be submitted to the Certifying Authority and Council prior to issue of any Occupation Certificate.

(Reason: Maintenance requirement)

65. Documentary Evidence of Positive Covenant, Engineers Certificate

The following documentary evidence of the completed drainage works shall be submitted to Certifying Authority and Council: -

- Registered Positive Covenant and Restriction on the Use of Land by way of the Title Deed.
- Certification from a suitably qualified and experienced civil engineer (generally

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CP Eng. Qualification) for the as-built OSD system and/or plumber's certification of the as-built rainwater reuse system.

- Work-as-Executed plans highlighting in red based on the approved stormwater management plans from a registered surveyor for the as-built OSD system and/or rainwater reuse system.

(Reason: Public record)

66. Construction of Kerb & Gutter

Construct new kerb and gutter together with any necessary associated pavement restoration in accordance with Council's specification for the full frontage of the development site with associated pavement restoration 5 metre wide in McLachlan Ave and Marden Street.

(Reason: Public amenity)

67. Reconstruct Pavement

Five metre road pavement including any necessary associated works adjoining to the full frontage of the development site shall be reconstructed in accordance with Council's approved drawings, conditions and specification (AUS-SPEC). Council's standard design traffic for this pavement is 5 x10⁶ ESA.

(Reason: Ensure compliance)

68. Concrete Footpath

Construct a 1.5 m wide concrete footpath for the full frontage of the development site in McLachlan Ave and Marden Street. All works shall be carried out in accordance with Council's standard specifications and drawings.

(Reason: Public amenity)

69. Vehicular Crossing

Construct new vehicular crossings including the replacement of the existing layback and/or gutter and any associated road restoration as directed by Council's Engineers. All works shall be carried out in accordance with Council's specification AUS-SPEC C271 and Council's Standard Drawing SD105 - Council Vehicular Footpath Crossing and Kerb and Gutter details and any approved longitudinal sections. A separate application for the crossing including current fees and charges is to be submitted for approval by Council.

Three new crossings are to be constructed, two 6 metres wide and one crossing 3.5metre wide with no splays. All the crossings are to be constructed at right angles to the street kerb in plain concrete. The new crossings shall be located no closer than 1 metre from any power pole and 2 metres from any street tree unless otherwise approved by Council. The centreline of the new crossing shall be "in-line" with the centreline of the parking space(s).

The footpath which forms part of the proposed crossing shall have a maximum crossfall of 2.5%. The nature strip and footpath is to be adjusted on both sides of the crossing to suit the new levels.

The suitability of the grade of driveway inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

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All adjustments to the nature strip, footpath and/or public utilities' mains and services as a consequence of the development and any associated construction works shall be carried out at the full cost to the Applicant. All driveway grades and transitions must comply with AS/NZS 2890.1.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

70. Removal of Redundant Crossings

Remove all redundant crossings together with any necessary works and reinstate the footpath, nature strip and kerb and gutter accordingly. Such work shall be carried out in accordance with Council's specification.

Vehicular Crossing Formwork Inspection Sheet shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority prior to issue of any Occupation Certificate.
(Reason: Public amenity)

71. Inspection of Civil Works on Road Reserves

All required road pavement, footpath, kerb and gutter, drainage works and/or any necessary associated works on the road reserve shall be completed in accordance with the Council approved drawings, conditions and specification (AUS-SPEC).

Pursuant to Section 138 of the Roads Act 1993, all works carried out on the road reserve shall be inspected and approved by Council's Engineer. Upon completion, Work-as-Executed drawings prepared by a registered surveyor shall be submitted to Council for record purposes. A completion certificate shall be obtained from Council (attesting to this condition being appropriately satisfied) and submitted to the Certifying Authority.
(Reason: Ensure compliance)

72. Performance Bond

The Applicant shall lodge with the Council a performance bond of \$45,000 against defective public civil works undertaken by the main Contractor for a period of twelve (12) months from the date of the completion certificate issued by Council as the road authority under the Roads Act 1993. The bond shall be lodged in the form of a cash deposit, cheque or unconditional bank guarantee which will be refundable subject to the approval of Council's Engineers at the end of the maintenance period. In this period, the Applicant is liable for any part of the work which fails to achieve the design specifications. Council shall be given full authority to make use of the bond for such restoration works within the maintenance period as deemed necessary.
(Reason: Ensure compliance and specification)

73. Acoustic Works – Report

To ensure all acoustic work has been completed, certification shall be provided upon completion of the works, accompanied with evidence from suitably qualified and practising acoustic engineer, to the effect that the acoustic attenuation has been

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carried out in accordance with the acoustic report J1415RP1 by EMM dated 24 March 2015.

(Reason: Amenity)

74. Noise Emission – Equipment

Certification shall be provided from a suitably qualified acoustic engineer certifying that the noise from all sound producing plant, equipment, machinery and/or mechanical ventilation system complies with the relevant noise criteria.

(Reason: Amenity)

75. Vehicle Access - Construction & Certification

The Applicant shall submit, for approval by the Principal Certifying Authority, certification from a suitably qualified and experienced traffic engineer. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed carpark complies with the approved Construction Certificate plans,
- b) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- c) All parking spaces are open type with no partitions.
- d) That the as-constructed vehicular path and parking arrangements comply in full with AS2890.1 – 2004 in terms of minimum dimensions provided,
- e) That the headroom clearance of minimum 2.2 metres has been provided between the basement floor and any overhead obstruction to comply with Section 5.3.1 of AS 2890.1 and Section 2.4 of AS2890.6.
- f) That the headroom clearance of minimum 2.5 metres has been provided to all parking spaces for people with disabilities to comply with Section 2.4 of AS2890.6.
- g) That the headroom clearance of minimum 4.5 metres has been provided for the loading area for medium rigid vehicles which complies with AS2890.2.
- h) Minimum dimensions of 2.4m x 5.4m shared area shall be provided adjacent all disabled parking spaces to comply with AS2890.6. Bollards shall be provided at the location on each shared area specified in AS2890.6 which shall be clearly labelled and shown on plans.

(Reason: Ensure Compliance)

76. Completed landscape works

The approved landscape works area to be completed prior to final inspection. In this regard;

- 1. All work must be consistent with the approved landscape design unless otherwise variation is approved in writing by Willoughby City Council's Open Space Section.
- 2. All plants must be healthy, be free of disease and damage, and are to be appropriately watered and maintained at all times. All completed landscaping is to include an 18 month establishment period for all planted trees and a 6 month establishment period for all other plant materials.

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3. The certifier is to submit to Council for its records within 14 days of final inspection, that all landscaping is consistent with the approved Landscape design and conditions of the development consent.
 4. All trees and privacy screening are to be permanently maintained in a healthy viable condition.
 5. Any tree planting within the road reserve area must be approved by Willoughby City Council's Open Space Section.
- (Reason: Environmental protection, landscape amenity)

77. Trade Waste Permit / Consent

Evidence of a Sydney Water permit or consent for the discharge of wastewater to the sewer shall be submitted to the Certifying Authority. Where a permit or consent may not be required from Sydney Water certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

(Reason: Ensure compliance)

ADDITIONAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land, and relevant legislation.

78. Annual Fire Safety Statement

Attention is directed to Clause 177 of the Environmental Planning and Assessment Regulation 2000 regarding the submission of an Annual Fire Safety Statement in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated.

(Reason: Safety)

79. Provision of Bicycle Racks and shower facility

4 bike racks are to be provided by the development for the use of cyclists. At least one communal shower and change facilities must be provided within the approved development for use by staff and employee.

(Reason: Sustainable transport)

80. Staff Parking

Employees are not to be denied the right to use a parking space provided for staff parking purposes in accordance with the Willoughby Development Control Plan Part C.4 subject to such parking space not having been otherwise allocated to another staff member.

(Reason: Ensure compliance)

81. Loading and Unloading

All loading and unloading of goods is to be conducted wholly within the site and especially in any loading facility, internal dock or goods handling area. These areas are to be maintained free of obstruction for the sole use of delivery vehicles. Under no circumstances are loading/unloading activities to be conducted from vehicles standing kerbside along the street or from any appurtenant right of way.

(Reason: Access and amenity)

82. Vehicular Access and Garaging

Driveways and vehicular access ramps shall be designed to provide adequate ground clearance to the underside of B85 vehicles. In all respects, the proposed vehicle access and/or parking spaces shall be designed and constructed to comply with the minimum requirements of AS/NZS 2890.1 and Council's standard specification.

(Reason: Vehicular access)

83. Underground Utility Services

Locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)

84. Adjustment to Electricity

All existing and proposed overhead electricity supply mains and other overhead services around the street frontage of the site are to be relocated underground to the specification of Energy Australia and Willoughby City Council at full cost to the applicant.

(Reason: Public amenity)

85. Public Infrastructure Restoration

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction works on the subject site (including damage caused by, but not limited to , delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

86. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive noise" as defined under the provisions of the Protection of the Environment Operations Act 1997.

(Reason: Amenity)

87. Noise Control – Operation

To minimise the impact of noise of the development on the amenity of the adjoining properties, the following acoustical treatment shall be undertaken.

- Acoustic insulation is to be installed on the underside of the roof to reduce internal reverberation noise;

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- A 3 minute maximum idling time for trucks at the entrance of the development accessing the site during the night period (10pm to 7am);
- The unloading of waste shall only occur within the building with all doors closed to maximise noise reduction, and;
- The creation of an operational noise management plan to educate all employees on their responsibilities regarding noise control on site.

All noise attenuation measures shall be installed prior to the occupation of the development with certification from an acoustic consultant verifying that they have been installed in accordance with the recommendations of the acoustic report J14158RP1 dated 24 March 2015 by EMM.
(Reason: Amenity)

88. Pollution Prevention – Water

The site shall be operated and maintained to ensure all environmental risks are minimised and managed to prevent pollution of the stormwater system in accordance with the Protection of the Environment Operations Act 1997 and any current Environment Protection Authority (EPA) requirements or guidelines.
(Reason: Environment Protection)

89. Maintenance of Landscaping in the Road Reserve

Landscaping within the road verges fronting the site is to be maintained by the site owner/occupier. Council will only undertake basic works from time to time addressing issues such as emergencies or safety. Council accepts no responsibility for reinstating the works in the event of failure, or excavation by service authorities to access infrastructure and the like.
(Reason: Landscape maintenance)

90. Protection of landscaped open areas

The approved landscaped areas are under no circumstances to be used for the parking of motor vehicles, the storage of goods or waste materials or any other purposes.
(Reason: Landscape amenity and ensure compliance)

PRESCRIBED CONDITIONS

The following conditions are prescribed by S80A of the Environmental Planning & Assessment Act for developments involving building work.

91. Compliance with National Construction Code

All building works must be carried out in accordance with the performance requirements of the National Construction Code.
(Reason: Compliance)

92. Support for Neighbouring Buildings

- (1) If development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on an adjoining property, the person having

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the benefit of the development consent must, at the person's own expense:

- a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) if necessary, underpin and support the building, structure or work to prevent any such damage, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
- (2) The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- (3) In this clause, "allotment of land" includes a public road and any other public place.

(Reason: Safety)

STATUTORY REQUIREMENTS

The following advisory notes are statutory requirements of the Environmental Planning & Assessment Act and the Environmental Planning & Assessment Regulations and are provided to assist applicants

93. Construction Certificate Required

This consent IS NOT an approval to carry out any building works (with the exception of demolition work). A Construction Certificate is required PRIOR TO ANY BUILDING WORKS BEING COMMENCED.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 9777 1000.

(Reason: Ensure compliance and statutory requirement)

94. Notify Council of Intention to Commence Works

In accordance with the provisions of Clause 81A(2) of the Environmental Planning and Assessment Act 1979 the person having the benefit of the development consent shall appoint a Certifying Authority and give at least 2 days' notice to Council, in writing, of the persons intention to commence the erection of the building.

(Reason: Information and ensure compliance)

95. Occupation Certificate

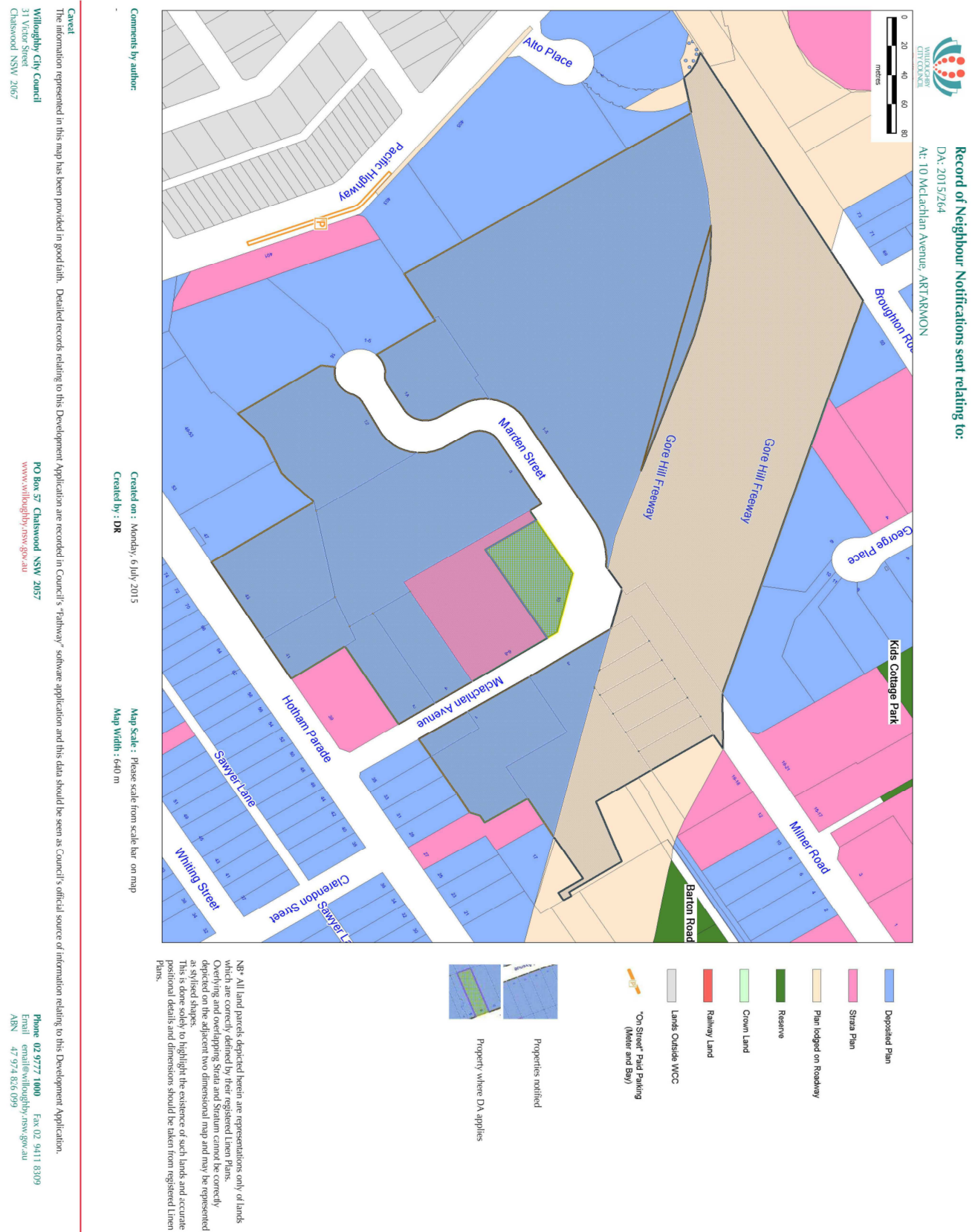
The building/structure or part thereof shall not be occupied or used until an interim occupation / final occupation certificate has been issued in respect of the building or part.

(Reason: Safety)

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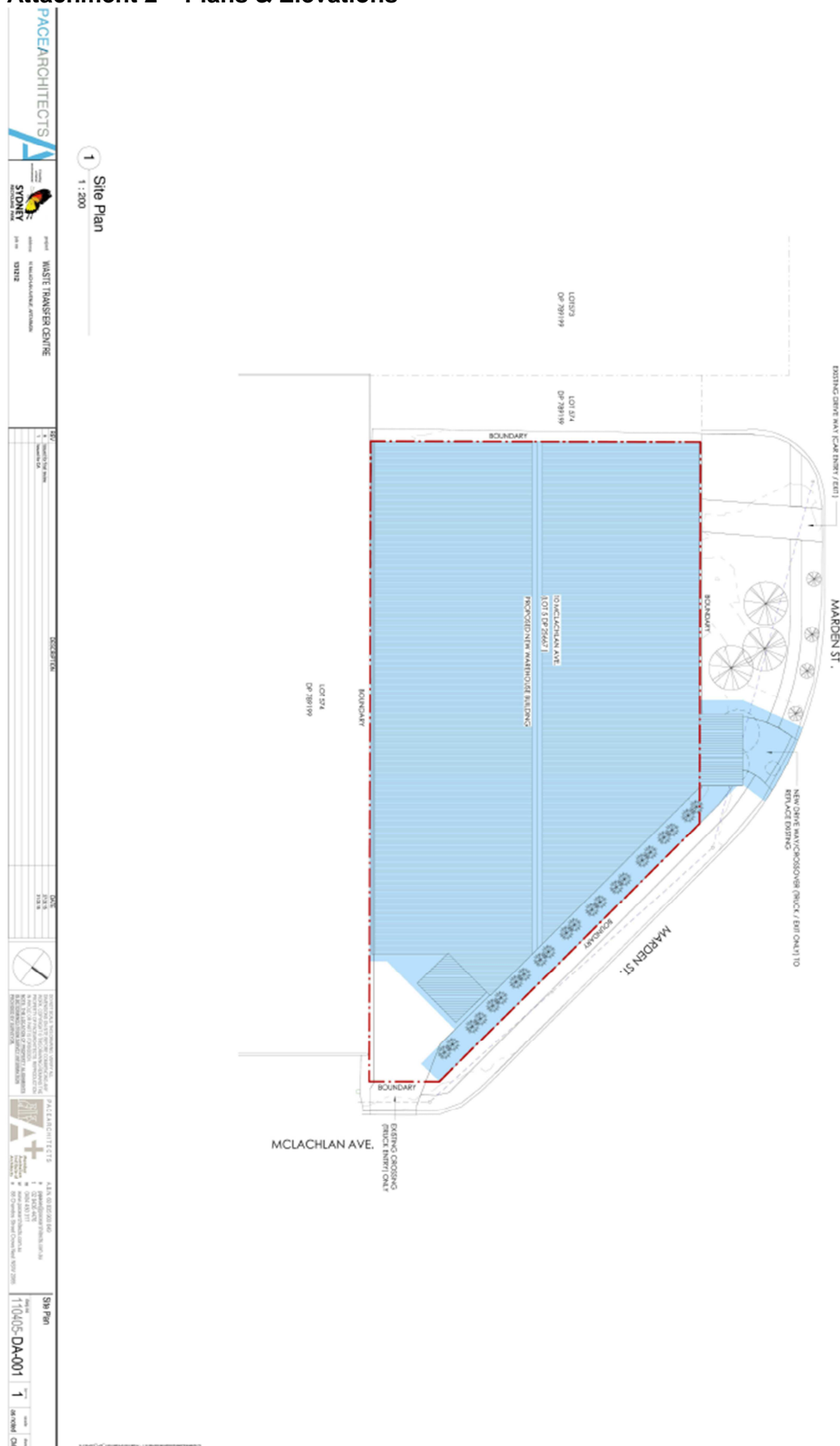
10 McLachlan Avenue, ARTARMON NSW 2064.

Attachment 1 – Notification Map



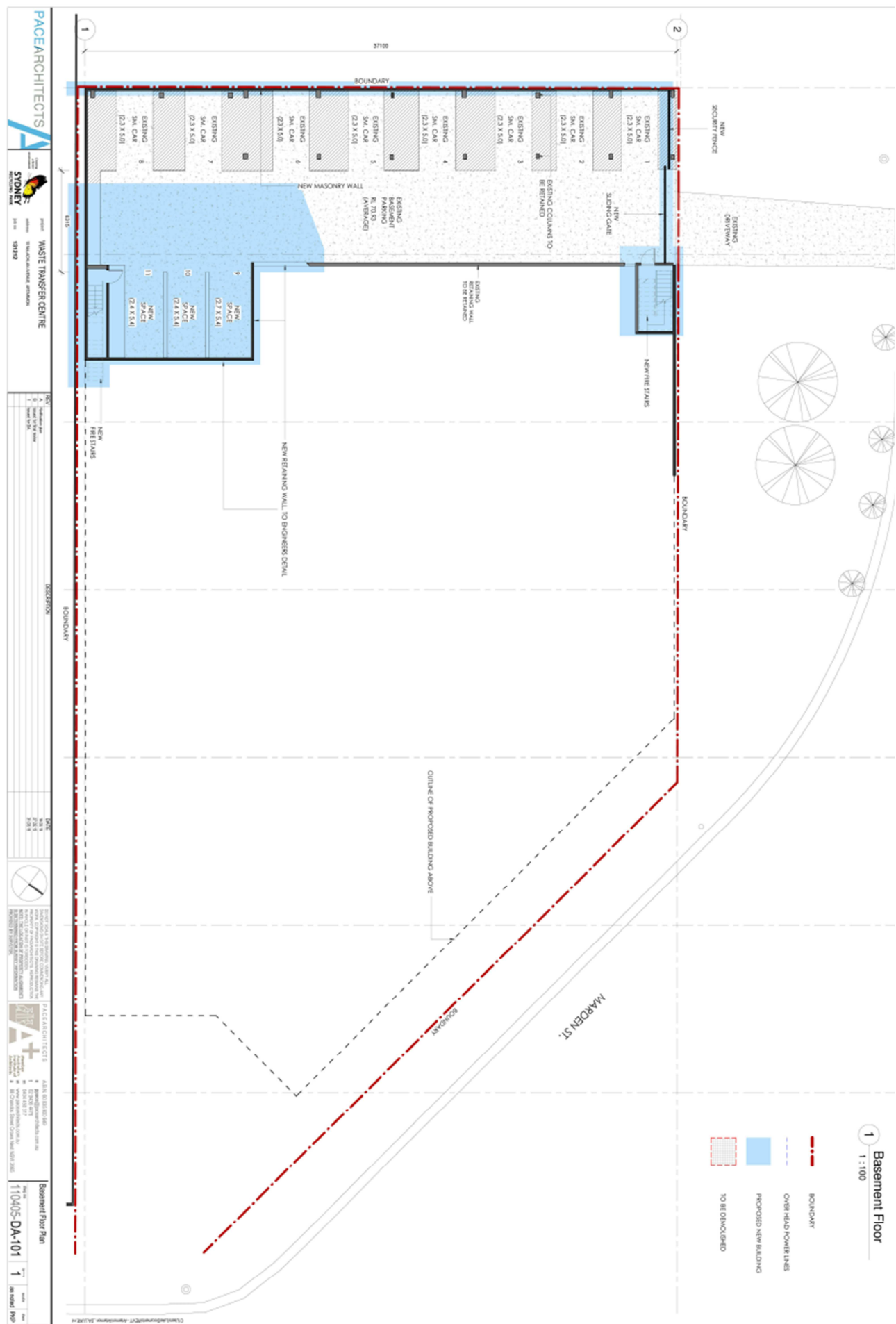
10 McLachlan Avenue, ARTARMON NSW 2064.

Attachment 2 – Plans & Elevations

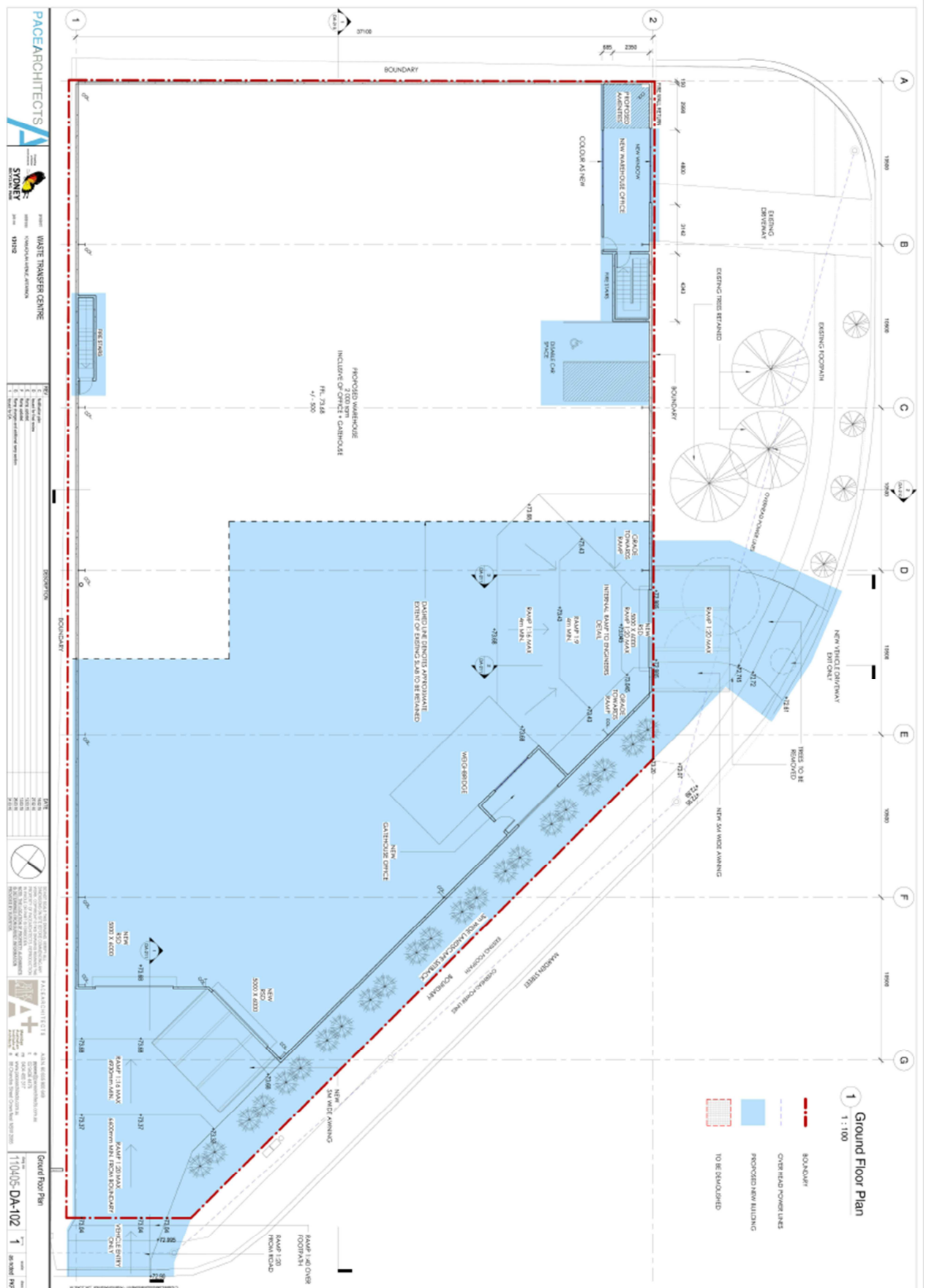


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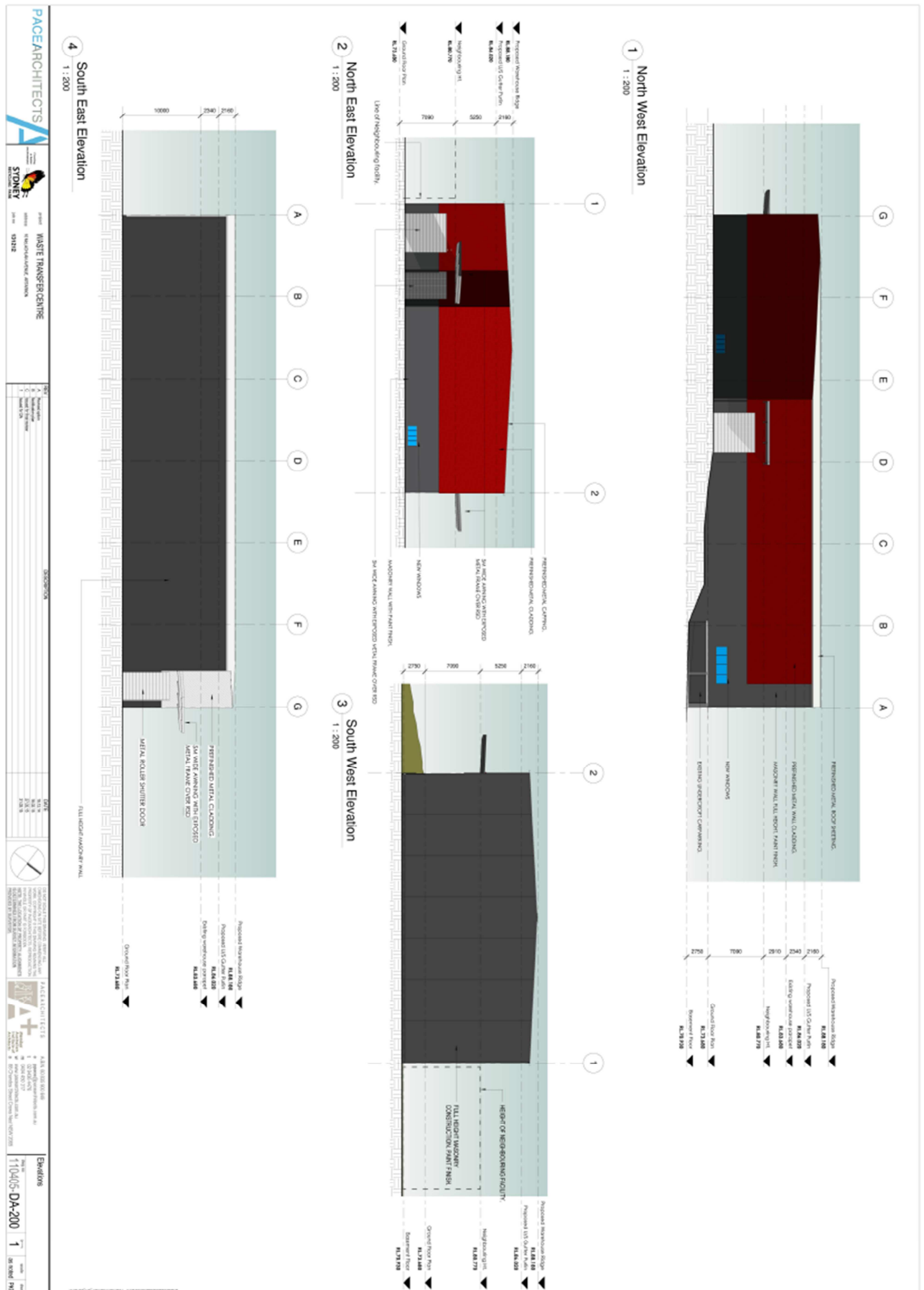
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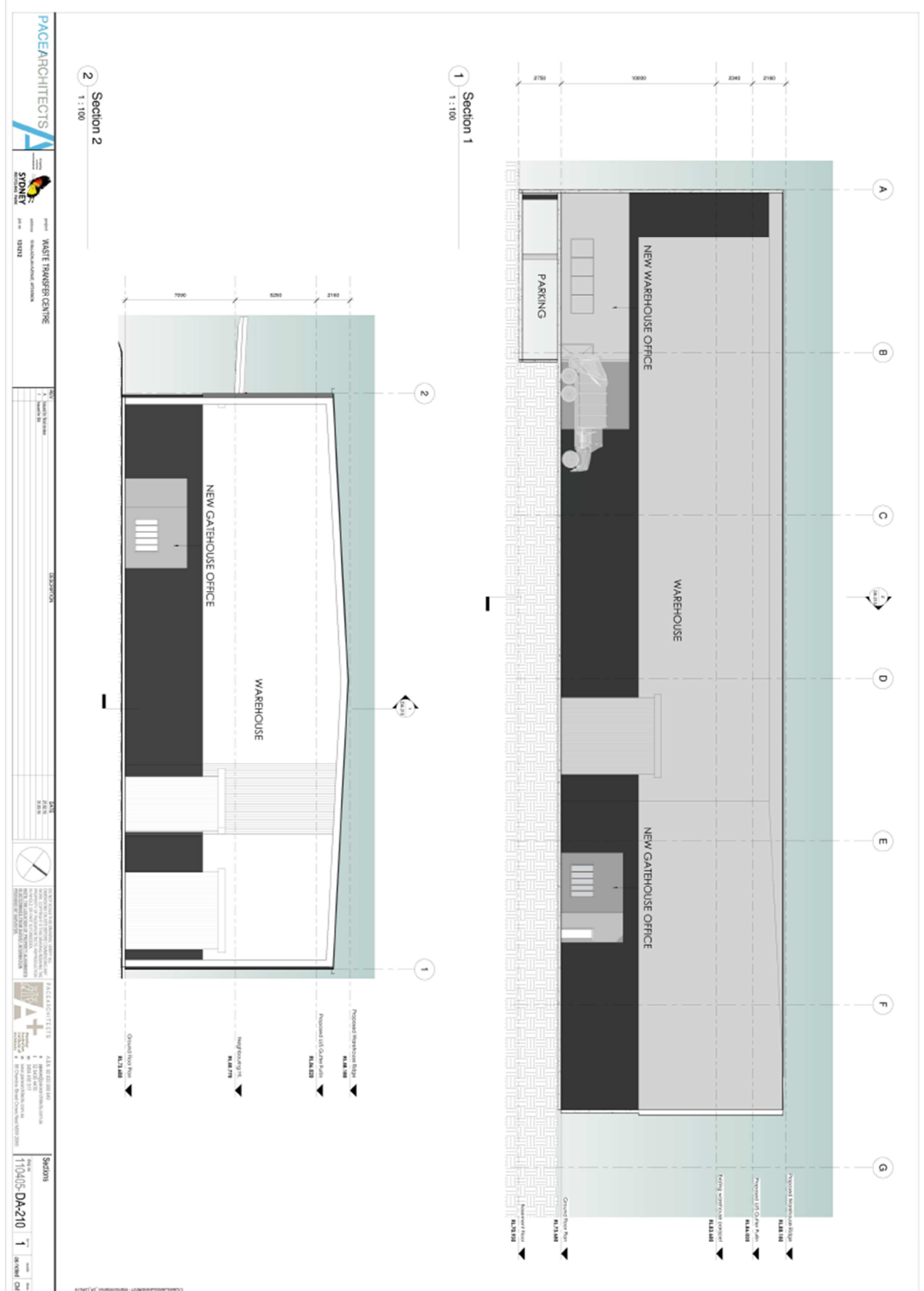
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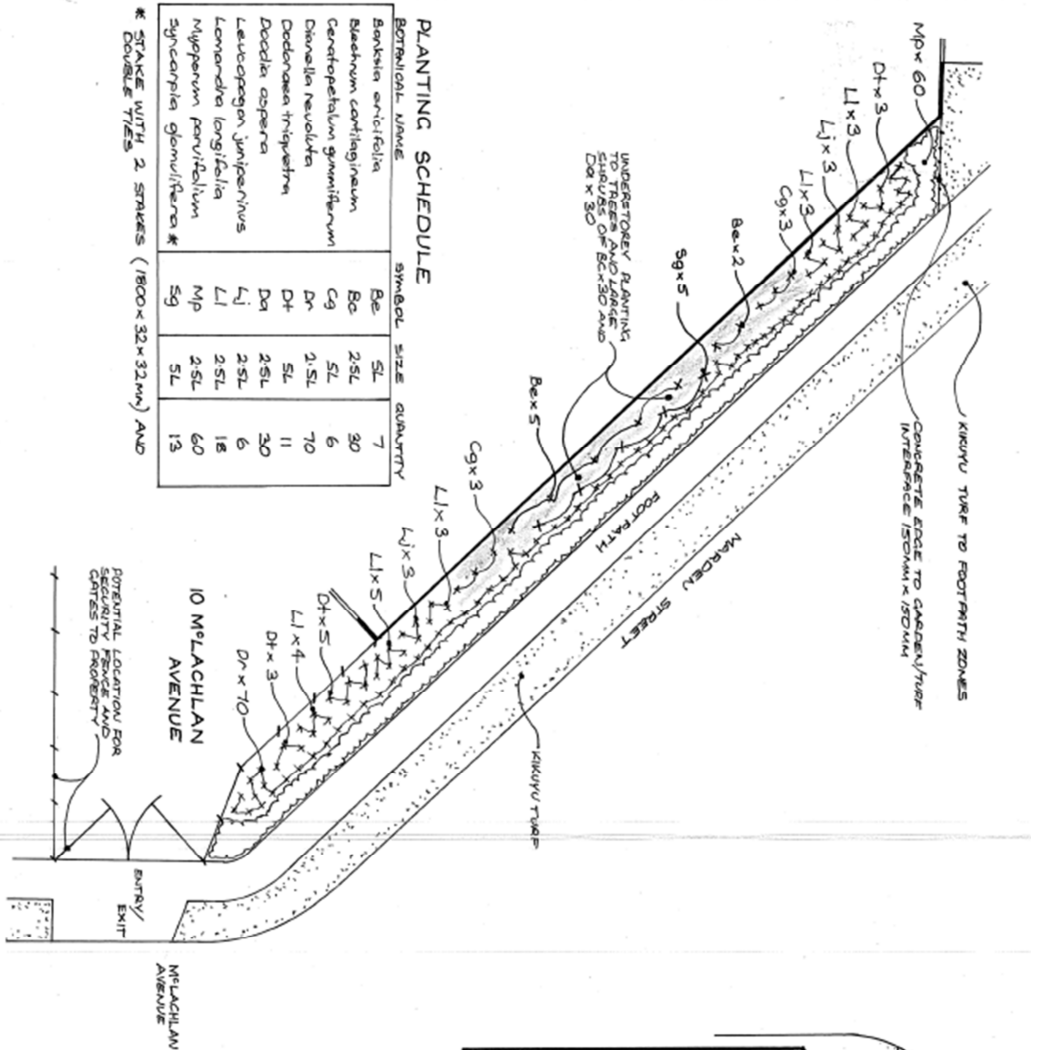
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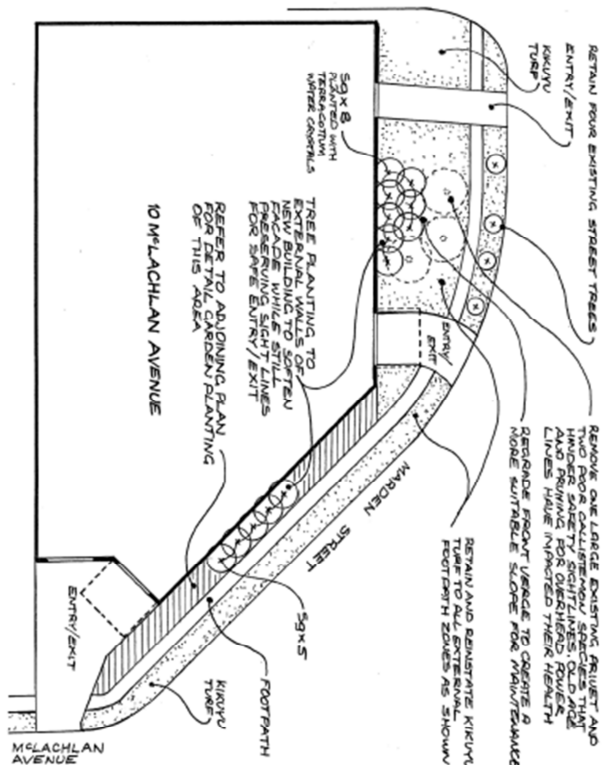
LANDSCAPE DEVELOPMENT PLAN

SCALE 1:100/1:250

DETAIL PLANTING PLAN 1:100

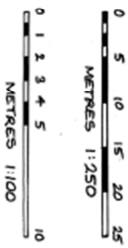


SITE PLAN 1:250



NOTES

- REGRADE SITE SLOPE TO A DEPTH OF 500mm BY INCORPORATING CYPRIPED 150g/LITE AND COMPOSTED ORGANICS 50mm
- INSTALL A MANUALLY OPERATED TRUCKE SWAPDOOR WITH A 1800mm WIDE AND 1800mm HIGH
- INSTALL 75mm LAYER OF LEAF LITTER
- LANDSCAPE CONTRACTOR TO MAINTAIN TREES AND SHRUBS WITH ANNUAL MOONING, WEEDING, PEST/DISEASE CONTROL AND REPLACEMENT OF PRUNED REMAININGS



Attachment 3 – General terms of approval (EPA)

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ATTACHMENT A

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA-2015/264 submitted to Willoughby City Council on 3 July 2015;
- any environmental impact statement *Environmental Impact Statement - Proposed Waste Management Facility - Sydney Recycling Park Pty Ltd*, dated June 2015 relating to the development; and
- all additional documents supplied to the EPA in relation to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation to the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Waste	Description	Activity
Building and demolition waste	As defined in Schedule 1 of the POEO Act, as in force from time to time	Waste Storage Resource Recovery
Virgin excavated natural material	As defined in Schedule 1 of the POEO Act, as in force from time to time	Waste Storage Resource Recovery

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Glass, plastic or metal	As defined in Schedule 1 of the POEO Act, as in force from time to time	Waste Storage Resource Recovery
Paper or cardboard	As defined in Schedule 1 of the POEO Act, as in force from time to time	Waste Storage Resource Recovery
Wood waste	As defined in Schedule 1 of the POEO Act, as in force from time to time	Waste Storage Resource Recovery

L2.2 An authorised amount of waste permitted on the premises at any one time to be determined by the EPA upon issuing of an environment protection licence.

L2.3 All waste must be stored in designated areas and bays within the enclosed building at the Premises at all times.

L2.4 All waste handling activities, inclusive of the receiving, sorting, processing, sampling, quarantine and storage must be conducted within an enclosed building. No waste, inclusive of finished products, may be stored outside.

L2.5 All external surfaces must be either sealed or vegetated.

L 3 Hours of operation

L3.1 All construction work at the premises must only be conducted between Monday to Friday, 7am to 6pm; Saturday, 8am to 1pm and no construction on Sundays or public holidays.

L3.2 Activities at the premises, other than construction work, may only be carried on between Monday to Sunday 7am to 6pm (daytime hours). Pre-scheduled deliveries and unloading of vehicles may be carried out wholly within the fully enclosed facility between Monday to Sunday 6pm to 7am (night time hours) and is only permitted for registered account customers. No processing or sorting of material is to be carried out during night time hours or on Sundays and public holidays.

L3.3 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.1 or L3.2, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

Operating conditions

01. Odour

01.1 No condition of this licence identifies a potentially offensive odour for the purpose of section 129 of the Protection of Environment Operations Act 1997.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in the licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours are permitted. Where it is appropriate for a licence to identify and control offensive odours, conditions for the licence should be developed in consultation with Air Policy.

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02. Dust

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

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

02.3 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

03. Stormwater/sediment control - Construction Phase

03.1 An Erosion and Sediment Control Plan (ESCP) must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

04. Stormwater/sediment control - Operation Phase

04.1 A Stormwater Management Scheme must be prepared for the development and must be implemented. Implementation of the Scheme must mitigate the impacts of stormwater run-off from and within the premises following the completion of construction activities. The Scheme should be consistent with the Stormwater Management Plan for the catchment. Where a Stormwater Management Plan has not yet been prepared the Scheme should be consistent with the guidance contained in *Managing Urban Stormwater: Council Handbook* (available from the EPA).

05. Tracking of Materials

5.1 Vehicles leaving the premises must not track materials on to external surfaces

06. Emergency response

6.1 The licensee must develop an emergency response plan which documents the procedures to deal with all types of incidents (e.g. spill, explosions or fire) that may occur at the premises or outside of the premises (e.g. during transfer) which are likely to cause harm to the environment.

Reporting conditions

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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Attachment – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

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This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

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- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Environment Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

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- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Special Conditions

E1 Financial Assurance

E1.1 A financial assurance in the form of an unconditional and irrevocable guarantee from an Australian bank, building society or credit union in the favour of the EPA for an amount to be provided to the EPA by the date specified by the EPA and prior to the issuing of an environment protection licence. The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence. The financial assurance must contain a term that provides that any monies claimed can be paid to the EPA or, at the written direction of the EPA, to any other person.

E1.2 The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

E1.3 The financial assurance must be maintained during the operation of the facility and thereafter until such time as the EPA is satisfied the premises is environmentally secure.

E1.4 The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.

E1.5 The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

E1.6 An adjustment to the financial assurance must be calculated, each licence review period, in line with the Consumer Price Index for the number of years since the financial assurance was last paid. The financial assurance must be replenished to the full amount plus CPI adjustments each licence review period.

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E2 Environmental Obligations of Licensee

E2.1 While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.
- b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA.

E2.2 In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:

- a) make all efforts to contain all firewater on the licensee's premises,
- b) make all efforts to control air pollution from the licensee's premises,
- c) make all efforts to contain any discharge, spill or run-off from the licensee's premises,
- d) make all efforts to prevent flood water entering the licensee's premises,
- e) remediate and rehabilitate any exposed areas of soil and/or waste,
- f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
- g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises,
- h) at the request of the EPA monitor surface water leaving the licensee's premises; and
- i) ensure the licensee's premises is secure.

E2.3 After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

- a) remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
- b) rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.