

Panel Reference	PPSSSH-19
DA Number	DA2020/0017
LGA	Georges River Council
Proposed Development	<p>A Designated Development proposal seeking approval for the construction of a Resource Recovery Facility that will receive, sort and process a total of 35,000 tonnes of dry, general solid waste (non-putrescible) per annum as defined by the NSW Protection of the Environment Operations Act, 1997.</p> <p>The development involves the construction of a fully equipped, purpose built industrial warehouse to house recycling machinery including a weighbridge and a two-storey gatehouse containing offices and associated amenities along the eastern side of the entry. The western side of the site is to largely remain vacant for use as a waiting bay and the inclusion of on grade car parking spaces.</p> <p>The hours of operation proposed are 6am to 5.30pm Monday to Saturday. No operation is proposed on Sundays and Public Holidays however some deliveries of waste are proposed after hours (5.30pm -6am), however this waste will only be stored at the site not processed during these times.</p> <p>A total of ten (10) employees are proposed to be employed at the site and a total of thirteen (13) car parking spaces are proposed including an accessible space. The proposal includes some tree loss and includes new landscaping, fencing and associated site works.</p> <p>The proposal is located within 40m of a watercourse and is therefore "Integrated" development in accordance with the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 and requires a Controlled Activity Approval in accordance with the provisions of the Water Management Act, 2000. The proposed use also requires the issuing of General Terms of Agreement (GTA's) and a Licence from the Environmental Protection Authority (EPA) in accordance with the Protection of the Environment Operations Act, 1997.</p>
Street Address	2F The Crescent, Kingsgrove
Applicant/Owner	W & J Lee Property Investments Pty Ltd

Date of DA lodgement	20 January 2020
Number of Submissions	Original notification/advertising – Seven (7) unique submissions received. One (1) adjoining neighbour submitted two (2) separate letters.
Recommendation	“Deferred Commencement” Approval subject to conditions.
Regional Development Criteria (Schedule 7)	<p>The development falls within Part 4, Clause 20 of the State Environmental Planning Policy (State and Regional Development) which defines what is Regional Development.</p> <p>The development is categorised as a particular “designated development type” in accordance with Schedule 7, which includes</p> <p><i>“waste management facilities or works which meet the requirements for designated developments under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulations 2000”.</i></p> <p>Clause 32, Schedule 3 of the Environmental Planning and Assessment Regulation, 2000 defines the designated development categories and the subject proposal fits into the definition in Clause 32 (b) which relates to waste management facilities or works;</p> <p><i>“that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and—</i></p> <ul style="list-style-type: none"> <i>(i) that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or</i> <i>(ii) that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or</i> <i>(iii) that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material”.</i>
List of all relevant s4.15 matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979. • Environmental Planning and Assessment Regulation 2000.

	<ul style="list-style-type: none"> • Water Management Act 2000. • State Environmental Planning Policy No 55 – Remediation of Land. • State Environmental Planning Policy No.33 – Hazardous and Offensive Development • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No.64 (Advertising and Signage) • State Regional Environmental Plan No 2 – Georges River Catchment. • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. • State Environmental Planning Policy (Infrastructure) • Draft Environment State Environmental Planning Policy • Hurstville Local Environmental Plan 2012. • Hurstville Development Control Plan 2013. • Georges River Section 94A Contribution Plan. • Draft Georges River Local Environmental Plan 2020 • Interim Georges River Development Control Plan
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Environmental Impact Statement • Registered survey. • Architectural plans. • Updated Landscape Plan. • Traffic Impact Assessment report. • Stormwater Details and Plans. • Flora and Fauna Assessment. • Arboricultural Report. • Updated Acoustic report. • Air Quality Assessment. • Preliminary Site Investigation. • Soil and Water Report. • General Terms of Approval.
Report prepared by	Larissa Ozog Senior Development Assessment Officer
Report date	9 December 2020

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, Deferred Commencement conditions have been included at the end of this report. The Applicant will be able to review the conditions once the report is published on the NSW Planning Portal.

Executive Summary

Proposal

Council is in receipt of a development application (DA2020/0017) seeking planning approval for the redevelopment of the site to include the construction of an industrial building including a detached gatehouse and weighbridge to the eastern side of the entry and the use of the premises as a Waste Resource Recovery Centre processing up to 35,000 tonnes of non-putrescible waste per annum (tpa). Refer to **Figure 1 and 2** below which includes perspectives of the indicative layout of the proposed development in a 3D form.



Figure 1: 3D Render showing the main entry, gatehouse and new industrial warehouse building
(courtesy: Robert Lee Architects, 2019)



Figure 2: 3D Montage showing the layout of buildings and proposed structures on the site
(courtesy: Robert Lee Architects, 2019)

Key components of the development include:

- Hours of operation: Processing of materials at the facility shall occur from 6.00am to 5.30pm Monday to Saturday (inclusive). In addition, it is proposed that the facility will accept delivery of materials 24 hours per day (processing will not occur between 5.30pm and 6am the following day).
- Vehicle access and parking components include the construction of a truck weighbridge, truck wheel wash facility and thirteen (13) standard car parking spaces including one (1) accessible parking space.
- Removal of existing trees to provide for the at-grade car parking spaces and provision of new landscaping and tree planting, fencing and associated site works.

Architectural plans have been prepared by Robert Lee Architects and are dated 2019. Some of the plans have been modified during the life of the DA to show additional features and confirm functionality. **Figures 1, 2, 3 and 4** show the proposed appearance and general layout of the development.

The proposal comprises of a number of specialized development and construction characteristics given the type of facility proposed, including the following details:

- Three (3) formal points of entry providing access to the property. The western portion of the site which includes the parking area is fenced off from the operational side of the site (eastern portion) and includes two (2) driveway access points for entry and exit to the designated parking area.
- The western side of the site includes tree removal and the provision of thirteen (13) car parking spaces to service the use and new landscaping to buffer and screen the industrial building and soften the hard paved at grade parking spaces.
- Main truck access is provided along the eastern side with a weigh bridge to be constructed along the eastern side of the entry which includes a wheel wash.
- A two (2) storey detached gatehouse is to be constructed along the eastern boundary (refer to **Figure 1 and 3**) which includes offices, lunch room and resting area for the workers on the first floor. On the ground floor there are worker amenities and the gatehouse office including balconies with a small outdoor recreational space along the southern side of this building.
- The main detached industrial building (described as a “sorting shed”) will store, house and process the waste. This building is located towards the centre of the site with entry to the building along the north-eastern façade with the inclusion of large sliding doors (refer to **Figure 4** below which shows the internal layout of this building and the process and mechanical machinery to be implemented). This building will have an overall height of some 8.9m.
- The proposal stipulates that that a total of thirty-eight (38) waste deliveries to the premises by 9m long rigid vehicle trucks will be servicing the facility (19 movements in and 19 out) with eight (8) truck movements (4 in and 4 out) of 17m long trucks (with dogs) will access the site daily. Total daily truck movements will be in the order of 46. These will occur within the standard daily operating hours. Up to an additional six (6) trips (3 in and 3 out) are anticipated after hours to cater only for deliveries to the site.

- A total of seven (7) permanent staff and three (3) casual staff are proposed to be employed with a total of ten (10) employees at any one time.
- The waste to be accepted at the facility will include plastic, plasterboard, bricks, concrete, metal, paper, cardboard, green waste, wood waste, building and demolition waste and asphalt waste which is defined as non-putrescible. The EIS states that *“no asbestos, liquid waste, hazardous waste or radioactive waste, as defined in the POEO Act or the Waste Classification Guidelines will be accepted at the facility.”*

It is not proposed to use the site for long term storage of any waste or recyclable material. The intention is for processed materials to be promptly dispatched direct to customers or retailers for beneficial re-use, or to other specialist waste facilities for further processing. Waste material which cannot be recycled or re-used will be disposed to appropriately licensed landfills.

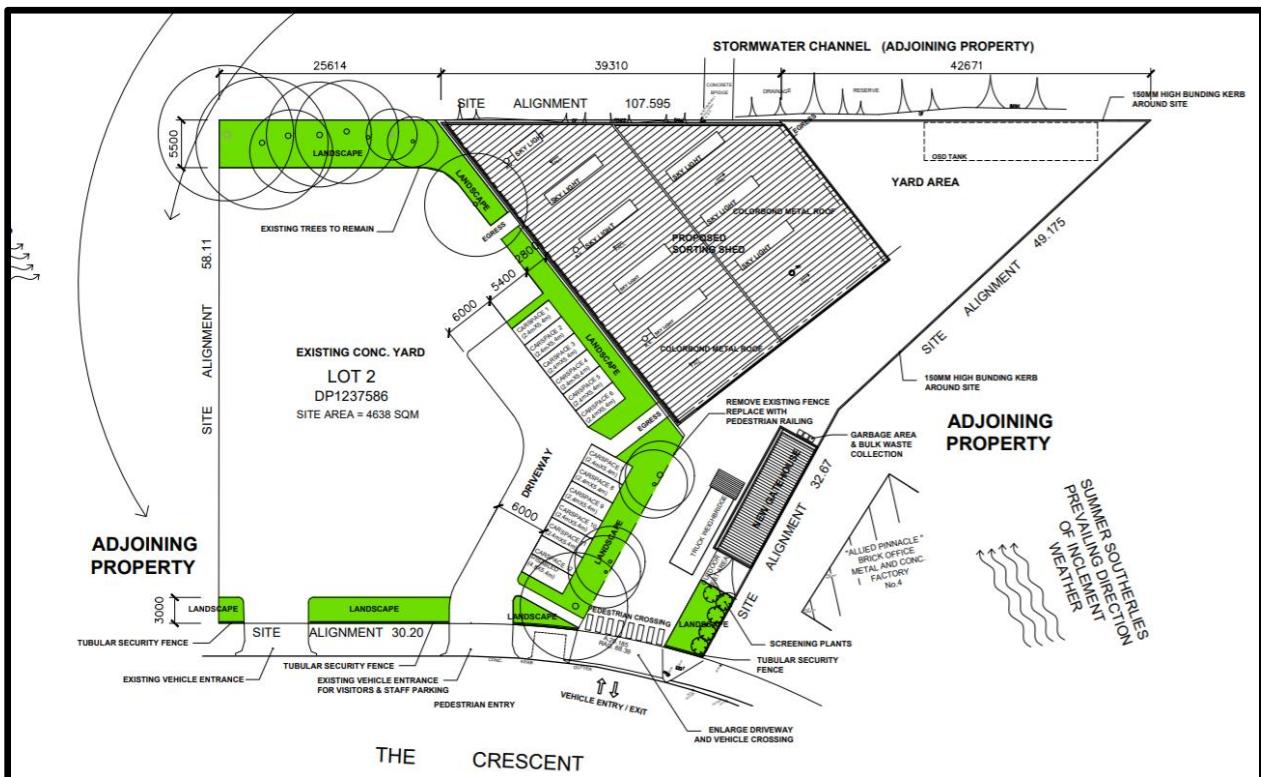


Figure 3: Proposed site plan and layout of buildings and proposed structures (courtesy: Robert Lee Architects, 2019)

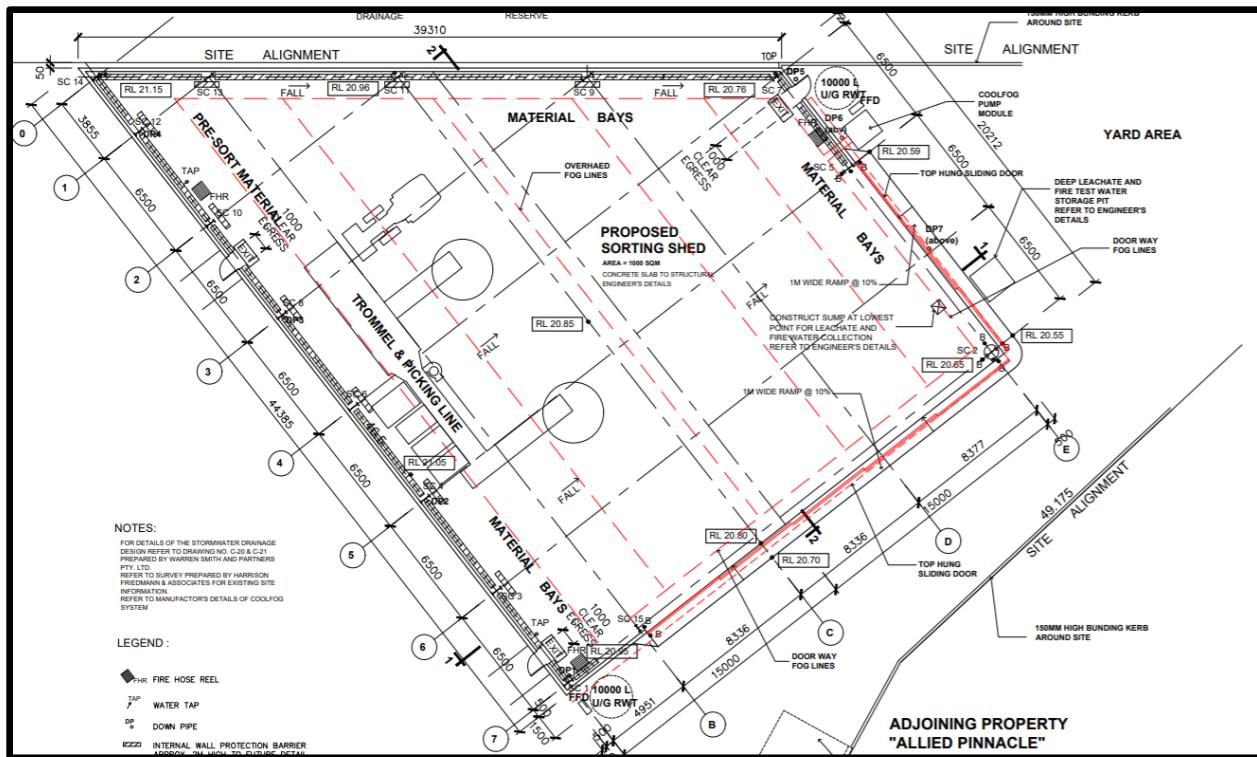


Figure 4: Proposed internal layout of the custom built “sorting shed” industrial warehouse building (courtesy: Robert Lee Architects, 2019)

The current business has been issued an Environmental Protection Licence (EPL) which allows it to treat 'Excavated Natural Material' pursuant to an NSW EPA Excavated Natural Material Order 2014.

This means that excavated material from the ground (soil, sand, shale, clay etc.) can be disposed of and treated but a minimum of 98% of the excavated materials (by weight) needs to be natural and not processed. This does not allow for the treatment of asbestos, Acid Sulphate Soils (ASS) or the like. The EPA in considering issuing GTA's has taken this recovered order into consideration.

The EIS notes that there are no other waste management facilities in the immediate area and the proposal will service the public and government authorities. SUEZ have a number of waste management facilities located at Olympic Park, Artarmon, Rockdale and other independent providers are located in Smithfield, Wetherill Park and Eastern Creek but there are no other similar facilities in this immediate area.

Site and locality

The subject site known as 2F The Crescent, Kingsgrove has a legal description of Lot 2, DP1237586 (refer to **Figure 5** for an aerial view of the subject site and its context). It is an irregular shaped allotment with a site frontage of 30.2m to The Crescent, rear boundary length of 107.575m, eastern boundary length of 32.705m which fans out a

further 49.12m in a north-easterly direction and a western boundary length of 58.07m (refer to the survey plan in **Figure 6** for the general existing site characteristics).

The total site area is 4,638sqm. The site has a cross-fall from the west to the east by some 2m. The site also includes a row of advanced, established trees that dissects the site into two running down the centre of the Site.



Figure 5: Aerial view highlighting the subject site in blue and the general context of the immediate area (courtesy: Robert Lee Architects, December 2019)

Immediately to the north of the site is a drainage reserve and further north is the M5 freeway. To the south, No.3 The Crescent is a food distribution and processing plant called "Foodlink".

Directly to the west of the Site are vacant lots, No.2D and 2E The Crescent. Council approved a development application on 29 June 2020 (DA2019/0375) on these adjoining sites for the construction of a two (2) storey industrial building for the storage, maintenance and fitting of accessories for vehicles prior to the delivery and sale and vehicle storage. To the east, No.4 The Crescent is a large industrial development known as "Allied Pinnacle" a Flour Processing factory.

The site is located within a largely industrial precinct however is sited within close proximity to a residential area bounded by Tallawalla Street and The Crescent located further to the west. There is an area of open space (known as Black Forest Reserve which connects to Beverley Hills Park) that acts as a natural buffer and border between

the industrial area and residential properties. Some trucks travelling from the west will access the site from Vanessa Street through to The Crescent and the broader Industrial Estate. The trucks coming from the north and east which come off the M5 will likely travel down Kingsgrove Road, Vanessa Street and then enter The Crescent without affecting the residential area.

The East Hills Railway Line is located further to the south and acts as the southern border to this Industrial precinct. Residential properties are located further south of the railway corridor.

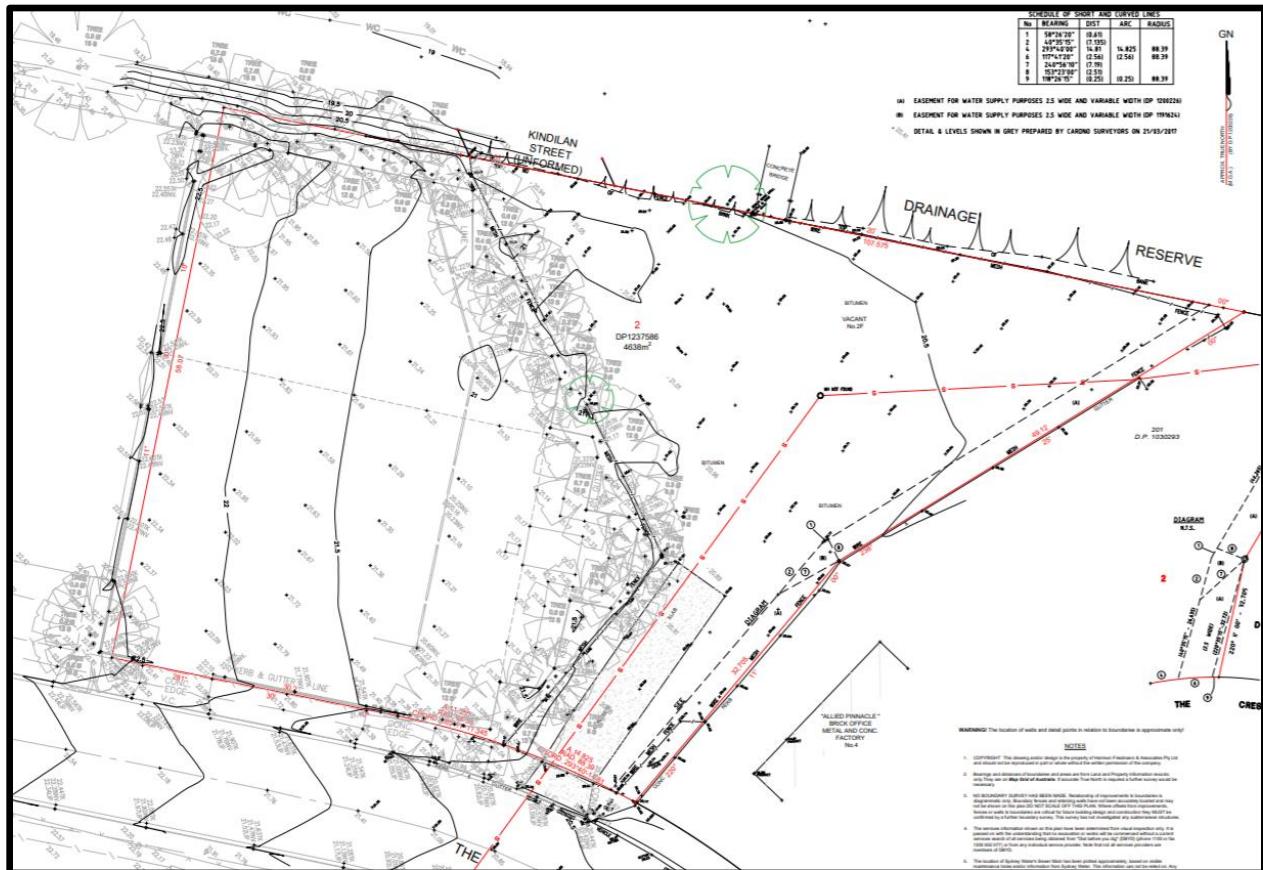


Figure 6: Survey Plan of the subject site (courtesy: Harrison Friedman and Associates, 2019)

Zoning and Hurstville Local Environmental Plan (2012) Compliance (HLEP)

The Site is zoned IN2 **Light Industrial** pursuant to the provisions of the Hurstville Local Environmental Plan 2012 (HLEP). The use is defined in HLEP as a **waste or resource transfer station** which means “*a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.*”

The use falls into the broader category of a **waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

The proposed development is permissible in the zone and generally satisfies the zone objectives.

The proposal satisfies the other statutory planning controls of the HLEP pertaining to this site including the height (Clause 4.3) and floor space (Clause 4.4). The site is not affected by any other environmental factors such as acid sulphate soils (clause 6.1), riparian land and watercourses (Clause 6.2) or heritage conservation (Clause 5.10) provisions. The site is not identified as flood prone in accordance with Council's mapping system.

State Environmental Planning Policy's

The proposal has been considered to be satisfactory in regards to the following policies which have been considered in respect to the application:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- Water Management Act 2000.
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy No 64 – Advertising and signage.
- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy No.33 - Hazardous and Offensive Development.
- State Regional Environmental Plan No 2 – Georges River Catchment.
- State Environmental Planning Policy (Infrastructure) 2007.
- State and Environmental Planning Policy (State and Regional Development).
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- Deemed State Environmental Planning Policy – Georges River Catchment.
- Draft Environment State Environmental Planning Policy.

Draft Environment SEPP

The Draft Environment SEPP was exhibited from 31 October 2017 to 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The proposal is not inconsistent with the objectives of this Draft SEPP.

Hurstville Development Control Plan No.1 (Amendment 7) (HDCP)

The HDCP No.1 first came into effect in 2007 and has been amended and updated on seven (7) occasions most recently in April 2018. The DCP is applicable to all land to which the Hurstville Local Environmental Plan 2012 (HLEP 2012) applies, excluding land identified as the Hurstville City Centre.

The aim of the DCP is “*to encourage and co-ordinate the orderly and economic use and development of land to cater for a variety of residential, retail, commercial and service needs of the community while protecting and enhancing amenity, cultural heritage and ecological sustainability*”. Although the development proposed is industrial in nature the intention of the land use and the design of the development seeks to satisfy this overriding objective.

Sections 1, 2, 3 and 5 of the DCP apply to the proposed development and subject site. The Site is not affected by any site specific area controls (Section 6) due to its location. In general, the proposal satisfies the provisions of the HDCP and a detailed assessment is conducted later in this report.

Key Planning and Environmental Issues

i. Stormwater and drainage

Council’s Stormwater Engineers raised no objection “in principle” to the stormwater and drainage design subject to the acquisition of a drainage easement through to the rear, the Wolli Creek drainage channel. This is requested to be satisfied as a “*Deferred Commencement*” condition.

The Owner of the site has confirmed by way of correspondence that an application for the easement was obtained and approved by Council in December 2019 however there is no evidence that a Transfer for Granting Easement has been completed and the registration of the easement has not occurred to date.

In this case the Deferred Commencement condition will require confirmation of purchase, Transfer for Granting Easement and the registration of the plan to be

implemented prior to the issuing of the consent if approval is granted providing certainty and be formally resolved.

ii. Compliance issues

A site inspection was conducted on 10 September 2020, which confirmed the site is currently being used for waste disposal and many trucks were accessing the site in a haphazard, unstructured way and the crushing of construction materials and waste materials was occurring in an informal and unmanaged way within a number of sections of the site.

Council's Compliance section has received numerous complaints in regards to noise, dust emissions and lack of regulation in respect to truck movements and the like. To date limited formal action has been taken by Council's Compliance section given that the current DA seeks to formalise the use.

Council's Compliance section have decided to hold off issuing any further Notices or Orders in relation to the use of the premises until after determination of the application.

In response to the complaints Council's Environmental Health section have issued a Prevention Notice on 4 June 2020 in relation to the current condition of the premises. Council have also warned the owner and tenants of the premises that if excessive amounts of dust continues to exit the site, fines will be issued resulting in up to \$3,000 per offence.

The proposed development seeks to formalise the use and create a fully functional, largely compliant and operational facility that will significantly improve the visual appearance of the site and improve the current amenity and functionality.

iii. Environmental Protection Authority Concurrence

The proposed development is a regulated activity that requires a Licence in accordance with the provisions of the Protection of the Environment Operations Act, 1997 (POEO). The application was referred to the EPA and on three (3) occasions where the EPA formally wrote to Council requesting additional information before the Authority could issue General Terms of Agreement (GTA's). Correspondence dated 30 March 2020, 9 June 2020 and most recently 21 August 2020 was received by the EPA requesting additional information in regard to a number of design and operational elements including (but not limited to) the following:

- More information in respect to acoustics;
- More information regarding the hours of operation;
- Details regarding spills and leachate;
- Discharges during construction i.e. sediment control;
- Details regarding the hangar door design;
- More information regarding the materials handling process especially in respect to green and wood waste;

- Specifics regarding the wheel wash operation and design;
- Geotechnical investigations and results; and
- Updated soil and water report.

After three (3) attempts at providing additional information, on 4 November 2020 the EPA issued GTA's for the proposal which are attached and form part of the consent if approval is granted.

iv. Environmental impacts

The proposed use is likely to generate a series of environmental impacts such as impacts on air quality through dust and associated emissions, create noise impacts from traffic and specific heavy equipment that will crush and process waste and there are associated impacts from the wheel wash, opening and closing the proposed hanger doors, truck manoeuvring into and out of the site and the use of reversing beepers. There are also potential adverse impacts on waste-water, ground and surface water from leachate and spills together with potential fire risks.

The Environmental Impact Statement (EIS) that accompanies the application has been prepared in accordance with the Environmental Planning and Assessment Act (The Act) provisions and in line with the Secretary's Environmental Assessment Requirements (SEAR's) which required detailed assessments in respect to a series of impacts.

Later in this report a detailed assessment of all of the potential impacts will be conducted. The operator has suggested a number of design parameters, management mechanisms and implementation of systems to mitigate impacts, reduce and contain them. Compliance with these and with the EPA's GTA's and conditions if approval is granted, it is considered that the proposal will be an acceptable and reasonable design solution and response for this site.

v. Hours of operation

One of the issues of concern raised by submitters is the 24 hour operation specifically the after-hours use, (from 5.30pm until 6am). Currently Council has received a number of complaints regarding unauthorised activities and noise emanating from the site from 3am to 6am on several mornings. Residents have raised concerns regarding sleep disturbance from the noise.

The acoustic report which has been modified on several occasions has considered the after-hours use and has concluded that the noise complies with noise trigger levels for operational noise and sleep disturbance impacts at residential receivers for a 24 hour operation (a more detailed assessment of this impact is provided later in the report).

The EPA was satisfied with the final updated acoustic assessment and Council's Environmental Health Section also conceded that the report achieved compliant results, however given the close proximity of the operation to residential properties to the west along Tallawalla Street. It is considered reasonable to trial the after-hours operation for

a 12 month period. This will allow the night time operation to be more closely monitored and if adverse acoustic impacts continue that are non-compliant when the use is in operation Council has the ability to remove this element and for the use to operate for the standard hours only.

Council's Environmental Health Section has imposed a series of conditions regarding noise and acoustic monitoring etc. and the GTA's also stipulate the noise levels that the use is required to operate in accordance with, however this condition will provide Council with greater discretionary powers to remove this component of the development if it is non-compliant otherwise complaints can only be dealt with through the imposition of orders in accordance with the provisions of the Local Government Act and there is no possibility of stopping this part of the use if it remains an unmitigated environmental impact.

Submissions

The application was advertised and notified for a 30 day period in accordance with the provisions of Clause 78 of the Environmental Planning and Assessment Regulation in respect to notifying Designated Developments. All immediately adjoining properties were notified (within 100m radius of the site) in accordance with Council's HDCP, an advertisement was placed in the local newspaper and five (5) signs were placed on site.

As a result, a total of seven (7) submissions were received with two (2) submissions lodged on behalf of the one (1) neighbour (although these are still considered as two (2) individual submissions). In summary the main concerns raised are:

- the illegal ongoing use and its environmental impacts;
- the proposed scale and form of development being considered unreasonable;
- concern that adverse environmental impacts will be generated by the use including dust, pollution and noise;
- increased traffic congestion and impacts from the queuing of trucks along The Crescent;
- concern that the development is too close to residential properties;
- concern approval of the proposal serves to establish an undesirable precedent;
- excessive reflectivity;
- the deficiency in the proposed management systems and procedures proposed;
- concern about the proposed 24 hour use of the premises;
- concern about the lack of clarity as to the use of the western portion of the site;
- inadequate information on contamination; and
- the lack of details regarding the hours of operation.

The Applicant provided a formal Response to Submissions (RtS) and addressed the main issues raised by the submitters.

These issues are discussed in greater detail later in this report.

Level of Determination

The proposal is not of a scale and capacity to be classified as “*State Significant Development*” as defined in Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SEPP 2011). The development in its proposed form is defined as “*Regionally Significant*” development in accordance with the provisions of Schedule 7, Section 7(c) of the SEPP 2011 which includes:

“Particular designated development”

Development for the purposes of -

- (a) *extractive industries.....*
- (b) *marinas or other related land and water shoreline facilities.....or*
- (c) ***waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.”***

Clause 32, Schedule 3 of the Environmental Planning and Assessment Regulation, 2000 defines the designated development categories and the subject proposal fits into the definition in Clause 32 (b) which relates to waste management facilities or works “*that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and—*

- (i) *that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*
- (ii) *that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or*
- (iii) *that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material”.*

The development proposes the handling of approximately 35,000 tonnes (tpa) of waste per annum and the site is also located within 500m of a residential zone in accordance with Clause 32(d)(vi) of the Regulations.

The proposal is also integrated development requiring a controlled activity approval under Section 91 of the Water Management Act 2000 from the NSW Office of Water, and it will also require a License in accordance with Sections 43(b), 48 and 55 of the Protection of the Environment Operations Act 1997 from the Environmental Protection Authority (EPA).

Section 4.12(8) of the Environmental Planning and Assessment Act stipulates that “*a development application for State significant development or designated development is to be accompanied by an Environmental Impact Statement (EIS) prepared on or on behalf of the applicant in the form prescribed by the regulations*”. Schedule 2 of the Regulations outline the requirements in preparing an EIS and includes the requirement to obtain the Planning Secretary’s Environmental Assessment Report (SEAR’s). The SEAR’s (No.1270) for this project were issued by the Department of Environment and Planning on behalf of the Planning Secretary on 13 November 2018 and although they seem to relate to the same activity (as proposed) they relate to a different site.

Reference is made to 2D The Crescent (Lot 1837 DP1200226) as opposed to the subject site which is known as 2F The Crescent, Kingsgrove and identified as Lot 2, DP1237586. The SEARs were prepared on one (1) part of the site (known as No.2D). Since the time of issuing the SEARs the two (2) sites (2D and 2F) have been formally consolidated so the SEARs remain relevant and applicable.

The SEARs were formulated after consultation with a number of government agencies, EPA, Sydney Water, OEH, DPI, Crown Lands and RMS and in summary required the applicant to detail the proposal and outline potential impacts and the mitigation strategies to minimize and reduce those impacts relating to site suitability, waste management, traffic and transport, air, noise and water quality, hazards and risks, heritage, biodiversity etc.

An EIS has accompanied the application and has been prepared in accordance with the provisions and requirements outlined in the SEARs.

Conclusion

Having regard to the matters for consideration Section 4.15 and Section 4.16(3) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposed application DA2020/0017 is recommended for approval subject to satisfying a series of “*deferred commencement*” conditions.

It is proposed that the after-hours use is to be trialed for a 12 month period which allows that part of the use to be closely monitored and if found to be non-compliant with acoustic requirements Council can allow for only the standard operating hours. In addition deferred commencement conditions are recommended in respect to obtaining and registering the easement for stormwater access at the rear of the site and for detailed architectural and landscape plans to be prepared to formalise the layout and design of the western portion of the site which is to act as a waiting bay and its treatment has not been formalised and appropriately designed as part of the application.

Full Report

Site and Locality

The subject site used to form part of a large industrial site known as 2 The Crescent, Kingsgrove which was subdivided in accordance with development consent DA No.2017/0524.

A Subdivision Certificate (SC2018/0076) was approved by Council on 13 September 2018 which consolidated two (2) allotments (former Lot 1837 DP1200226 and Lot M DP 30731) into one (1) integrated site known now as Lot 2, DP 1237586 which is now known as 2F The Crescent, Kingsgrove. **Figure 7** below is a plan showing the site in its current consolidated form.

The site is an irregular shaped allotment (in a fan shape) with a frontage of 30.2m to The Crescent and rear boundary length of 107.5m, western boundary length of some 58m and a skewed eastern boundary length of over 80m (combined). The total site area is 4,638sqm.

The site is generally level with a slight crossfall towards the east and rear of the site. The site is vacant apart from the existence of some large mature trees that are centrally located and bisect the site into two (2) representing and marking the previous eastern boundary line of the former western site previously known as 2D The Crescent. The site includes three (3) main driveway entrances as can be seen from **photos 1 and 2** below.

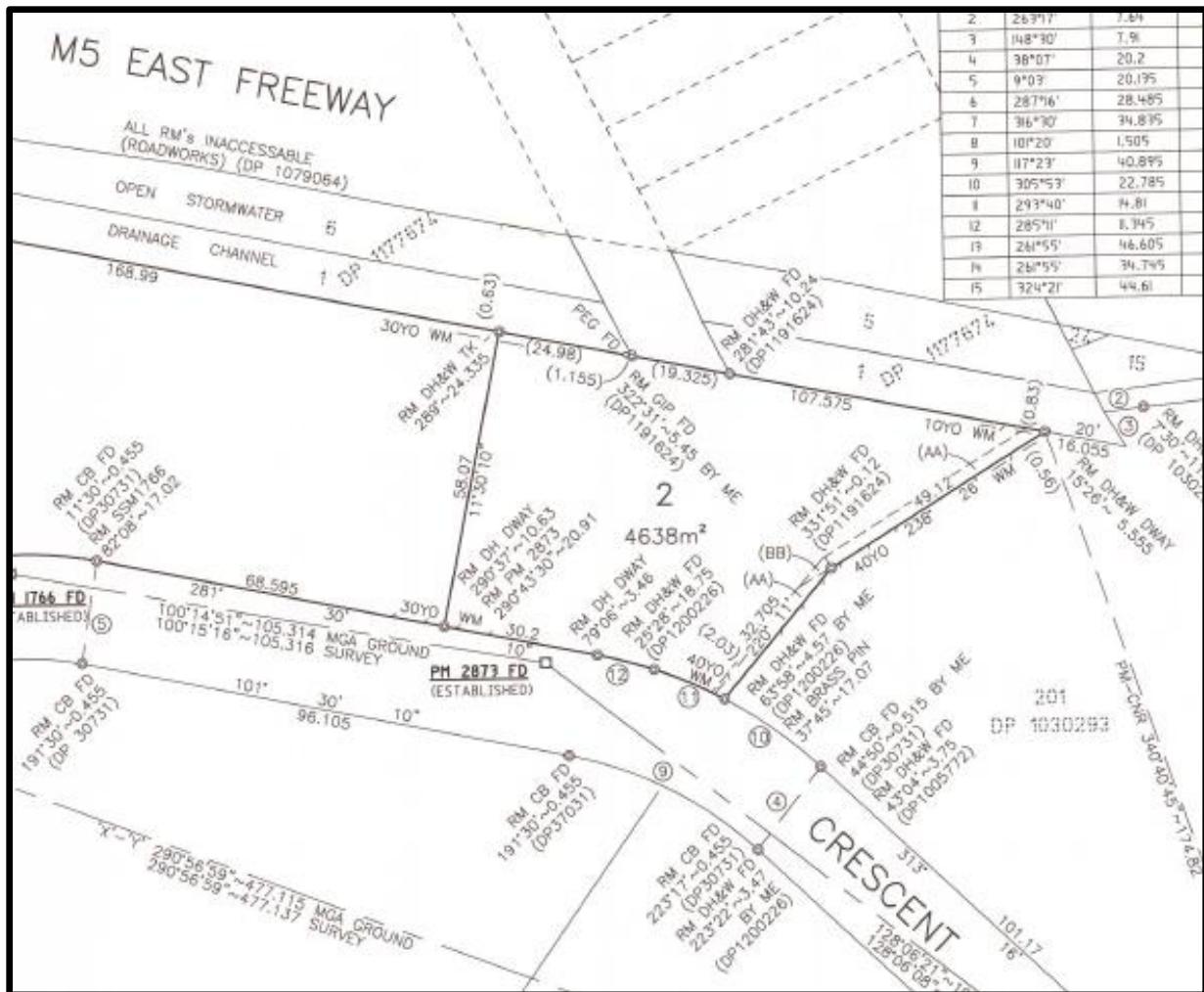


Figure 7: The subject site as combined with 2D and 2F now known as 2F The Crescent.



Photo 1: The front (eastern portion) of the subject site, 2F The Crescent



Photo 2: The western portion of the subject site, 2F The Crescent

To the east

Immediately to the east of the site is the Allied Pinnacle an industrial warehouse building which processes flour ingredients and bakery products. The Allied Pinnacle website states that “*We source wheat from the key growing regions across Australia and in turn we supply flour, bread and cake mixes to food manufacturers, large and small. In addition, we manufacture a wide range of bakery products including artisan*

breads, hot cross buns, cakes, cheesecake, cookies, pastries, croissants, muffins, donuts, scrolls, scones, bagels, eclairs, caramels, jams and various wet fillings." Refer to **Photo 3** below.



Photo 3: The Allied Pinnacle site which adjoins the subject site to the east located at No.4 The Crescent

Further east are a variety of industrial properties which form part of the wider Kingsgrove Industrial Precinct.

To the west

Immediately to the west are a series of vacant industrial lots which were recently subdivided into separate allotments. DA2017/0524 granted consent for No.2 The Crescent to be subdivided into seven (7) individual industrial lots. Refer to **Figure 8** below.

Council granted consent to DA2019/0375 for the construction of a new industrial warehouse building and to use the site for the storage, maintenance and fitting of accessories to vehicles prior to delivery and sale, on grade vehicle storage, landscaping, fencing and site works on 29 June 2020. The use is sited on Lots 2 and 3 in DP1237588.

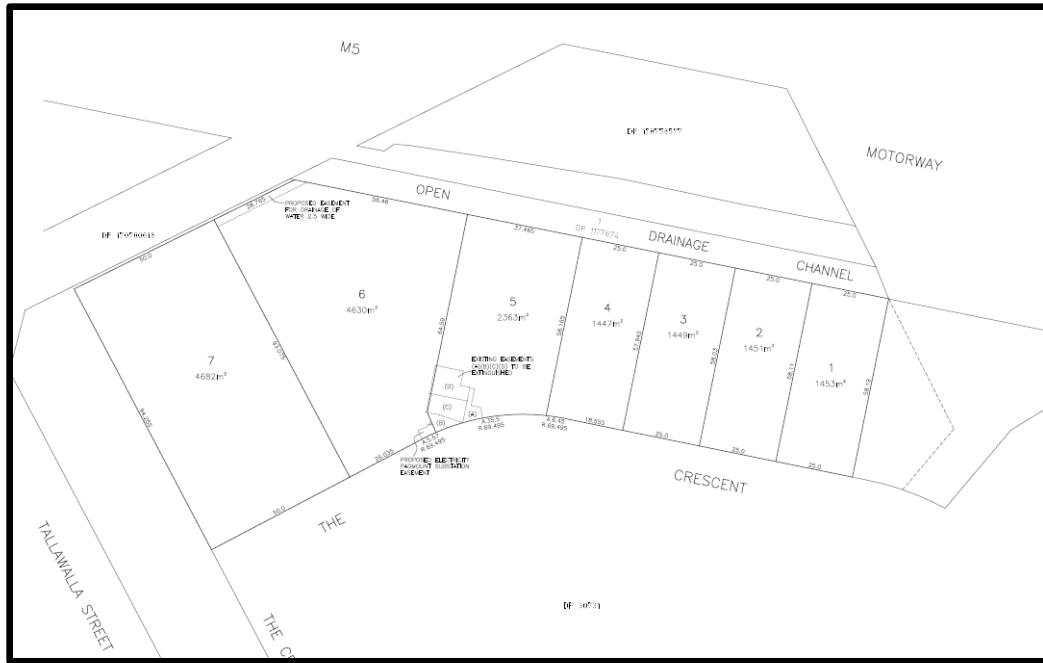


Figure 8: The subdivision plan of the adjoining allotments to the west, No.2 The Crescent, Kingsgrove

Further to the west is a densely wooded reserve which connects to Beverley Hills Park and residential properties which are located some 250m from the subject site. See **Photo 4** below for a visual context of the park and residential properties.



Photo 4: Beverley Hills Park and associated residential properties located along Tallawalla Street to the west of the site.

To the north

Immediately to the north of the site is a drainage easement which forms part of Wolli Creek. This easement is heavily vegetated and abuts the M5 motorway. Residential properties to the north are located some 190m away and are separated by the width of the motorway.

To the south

Immediately to the south, across the road are a series of industrial warehouse developments (refer to **Photo 5 and 6**). These are a continuation of industrial properties along The Crescent that connect to Vanessa Street and the railway line (T8 – East Hills and Airport line) which act as a southern boundary to the industrial precinct. Further south are residential properties which are located some 450m from the subject site and are separated by the roadway and rail corridor.



Photo 5: Moreton Hire which is an events hire company located at No.1 The Crescent across the road from the subject site.



Photo 6: Foodlink is a food services distribution business specialising in fresh seafood, dairy, dry goods located at No.3 The Crescent across the road from the subject site.

Background

i) Pre-lodgement application

A pre-lodgement application (PRE2019/0036) was submitted to Council and a formal pre-lodgement meeting was held on 31 July 2019 with written advice provided to the applicant dated 23 August 2019. A number of concerns were raised with respect to the following matters:

- Site Planning;
- Built form;
- Car parking;
- Landscaping;
- Setbacks;
- Traffic and parking;
- Tree removal;
- Endangered ecological community and biodiversity;
- Environment and health; and
- Stormwater management.

The subject development application was lodged with Council on 20 January 2020.

ii) Sydney South Planning Panel formal briefing session

A SSPP Briefing Meeting was held on 13 May 2020, during which following key issues were reiterated as concerns:

- *Site planning: amount and location of storage, and further clarification on proposed use of adjoining land;*
- *Built form: setbacks, reflectivity of the new industrial building;*
- *Environment and health: potential impacts and management of contamination, run-off, stormwater and flood management, noise, odours and dust;*
- *Tree removal: potential impact on ecological community and biodiversity;*
- *Traffic management and parking;*
- *Hours and scale of operation;*
- *Details of the operation and processes;*
- *Administration of EPA licence; and*
- *Lack of landscaping.*

Council response:

After the formal SSPP briefing session the Applicant was forwarded a letter outlining the concerns raised by the Panel and in addition, Council issued a formal letter dated 10 June 2020 raising a series of outstanding issues that had not been adequately addressed. The following is a summary of the key concerns identified at that time:

- *Total Capacity*

Concern was raised regarding the overall capacity of the operation. The nexus between the number of truck movements into and out of the facility on a daily basis, and overall

production capacity of 35,000 tonnes of waste being processed annually did not seem to align. This was based on the traffic and parking assessment that was submitted with the application and prepared by McLaren Consultants. Council was seeking clarity around the operational aspects of the proposal to ensure that the future operation was functional and in accordance with the commitments as proposed.

- ***Use of the western section of the site***

It was unclear as to the use of the western portion of the site. This part of the site was proposed largely to be vacant and an underutilised area apart from the location of car parking. It was suggested that the main industrial building could be reconfigured and moved to a more central location which will provide an additional area around the perimeter of the site improving manoeuvrability into and out of the site, increasing functionality and increasing the side setbacks from the proposed sorting shed.

- ***Landscaping and tree removal***

There are a series of significant trees within the centre of the Site that are proposed to be removed to accommodate the new industrial warehouse, sorting shed and the associated car parking area. More information was required to justify the removal of these trees.

- ***Traffic and arrangements***

Council's Traffic engineer reviewed the proposal and raised a series of issues in respect to the traffic and parking arrangements. The following comments were made:

- *Parking requirements need to conform to our DCP requirements.*
- *Reversing of trucks onto local roads is prohibited.*
- *An operational Management plan will need to be submitted and approved and form part of the condition of consent, where it indicates the number of trucks to access the site per day and the frequency per hour so that no trucks will arrive to the site unless can be wholly accommodated within the site without waiting or queuing on any public road.*
- *No loss of parking on The Crescent will be permitted due to the swept path of the largest vehicles accessing the site. Can this be confirmed?*
- *Queuing on public road is not permitted.*
- *Details of the truck routes arriving and leaving the site will need to be included in a Traffic Management Plan prior to the issue of a Construction Certificate.*
- *19m semi-trailers cannot safely turn at the intersection of Commercial and Kingsgrove Road and accordingly must go straight ahead along Kingsgrove Avenue to ensure that trucks do not break any road rules, by crossing double centre lines in any of the turns.*
- *Trucks should not turn right on Vanessa Street as this is the residential section of this industrial area.*
- *Disabled parking space needs to be properly delineated and the share zone be hatched with a bollard installed as per AS2890.6 requirements.*

Applicant's response:

On the 8 October 2020, the Applicant provided a comprehensive formal response to the issues raised by Council. These matters are discussed in more detail throughout the report however the following points should be noted:

(a) In respect to the capacity based on traffic movements;

"The processing limit of 35,000 tonnes per annum (tpa) refers to the through-put of the facility. Therefore the inbound-loads are the ones to count when calculating waste volumes. The letter refers to "46 trucks entering the site" but this is a mis-reading of the assessment. The average daily movements would be 46 trucks, but one movement is inbound and one movement is outbound, meaning that the number of trucks "entering the site" is 23.

The 23 site entries by trucks is comprised of 19 trucks which are carrying materials to the facility (arrive laden; leave empty); and 4 trucks which are taking recycled material away from the facility (arrive empty; leave laden). It is only the trucks carrying waste into the facility that contribute to the processing volume. Counting the trucks that take away the recycled material is not relevant to determining through-put. Counting those truck volumes is double-dipping in accounting terms.

The inbound waste volumes assume that a 9 m truck with a skip on the back carries approximately 6 tonnes (t) of waste material. This equates to 114 t per day (6 t multiplied by 19).

The reason why 6 t is selected as an average load weight is that materials vary in terms of weight per cubic metre and also by compaction rates. A 9 m rigid truck can carry, as a maximum, a load of 9 t. The most commonly used skip bin for the C&D waste sector has a capacity of 6 cubic metres. One cubic metre of concrete is approximately 2 t; whereas dry soil is 0.9 t; plasterboard is 0.7 t; and paper waste is 0.4 t. Allowing for mixed loads and mixed compaction rates, the assumption of an average 6 t load per skip bin is reasonable and represents an average weight of 1 t per cubic metre and an average size skip bin of 6 cubic metres."

This explanation puts into perspective the capacity and how it is generated and calculated. There are also a series of mechanisms and licensing provisions which will require compliance to ensure the maximum capacity (per annum) is not exceeded. In addition, the Applicant will require records to be maintained in respect to waste volumes. It is anticipated that waste volumes will fluctuate however the capacity of the facility is largely dictated by the size and operation of the premises. In general the equipment chosen will not allow for much larger volumes of waste to be captured at the site, greater than the amount stipulated as the scale and size of the operation just will not be able to handle much additional waste. The following table (**Figure 9**) outlines the typical number of vehicle movements per day and the capacity of waste entering the site.

Table 7.10 Heavy vehicle related traffic generated by the proposal on a typical operational day					
Types of movement	Daily vehicle tonnage (t)	Vehicle type	Loading capacity (t)	Daily delivery vehicles required	Daily heavy vehicle movements
Trucks delivering waste to the facility.		9 m rigid truck	6 t	19	38 (19 in, 19 out)
Trucks dispatching processed material from the facility.	112.2 t	17 m truck and dog	35 t	3.2 (4)	8 (4 in, 4 out)
Subtotal	-	-	-	23	46 (23 in, 23 out)

Figure 9: Size of trucks entering the site and the total number of trucks daily and their capacity (courtesy: McLaren Traffic and parking impact assessment, 2019)

(b) Use of the western portion of the site

"We would like to suggest to Council that the decision to retain the siting of the main building on the eastern portion of the land achieves a superior outcome from a number of environmental factors. These matters are described below.

The streetscape benefit is optimised by landscaping along the majority of the frontage to The Crescent and also by the positioning of the processing shed in the most obscured corner of the overall lot. Rather than introduce streetscape issues of building bulk and scale in the more prominent and visually open western portion of the site, the proposed arrangement leaves only the gatehouse and administration building as visible elements of the facility. We see this as a positive for the overall view shed along The Crescent which tends to be dominated by industrial built form.

The other benefit of the proposed siting of the processing shed is that it maximises the ability of the site to accommodate any in-coming truck movements which might otherwise require queuing in The Crescent or holding off-site in other streets. This is a major benefit because it provides a 'safety net for vehicle movements and removes any risk of adverse impacts in local streets. A 'drive through' facility in the western area of the site was considered but the logistics do not allow the same benefits of the current design which separates the 'overflow' truck holding area and other carparking from the operational precinct including the processing shed."

Council's pre-lodgement advice raised concern regarding the constrained nature of the new building and associated gatehouse. The Applicant believes that they have adequately addressed this concern by increasing the size of the development site by including the western part of the Site. Given that the total site area has been enlarged the concerns raised by the pre-lodgement meeting have been generally satisfied. The Applicant states that "*The pre-lodgement advice did not specifically require the relocation of structures but rather suggested that the additional land could alleviate constraints associated with the use of the eastern land only – which is broadly agreed –*

and that is why the proponent has acquired additional land on which to accommodate all aspects of the facility operations. The pre-lodgement advice notes refer to the need to 'utilise both sites' and not to any requirement to erect a building on the western section of the site. We would suggest that both sites are now optimised in terms of their contribution to the development and local amenity."

The western side of the site will be used for staff parking and also as a waiting bay for larger trucks. Operationally, the additional area is considered to be of benefit. The plans do not clearly show the way the trucks will access this area and where they will "wait" and the turning circle into and out of the facility. This section of the site includes two (2) points of vehicular access. The eastern side includes a point of access (adjoining the main point of access to the industrial building) which provides access to the designated staff parking spaces whilst the driveway access along the western side is wider and aimed at providing access to the waiting bay for the larger trucks. Functionally it would be better for one way in and one way out. Trucks and vehicles should enter the eastern side and cars park where appropriate whilst trucks will be able to come in and line up to "wait" until space is available for them to enter the main facility. Once space is available they then exit through the western driveway and then travel down to enter the main point of access adjoining the gatehouse. A series of conditions will be included to ensure that this arrangement is maintained and also trucks are not waiting with their engines on and appropriate directional signage is implemented to assist with movements. This arrangement should avoid queuing on the public roadway or The Crescent which was a concern raised by Council's Traffic Engineers and immediately adjoining properties. The design of this space is to be formalised as a series of Deferred commencement conditions requiring detailed updated architectural plans showing the layout and site planning of this space. There are a series of other conditions which aim to regulate traffic movements to and from the site and reduce any potential conflicts, noise and impact on the adjoining residential area.

(c) Tree loss

The Applicant acknowledges the loss of the existing tranche of trees sited in the middle of the development site. These trees delineate the boundary between the two (2) lots and now with a larger consolidated site, retention of these trees will be difficult due to their central location. In respect to this issue the Applicant states that "*Essentially, the retention of the trees sterilises the reasonable use of the consolidated lot. The trees dissect the consolidated lot because this was the old common boundary between the two former lots. The loss of trees is unavoidable whether the facility is located in the eastern section, western section or across both areas.*

In our view, we have minimised the tree impact as much as possible and have made provision for replacement trees in accordance with the Council's policy."

It is considered difficult in this situation to retain the trees. The Applicant has provided a detailed Arboricultural and Ecological assessment which assesses the importance of

the trees. This issue is discussed in greater detail later in the report and the Applicant intends on providing replacement planting adjacent to the parking area and along the rear of the western allotment.

Previous applications and approvals pertaining to the site

DA2010/0507

Development approval granted for the subdivision of part of Kindlian Street adjoining No.36 Kindlian Street, Kingsgrove for the title issue and road closure under the Roads Act.

SC2013/0045

Subdivision Certificate Application was approved creating a new allotment, No.2D The Crescent.

DA2015/0134

Development application for the construction of a waste resource recovery facility at 2D The Crescent. The proposed processing turnover was listed as 20,000 tonnes a year. This application was withdrawn on 3 June 2015.

DA2016/0107

Development application proposed the construction of a waste resource recovery proposing the processing of 29,000 tonnes of waste per annum. This application was refused by Council on 15 December 2017. A Class 1 Appeal was lodged however this was later discontinued.

Statutory framework

Environmental Planning and Assessment Act 1979 (EP&A) Act 1979

The proposal has been assessed and considered against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the objects of the EP&A Act, and the principles of ecologically sustainable development as follows:

Objects of the EP&A Act

Consent authority is required to consider the objects in Section 1.3 of the EP&A Act when making decisions under the Act. Council has considered the object of the EP&A Act in the Table below and is satisfied that the proposal complies with all objects.

Objects of the EP&A Act	Proposal	Compliance
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper</i>	This facility is a much needed and in demand operation. It was found that there was no recycling or waste disposal facility in the	Yes

<i>management, development and conservation of the State's natural and other resources</i>	immediate area. Subject to the implementation of conditions and if the Applicant operates the facility to the highest environmental standards and complies with EPA controls it is considered that the proposal is acceptable and will not adversely impact on the immediate locality.	
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental, and social considerations in decision-making about environmental planning and assessment</i>	The design considers the principles of ESD. The development aims to be environmentally sustainable for the longer term.	Yes
<i>(c) to promote the orderly and economic use and development of land</i>	The development aims to provide a modern and contemporary facility which is a permissible use in the zone.	Yes
<i>(d) to promote the delivery and maintenance of affordable housing</i>	Not applicable to this land use and proposal.	Not applicable
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	<p>The proposal is not considered to result in adverse impacts to any threatened or endangered species, native animals and plants, ecological communities and their habitats.</p> <p>There are no EEC's or Threatened species identified within the site or immediate surrounding environment.</p>	Yes
<i>(f) to promote the sustainable management of built and cultural heritage</i>	The site is not located within the vicinity of a heritage item or within a conservation area.	N/A
<i>(g) to promote good design and amenity of the built environment</i>	The proposed development seeks to create a purpose-built facility which will improve the	Yes

	character and visual appearance of the site. The built form will be consistent with the character of industrial developments within the precinct.	
<i>(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants</i>	The proposal aims to satisfy BCA provisions and Australian Standards in respect to the proposed buildings to be constructed on site. In addition the facility will include processing machinery and ancillary equipment which satisfy environmental and operation standards for the proposed use.	Yes
<i>(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The proposal is a regionally significant development and therefore the Sydney South Planning Panel is the consent authority.	Yes
<i>(j) to provide increased opportunity for community participation in environmental planning and assessment</i>	<p>The application was advertised and notified in accordance with the EP and A Act regulations for Designated Developments which requires a 30 day notification period, advertising in the local newspaper and five (5) signs were erected on site.</p> <p>The submission section also sets out details of Council's consideration of the key issues raised in public submissions.</p>	Yes

Section 4.15 Assessment

(1) *Matters for consideration—general in determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) the provisions of:

(i) any environmental planning instrument

The proposal has been considered under the relevant statutory provisions as noted below:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- State Environmental Planning Policy No.33 - Hazardous and Offensive Development
- State Environmental Planning Policy No 55 – Remediation of Land.
- State Environmental Planning Policy No 64 – Advertising and signage.
- State Environmental Planning Policy (Infrastructure) 2007.
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (REP)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
- State Environmental Planning Policy (State and Regional Development) 2011
- Draft Environment State Environmental Planning Policy.
- Hurstville Local Environmental Plan 2012
- Draft Georges River Local Environmental Plan 2020

(iii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent

The main planning instrument that is to be considered is the Hurstville Local Environmental Plan 2012 however Council has prepared a Consolidated LEP – Georges River Local Environmental Plan 2020 which is currently at the Department of Planning waiting for gazettal. The implementation of this plan is eminent and the provisions have been considered as part of this assessment.

The provisions and standards of the HLEP 2020 and the Draft LEP 2020 that are relevant to the proposal are outlined in more detail later in this report.

(iii) any development control plan, and

The applicable Development Control Plans to the proposed development are:

- Hurstville Development Control Plan No.1, 2012.
- Georges River Interim Planning Policy
- Georges River Council Section 94A Contributions Plan 2017.

(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and,

Comment: there are no planning agreements proposed or existing relating to this site or the proposal.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

Comment: There are no further prescribed matters under the Regulations apart from compliance with the National Building Code of Australia (BCA) and meeting the Australian Standards for parts of the design.

The use is a regulated activity by the EPA and therefore maintaining best practice standards and procedures for this land use is a requirement and in the Applicant's best interest considering the licence can be revoked and fines issued if the use is non-compliant with the conditions of the GTA's and not in accordance with the licence agreement. In addition, Council can take action in accordance with the provisions of the Local Government Act if environmental impacts will adversely affect the amenity of the neighbourhood.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Comment: The proposal is not considered to have any adverse or detrimental impacts upon the natural and built environment subject to compliance with all the specific provisions and measures outlined as part of the application which aims at managing spills, fires and associated risk factors. The technical reports accompanying the application identify measures that seek to minimise impacts such as dust and noise emissions, traffic impacts and other associated potential effects of the operation to an environmentally reasonable and acceptable level. Compliance with conditions of consent if approval is granted will also ensure operations are carefully managed, systematic and well organised and executed.

It should be noted that the proposal is permissible within the zone and is a facility and land use that is in demand.

(c) the suitability of the site for the development,

Comment: The site is a permissible use in the zone. There are no other zones in the Georges River LGA that permit this use. The site is considered to be suitable for the proposal.

(d) any submissions made in accordance with this Act or the regulations,

Comment: The proposal has been notified and all submissions received have been considered in detail under the submissions and referral section of this report.

(e) the public interest.

Comment: The proposal satisfies the applicable Environmental Planning Instruments (EPI's) and object of the Act and accordingly is considered to be within the wider Public interest.

The development has been designed to contain activities and operations and mitigate the impacts by the implementation of technical equipment that will assist in creating an operation that is compliant with the requirements for a facility of this size and nature i.e. construction of a state of the art wheel wash will be installed, a large trommel and dust suppression and emission reduction measures such as a Coolfog system (misting line and heads design) which will be integrated into the design of the warehouse reducing dust particles from escaping.

Conditions are included to further protect residents and minimise potential impacts.

Environmental Planning and Assessment Regulations 2000 (EP&A) Regs 2000

The proposed development satisfies the relevant matters for consideration for development under the Regulations.

Compliance and Assessment

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (REP)

The site is within the area affected by the Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment. The aims of this plan include the following (but not limited to):

- (a) *to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
- (b) *to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
- (c) *to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
- (d) *to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*

The subject site adjoins a drainage channel towards the north, at the rear of the site which formed part of Wollie Creek. It is now largely disused and acts as a stormwater

channel. It adjoins the M5 motorway and is dominated by dense trees and plantings which assist in screening the noise and impacts of the motorway.

All stormwater from the proposed development will be managed by the proposed stormwater system and will be treated in accordance with Council's Water Management Policy. Council's Development Engineers have not raised any issues with the proposed method of stormwater disposal subject to the requirement to obtain an easement to the rear for stormwater disposal. This easement has already been acquired from Council in December 2019 however the easement has not been formally registered which will be required prior to the consent being activated (if approval is granted).

Part 2 of the REP establishes a series of planning principles in respect to issues such as Acid Sulphate Soils, Flood prone land, Urban and stormwater runoff provisions and Industrial discharges. The Plan states that "*The discharging of industrial waste into the Georges River or its tributaries must be avoided and the requirements of the relevant consent authority and licensing authority must be met in those instances where industrial discharges into the river and its tributaries occur.*" The proposal, including the disposal of stormwater, is considered to be consistent with the Council's requirements for the disposal of stormwater in the catchment and will not adversely affect water flows into and out of the catchment.

Part 3 of the REP stipulates a series of planning requirements for a variety of land uses. Clause 22 relates to Waste Management Facilities or works which fall within Schedule 3 (Designated Development) to the *Environmental Planning and Assessment Regulation 1994*. The planning controls for this use state that "*Development consent is required unless on flood liable land, in which case it is prohibited*" and the proposal must be Advertised.

The site is not located on flood prone land (this issue is addressed in greater detail later in the Environmental Issues section of the report) and the application was advertised, as such the proposal satisfies the planning requirements. Clause 22 also requires a series of planning considerations to be taken into account in the assessment of this proposal. The following need to be satisfied:

- *A system is to be required to manage leachate surface controls on the land on which the waste management facility or works is or are proposed.*

Comment: The treatment and disposal of leachate has been dealt with by the inclusion of a Deep Leachate and Fire Test Water Storage Pit procedure which forms part of this application. Leachate results from precipitation created by solid waste when it is subject to decomposition. It can become a serious problem as it can contaminate surface and ground water. Aerobic treatment is proposed to reduce and treat the potential problem which relies on flocculation which is a process by which a chemical coagulant is added to the water or substance, and acts to facilitate bonding between particles, creating larger aggregates which are easier to separate).

The proposed development has addressed this issue and proposes the implementation of a method of avoiding and treating any potential leachate.

- *A site management plan is to be required for the land on which the waste management facility or works is or are proposed.*

Comment: A site management plan accompanies the application and addresses processes in relation to site preparation through to construction. The plan is considered satisfactory. A condition will also require a detailed site and operational plan of management to be prepared and implemented.

- *The likelihood of groundwater contamination.*

Comment: A Preliminary Site Investigation report was prepared and included a number of boreholes which found that in relation to ground water “COPC (Contaminants of Potential Concern) concentrations in the representative ground water sample were all below the GIL’s (Groundwater Investigation Level) with the exception of dissolved cadmium and zinc. The metal concentrations were not considered to pose risks to human health, or the proposed development”.

The Geotechnical report prepared by EI Australia found that ground water is located some 3m below ground. The proposal relies on minimal earthworks and limited excavation (a maximum of some 1.4m of excavation to cater for the Onsite Detention Tank) otherwise the bulk excavation and earthworks is limited to only levelling the site. It is unlikely that ground water will be contaminated given that there is a spill kit and bunds proposed to manage any contaminants that could escape.

- *The adequacy of the proposed leachate management system and surface water controls.*

Comment: The EPA required more information in regards to leachate exposure and future management. The proposed system to contain and manage leachate is now considered acceptable as it relies on

- *The long-term stability of the final landform and the adequacy of the site management plan.*

Comment: There is limited if no earthworks proposed and given that the site and immediate surrounds are located on level, flat land there will be no erosion or adverse environmental impact on the existing landform.

- *Where the proposed development involves extraction of material, whether an adverse impact on the Georges River or its tributaries will result.*

Comment: No extraction activities are proposed as part of the operation.

The proposal satisfies the aims, objectives and planning principles and requirements of the Plan.

State Environmental Planning Policy no. 55 – Contamination of Land (SEPP 55)

SEPP 55 applies to the land and Clause 7 stipulates that a consent authority must not consent to the carrying out of any development on land unless it has considered matters for consideration contained in Clause 7. Clause 7 specifically states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

Table 1 of the Contamination Management Guidelines lists a number of land-uses that are likely to create contamination. Waste storage and treatment works falls into this category. A Preliminary Site Investigation (PSI) was prepared by EI Australia for the site. The investigation was undertaken over October and November 2020, which covered the presence of the existing unauthorised use on the site. The findings noted that “*At the time of the investigation, the site was being used as a civil construction holding yard. Recycled construction materials (including brick, concrete, bitumen and roadbase), trucks and unused skip bins were present on the property....in addition to stockpiles of concrete and roadbase, two stockpiles of soil materials were noted in the northern portion of the site (identified as SPI (66sqm) and SP2 (33sqm). Visual evidence of gross contamination, including fragments of fibre cement sheeting (FCS) was not observed on any part of the site. No suspicious odour was detected during the site inspection and there was no evidence suggesting any abandoned underground petroleum system or above ground storage tank/s was observed*”.

The investigation also conducted a desktop review which considered all historical uses. The site was vacant until the 1970's and by 1986 the western portion of the site (2D The Crescent) had been sealed with concrete and was used as a storage yard for the adjacent warehouse building. By 2003 the eastern portion of the site had been paved

(2F The Crescent) with concrete and the entire site was being used as a storage yard for trucks, skip bins and the like.

The report confirmed that there are no outstanding licences or statutory notices issued under the *Contaminated Land management Act 1997* and the *Protection of the Environment Operations Act 1997*. The site is not included on the list of *NSW Contaminated Sites Notified to the EPA*.

The investigation relied on a series of boreholes which were taken across the site (see **Figure 10** below)

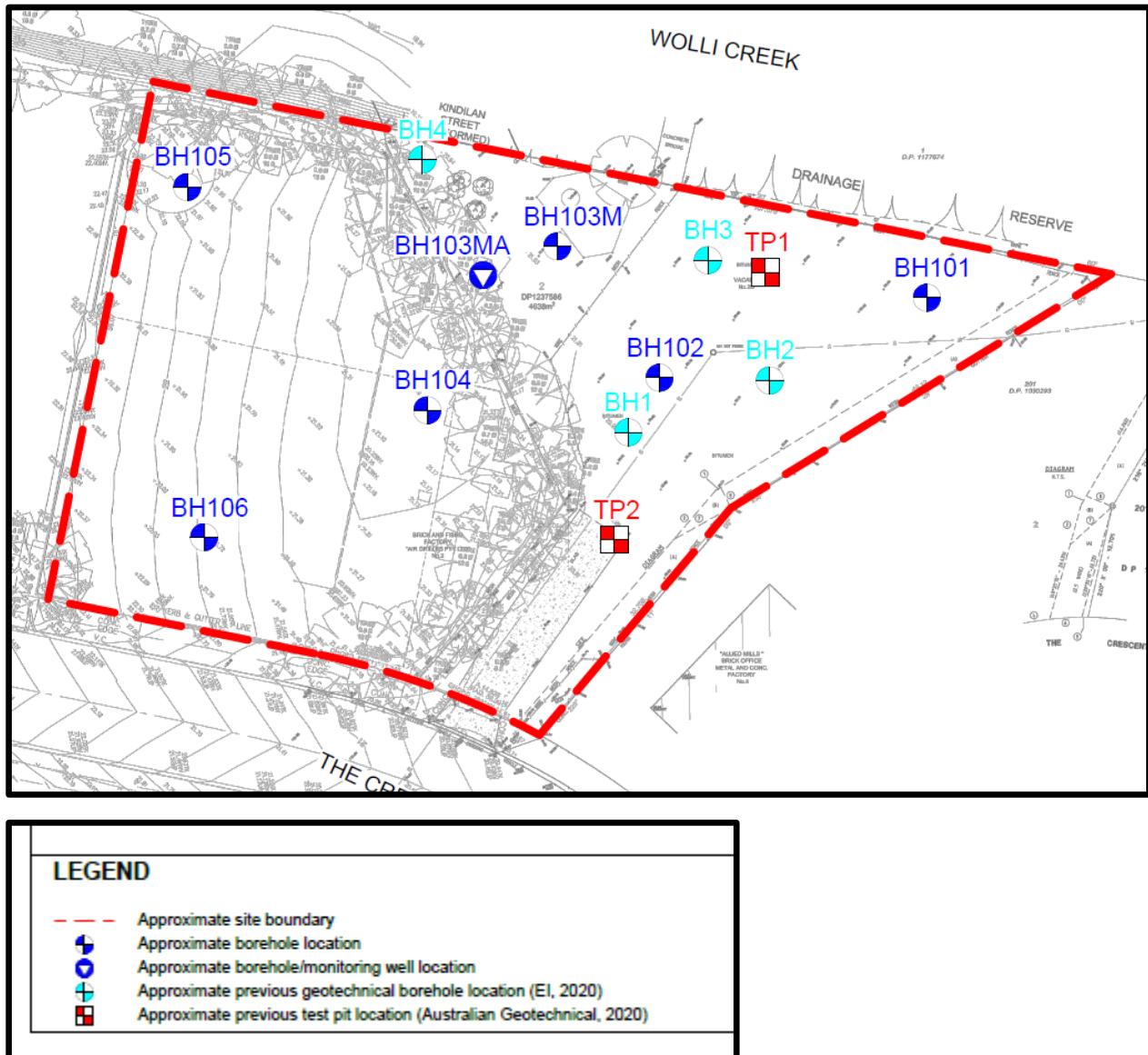


Figure 10: Borehole locations within the site (courtesy: EI Australia, 4 November 2020)

The key findings of the PSI are;

- *The sub-surface layers were comprised of a layer of anthropogenic filling (typically to 0.3m-0.6m BGL, but up to 1.8m BGL at BH105), overlaying natural silty clay and*

shale bedrock. Based on previous investigations, the filling layer extended to 2m BGL.

- *The standing water level in monitoring well BH 103MA was 4.135m BGL. Groundwater was inferred to flow easterly (given the site topography), but ultimately drain into the adjacent Wollie Creek.*
- *Concentrations of all COPC (Contaminants of Potential Concern) in the representative soil samples were found to be below the adopted SIL's (Soil Investigation Levels) applicable to commercial/industrial land use.*
- *COPC (Contaminants of Potential Concern) concentrations in the representative groundwater sample were all below the adopted GIL's (Groundwater Investigation Levels) with the exceptions of dissolved cadmium and zinc. The metal concentrations were not considered to pose risks to human health, or the proposed development.*

In addition to the findings of the preliminary site investigation (PSI) the Geotechnical Report that was prepared by EI Australia and dated 5 March 2020, included a site walkover and auger drilling and the Soil and Water Report dated December 2019 and prepared by Baker Ryan Stewart includes intrusive soil sampling and site inspection, which revealed no paint chips or visible asbestos contamination on site.

The Geotechnical report concluded that in respect to soils the testing found;

- *Non-aggressive for buried concrete structural elements; and*
- *Non-aggressive for buried steel structural elements*

In respect to ground water the following findings;

- *'Mild' for buried concrete structural elements; and*
- *'Moderate' for buried steel structural elements.*

The PSI report and investigation concluded that “*based on the findings of this investigation and with consideration of EI's Statement of Limitations it was concluded that the potential for site contamination was low. The land was considered to be suitable for the proposed (commercial) development in accordance with the State Environmental Planning Policy No.55 (SEPP 55) – Remediation of Land*”.

The development proposal satisfies the provisions of SEPP 55. If approval is to be granted, a series of conditions will be included that ensure that any unexpected finds are treated accordingly and that the recommendations of all accompanying reports is endorsed and implemented during and after construction.

State Environmental Planning Policy – State and Regional Development 2011 (SRD SEPP)

The proposal is a regionally significant development pursuant to Clause 7(c) of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as it is development defined as “*waste management facilities or works, which meet the requirements for designated development under clause 32 of Schedule 3 to the Environmental Planning and Assessment Regulation 2000.*”

In this case the Sydney South Planning Panel is the determining authority for the subject development application.

State Environmental Planning Policy – Vegetation in Non-Rural Areas 2017 (Vegetation SEPP)

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 replaces Clause 5.9 of KLEP 2012 (Preservation of Trees and Vegetation).

The intent of this SEPP is “*to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation*”.

The proposed development seeks to remove a series of mature and large trees located centrally within the site. As previously mentioned it is very difficult to retain these trees given their location. The application is accompanied by an Arboricultural report which identifies and classifies the health and condition of all the trees onsite. The site includes a total of thirty (30) trees and one (1) group of trees. All the trees are protected under the provisions of the Georges River Council Tree Management Policy 2019.

Once the level of significance of a tree has been identified utilising the Significance of a Tree Assessment Rating System (STARS) established by the Institute of Australian Consulting Arboriculturalist Association (IACA) the retention value can be determined.

A total of nineteen (19) trees will have their tree protection zone (TPZ) significantly affected by the location and siting of the industrial warehouse building (sorting shed) and associated car parking however only sixteen (16) trees are earmarked for removal and a summary of the trees and their condition is provided below. **Figure 11** shows the visual context and location of all the trees onsite.

- Tree No.4 - *Eucalyptus sideroxylon*, 14m in height in fair health and mature condition.
- Tree No.7 - *Eucalyptus sideroxylon*, 15m in height in fair health and mature condition.
- Tree No.8 - *Casuarina glauca*, 8m in height in fair health and semi-mature.
- Tree No.9 - *Casuarina glauca*, 12m in height in good health and mature.
- Tree No.10 - *Eucalyptus* sp, 14m in height in good health and mature condition.
- Tree No.11-15, 17, 18 and 22 – Are all *Casuarina glauca*s, ranging from 13m-15m in height in fair to good health and mature condition.

- Tree No.16, 19 - *Eucalyptus sideroxylon*, 13m to 15m in height in fair health and mature condition.
- Tree No.21 - *Eucalyptus moluccana*, 14m in height in fair health and mature condition.

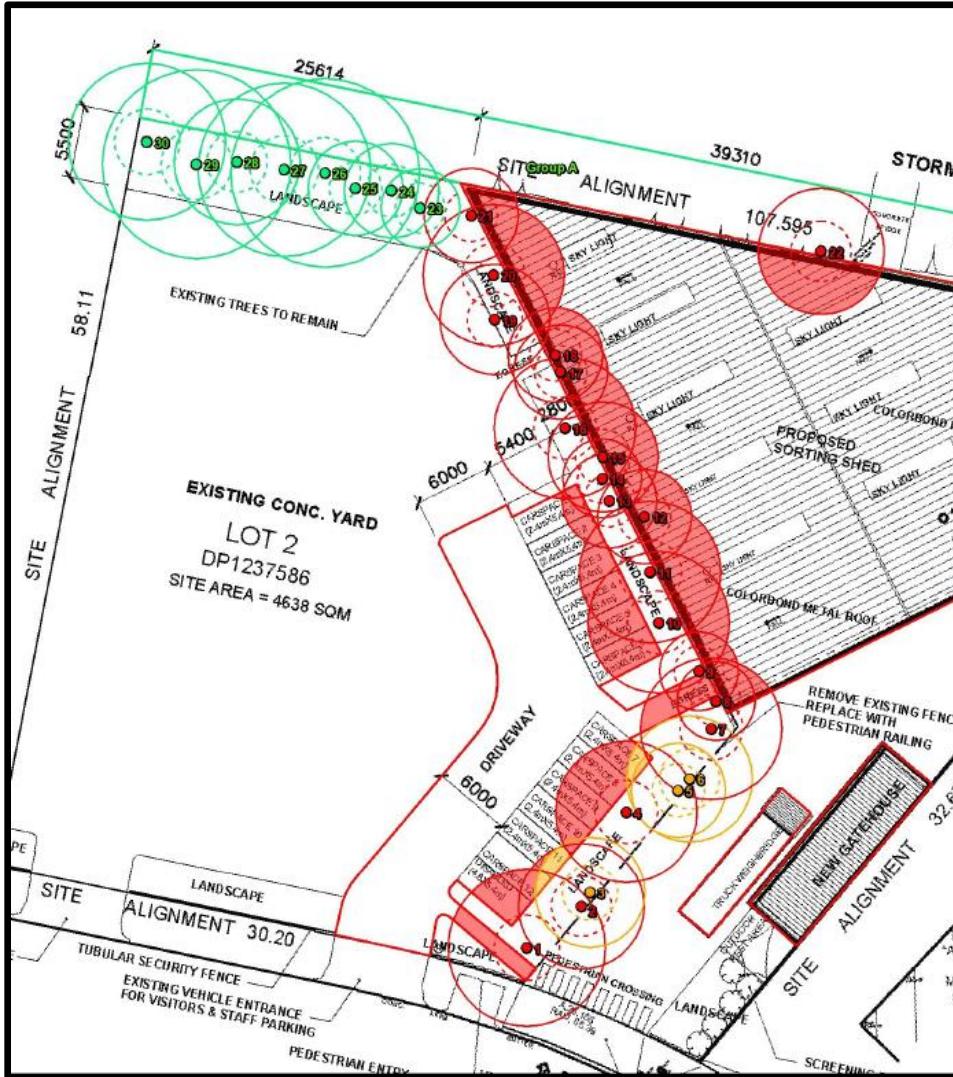


Figure 11: Trees to be retained (green) and trees to be removed (red) as stipulated in the Arboricultural Assessment (courtesy: Tree Survey, 2019)

Retaining the trees is almost impossible unless the size and footprint of the new building were to be reduced which would adversely affect the functioning of the proposed operation.

This facility is not classified as a large-scale waste processing operation and the size of the sorting shed is largely determined by the purpose built machinery and equipment that it will house. Moving the building to the western side would still affect the trees as they are centrally located and their siting would impact on the proposed location of any new industrial building/s proposed on this allotment. Given that many trees cannot be

realistically retained, compensatory planting has been proposed in a similar location adjoining the parking area.

These new trees will soften the appearance of the building and ancillary structures and will screen much of the lower levels of the southern façade.

The trees that are to be retained will be appropriately protected and the arborist report outlines a tree management policy summarised in **Figure 11**. A series of conditions will require the appropriate tree protection measures to be adopted during the construction phases.

An updated concept Landscape Plan (extract provided below in **Figure 12**) has been provided and seeks to increase the amount of soft landscaped area around the perimeter of the car parking area and at the front of the development site. The plan does not include any large canopy trees which are important as replacement trees. As such there is a condition required to update the landscape plan and provide a minimum thirty-two (32) new trees across the site with the majority to be planted along the full length of the car parking area where the existing trees will be removed. The new trees are to achieve minimum heights of 6m and shall be species that are in line with Council's preferred planting schedule as outlined in the Georges River Council Tree Management Policy. The compensatory planting is to be at a ratio of 2:1 in line with this Policy.

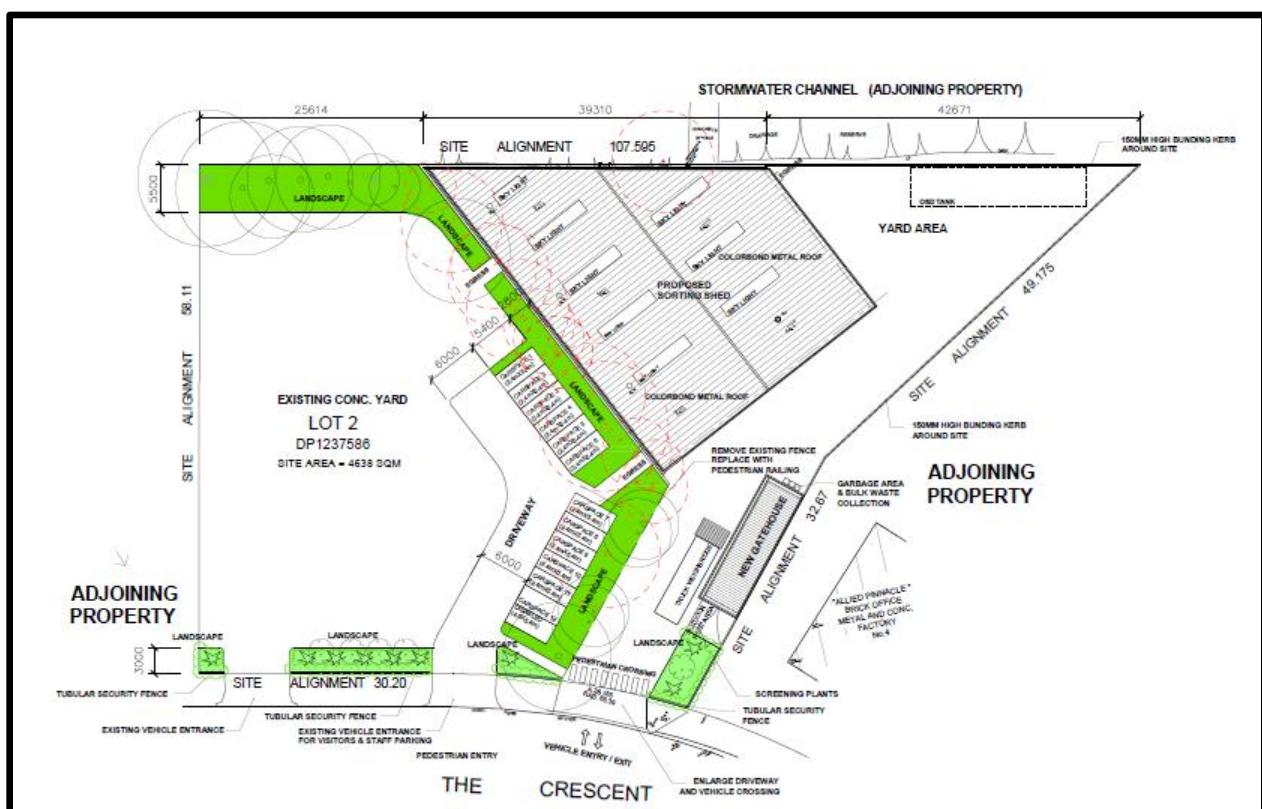


Figure 12: Updated Landscape Plan (courtesy: Robert Lee Architects, 2019)

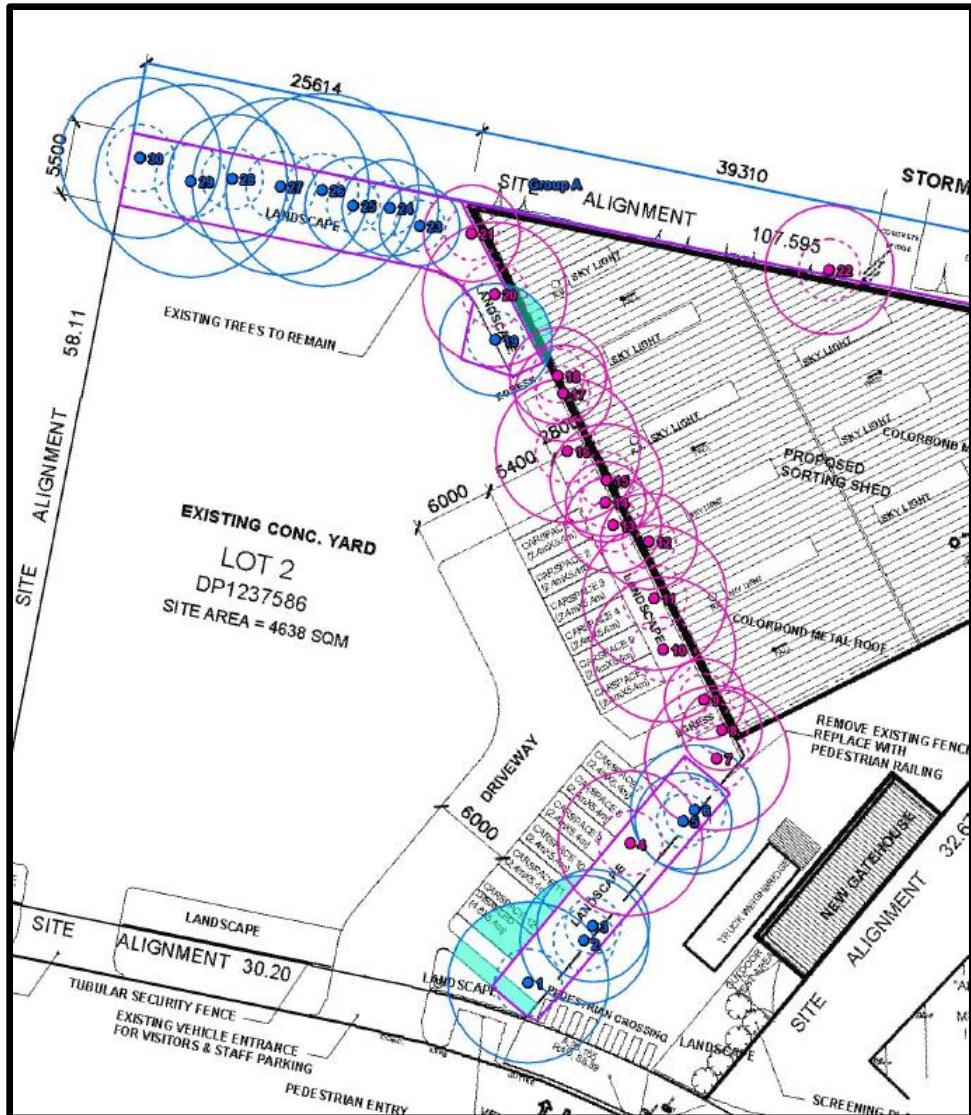


Figure 13: Extract of the proposed Tree Protection Map highlighting the tree protection measures to be employed to retain trees. (courtesy: Tree Survey, 2019)

Biodiversity and Threatened Ecological Communities (EEC's)

Concern has been raised in respect to the ecological significance and value of some of the trees to be removed. In considering the biodiversity values of the site the Applicant has submitted a Flora and Fauna Assessment prepared by EMM Consulting and has been assessed by Ecologists. The report aims to determine the occurrence of threatened species, populations and threatened ecological communities as listed in the *Biodiversity Conservation Act (BC Act) 2016* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). These Acts are the key legislative controls however there are other state provisions that need to also be considered including:

- NSW *Environmental Planning and Assessment Act 1979* (EP&A Act);

- *NSW Biodiversity Conservation Act 2017* (BC Act);
- *NSW Biodiversity Conservation Regulation 2017* (BC Regulation); and
- *NSW Biosecurity Act 2015* (Biosecurity Act).

The EPBC Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities, heritage places and water resources which are defined as Matters of National Environmental Significance (MNES). MNES relate to significant areas such as world heritage properties, places listed on the National Heritage Register, the Great Barrier Reef etc. This project will not have any impact on a MNES and therefore does not need to be referred to the Commonwealth Minister for the Environment.

The BC Act is the key piece of legislation responsible for the conservation of biodiversity in NSW through the protection of threatened flora and fauna species, populations and ecological communities. The BC Act, together with the BC Regulation, establishes the Biodiversity Offsets Scheme (BOS), the Biodiversity Assessment Method (the BAM) and a method for determining whether development is considered likely to significantly affect threatened species, ecological communities or their habitats. This legislation establishes whether the removal of significant vegetation triggers the BOS and if the works proposed will have a significant impact on threatened species then a “five part test” will need to be conducted.

The assessment found that *“The site has been predominantly cleared with a total of 30 trees being the most significant vegetation present. The trees include 13 Swamp Oak (Casuarina glauca), six Mugga Ironbark (Eucalyptus sideroxylon), one Grey Box (Eucalyptus moluccana) and one unidentified Eucalyptus species that occur in a line of trees that bisect the lot. Nine trees occur along the northern boundary of the site, including three Swamp Oak, three Flooded Gum (Eucalyptus grandis), one Sydney Blue Gum (Eucalyptus saligna), one Bangalay (Eucalyptus botryoides), one unidentified Eucalyptus species.”*

What has been observed is that the trees onsite do not seem to represent a consistent pre-commercial thinning as seen in the immediate area suggesting that they were a result of past landscape planting and the result of some regeneration. Aside from the dominant trees on site the remaining vegetation comprises largely of exotic shrubs dominated by ground covers such as privet and morning glory.

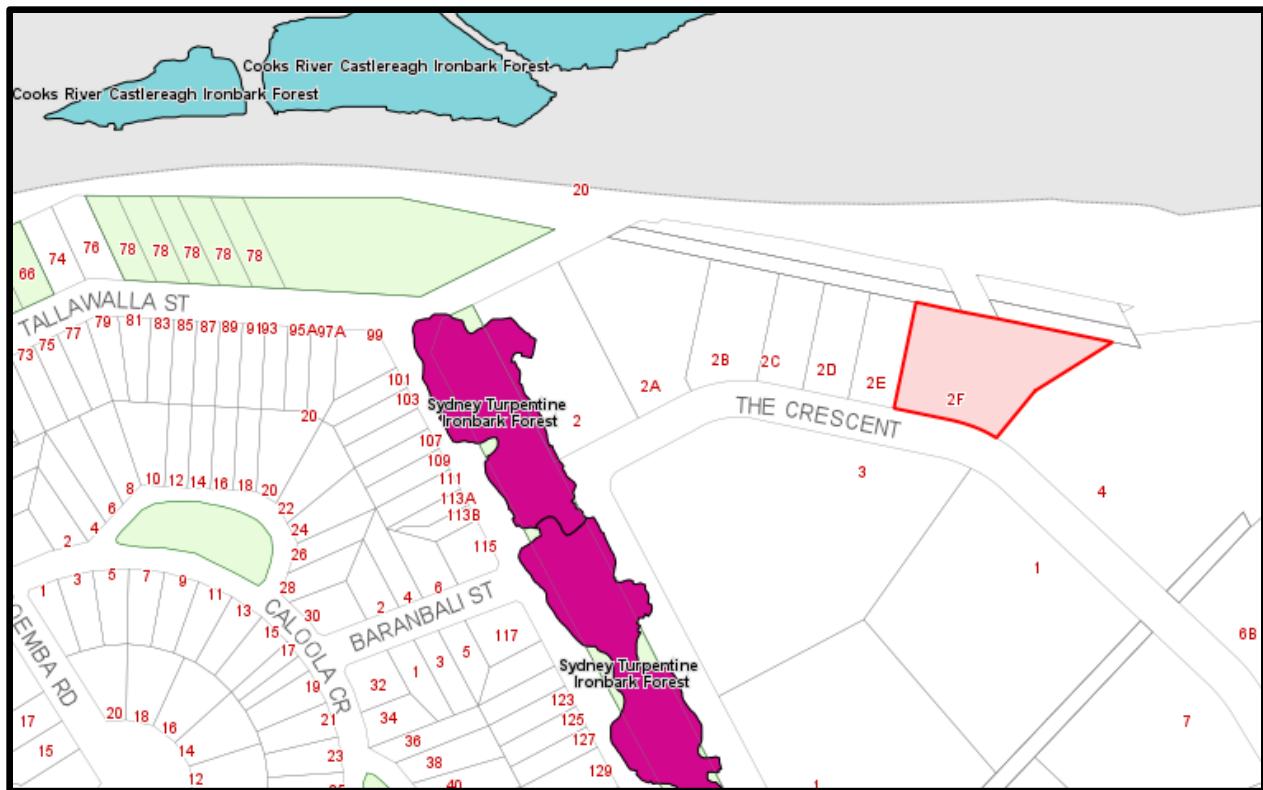


Figure 14: Presence of EEC's within the immediate locality. The subject site is not recognised to contain any EEC's (courtesy: Council's Intranet mapping system, 2020)

“Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions is an Endangered Ecological Community (EEC) listed under the BC Act. The EEC is characterised by Swamp Oak on the Coastal Floodplains of NSW, and includes disturbed examples, such as scattered trees and recolonised patches of Swamp Oak in areas that may have not previously supported the community due to changes in drainage regimes (DECC 2007).

The dominant tree species within the site and also within the drainage line to the north of the site is Swamp Oak and the site is within the known distribution of the EEC, therefore the vegetation to the north of the site, and those Swamp Oak trees that occur within the line of trees that bisect the site are considered part of the EEC. An Assessment of Significance (‘the five-part test’) has been undertaken to assess the significance of the impacts of the project on this EEC”.

The ecological assessment makes the following conclusions:

*This BC Act listed EEC also corresponds with the EPBC Act listed Coastal Swamp Oak (*Casuarina glauca*) Forest of New South Wales and South East Queensland EEC. However, the conservation advice (incorporating listing advice) for this EPBC Act listed community (DoEE 2018) sets condition thresholds for inclusion as the community. The vegetation in the drainage line to the north of the site, as well as the Swamp Oak trees within the site do not meet the condition threshold as:*

- the patch is small, consisting of the 16 Swamp Oak trees on site, and the community in the drainage line to the north of the site (existing within a mosaic of Eucalypt species to the east and west) and not within close proximity (within at least 100m) of other native vegetation patches. The patch in which the community occurs is intersected by boundaries including roads and cleared land;
- non-native species comprise more than 50% of total understorey vegetation in the drainage line to the north of the site, with no understorey species present in the site; and
- transformer species Morning Glory (*Ipomoea indica*) comprises more than 30% of total understorey vegetation (in the drainage line to the north of the site).

Therefore, the community to the north of and within the site does not fit into the EPBC Act listed community and is not subject to the referral, assessment, approval and compliance provisions of the EPBC Act and is not considered further in this assessment.”

The assessment and conclusions derived by this report are considered to be reasonable. In summary the proposal involves the removal of eleven (11) Swamp Oak, three (3) Mugga Ironbark, one (1) Grey Box and one (1) Eucalyptus species that cannot be retained by the current proposal as they are located within the centre of the site. Due to the dominance of Swamp Oak in the drainage line to the north of the site, this vegetation as well as the majority of trees within the site, align with *Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions*, an EEC listed under the BC Act. Therefore, an Assessment of Significance ('the five part test') is required to assess the significance of the impacts of the project on this EEC. The Applicant prepared a Five-part Test and this test has justified the removal of these species and their removal will not adversely affect the EEC for the following reasons:

- There is no mapped occurrence of this EEC i.e. Estuarine Swamp Oak within the immediate locality of the site possibly due to the small amount of trees and their dispersed nature. The site is mapped to include "Urban/Exotic Native" species (as shown in **Figures 14 and 15**) however given the fact that vegetation within the drainage easement and the trees that bisect the site comprise of Swamp Oak, (albeit in poor condition due to current and previous uses occurring on site) they have been considered as EEC's.
- The closest mapped Threatened Ecological Community (TEC) is the Castlereagh Cooks River Ironbark Forest located to the north-west beyond the M5 Motorway and the Turpentine Ironbark Forest immediately to the west within the reserve along Tallawalla Street. These TEC's are unaffected. The site is also not affected by the Biodiversity Offset Scheme.
- The project will result in a very small reduction of the listed community and there will be no impact on species located within the drainage easement. These trees are

fragmented and are not visually or physically connected to the main vegetation that appears in the drainage easement.

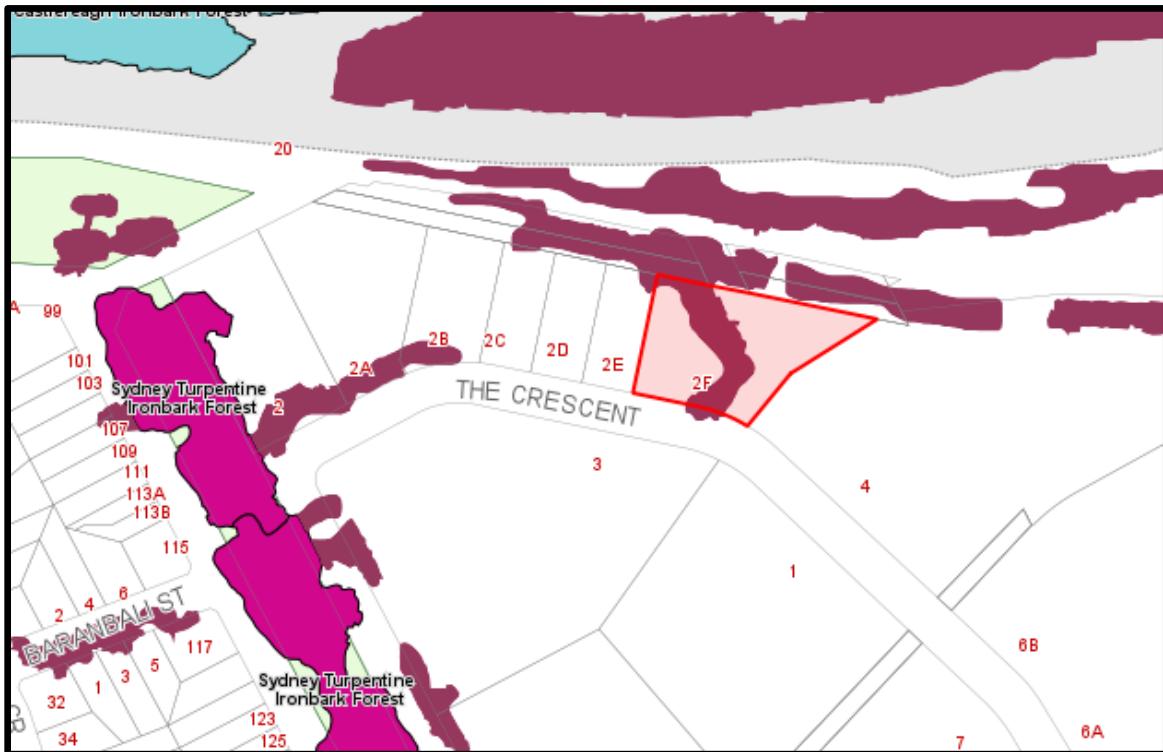


Figure 15: The site is not classified to include EEC's (Estuarine Swamp Oak Forest) largely to do the small amount of trees and dispersed nature. The site is mapped to include "Urban/Exotic Native" species (courtesy: Council's Intranet Mapping system, 2020)

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the Infrastructure SEPP relates to traffic generating uses. This clause applies to;

*... development specified in Column 1 of the Table to **Schedule 3** that involves—*

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.”*

Schedule 3 includes a waste or resource management facility of any size and capacity and requires the proposal to be referred to TfNSW (former RMS) for comment as it is considered to be a traffic generating use. The application was referred to TfNSW and this authority provided a formal response and raised no objection to the proposed development subject to the implementation of a series of standard conditions. The referral response is discussed in more detail later in this report.

The assessment of the application has considered all elements of Clause 104 of the Infrastructure SEPP including Clause 104 (3) which requires the following;

“Before determining a development application for development to which this clause applies, the consent authority must—

- (a) give written notice of the application to RMS within 7 days after the application is made, and*
- (b) take into consideration—*
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including—*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.”*

This report has considered in detail the traffic, parking and access implications generated by the development (addressed later in the report). TfNSW also noted in their submission that they do not anticipate any serious problems on the wider transport and road network.

The proposal satisfies the provisions of the Infrastructure SEPP. As part of the determination it is requested that if consent is granted a copy of the determination is issued to TfNSW in accordance with the requirements of Clause 104(4) of the SEPP.

State Environmental Planning Policy No.33 – Hazardous and Offensive Development (SEPP 33)

This environmental planning instrument relates to hazardous, potentially hazardous, offensive and potentially offensive uses and/or activities. Generally, this policy relates to uses such as chemical processing plants, gas works, petrochemical plants, some food processing plants, petrol stations and certain manufacturing uses.

The key aims and objectives of SEPP 33 are;

- (a) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy, and*
- (b) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*

- (c) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and
- (d) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and
- (e) to require the advertising of applications to carry out any such development.

The SEPP is essentially controlling the way hazardous or potentially hazardous and offensive industries are managed and objective (a) above clearly discourages the refusal of a development purely on the grounds that it may be potentially hazardous or offensive without considering and assessing the impacts and the strategies to be adopted to reduce and minimise any environmental impacts. The SEPP defines a potentially hazardous and potentially offensive development as;

potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—

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

potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The application was accompanied by a SEPP 33 Analysis prepared by EMM and dated 17 December 2019. The analysis considered the proposal against the provisions of SEPP 33, the Dpie guideline “*Applying SEPP 33*” and the “*Hazardous Industry Planning Advisory Paper No.4: Risk Criteria for Land Use Safety Planning Guidelines*” (DPE, 2011b). Waste industry uses are classified as potentially hazardous in accordance with the schedule in Appendix 3 of the guideline “*Applying SEPP 33*”. EMM conducted a Preliminary Risk screening in accordance with the requirements of this advisory paper. Development is categorised as potentially hazardous and/or offensive depending on what materials will be stored, manufactured and processed on site and the associated quantities. Hazardous materials comprise of paints, oils, liquid petroleum gas (LPG), paint thinners, asbestos, liquid and radioactive waste products which are all classified as dangerous goods.

The proposed development will not be handling large quantities of any of these materials and will not be accepting hazardous materials. There will be a small quantity of some materials i.e. one drum of unleaded fuel and paint thinner, a gas bottle etc. The analysis outlines the quantities of materials that are required as part of the operation however they are by no means hazardous and the quantities are well below the threshold of SEPP 33.

The operation has factored in that two (2) truck movements per week may include some hazardous materials i.e. if a load comes to the facility and is turned away it will need to go to an authorised hazardous waste removal facility. The proposed two (2) truck movements are well within the SEPP 33 transportation thresholds.

No hazardous waste as defined by the NSW Protection of the Environment Operations Act, 1979 (POEO Act) will be accepted or stored at the site.

Other risk factors that need to be considered are whether the site is affected by bushfires, flood prone, affected by sea level rise or within a mine subsidence area. The site is not impacted or affected by any of these impacts.

In respect to offensive industry, the environmental impacts generated by the development in relation to air quality, dust emissions, noise, water quality and waste generated by the proposal will not exceed relevant criteria and comply with the requirements in respect to impacts.

These issues are discussed in greater detail later in this report which concludes that the development satisfies the relevant standards.

The development includes a series of hazard management techniques and measures to reduce impacts and regulate and manage the operation to minimise potential impacts.

In conclusion the application has adequately addressed SEPP 33 and given the nature of the proposed use it is not considered to be a potentially hazardous or offensive development.

State Environmental Planning Policy no. 64 – Advertising and signage (SEPP 64)

The aims and objectives of the policy are;

- (a) *to ensure that signage (including advertising):*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*

(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposed development does not include the installation of signage at the site although there will be conditions requiring some standard business and directional signage to identify the site address and uses i.e. access and egress, parking location and inclusion of the types of parking spaces. Any signs associated with the use will be consistent with the aims, objectives and intentions of SEPP 64.

Hurstville Local Environmental Plan 2012 (HLEP 2012)

The provisions of the Hurstville Local Environmental Plan (HLEP) apply to the proposed development which complies with the relevant provisions as follows.

The site is zoned IN2 – Light Industrial and the proposed land use is permissible in the zone. An extract of the zoning map applicable to the site is included below in **Figure 16**.

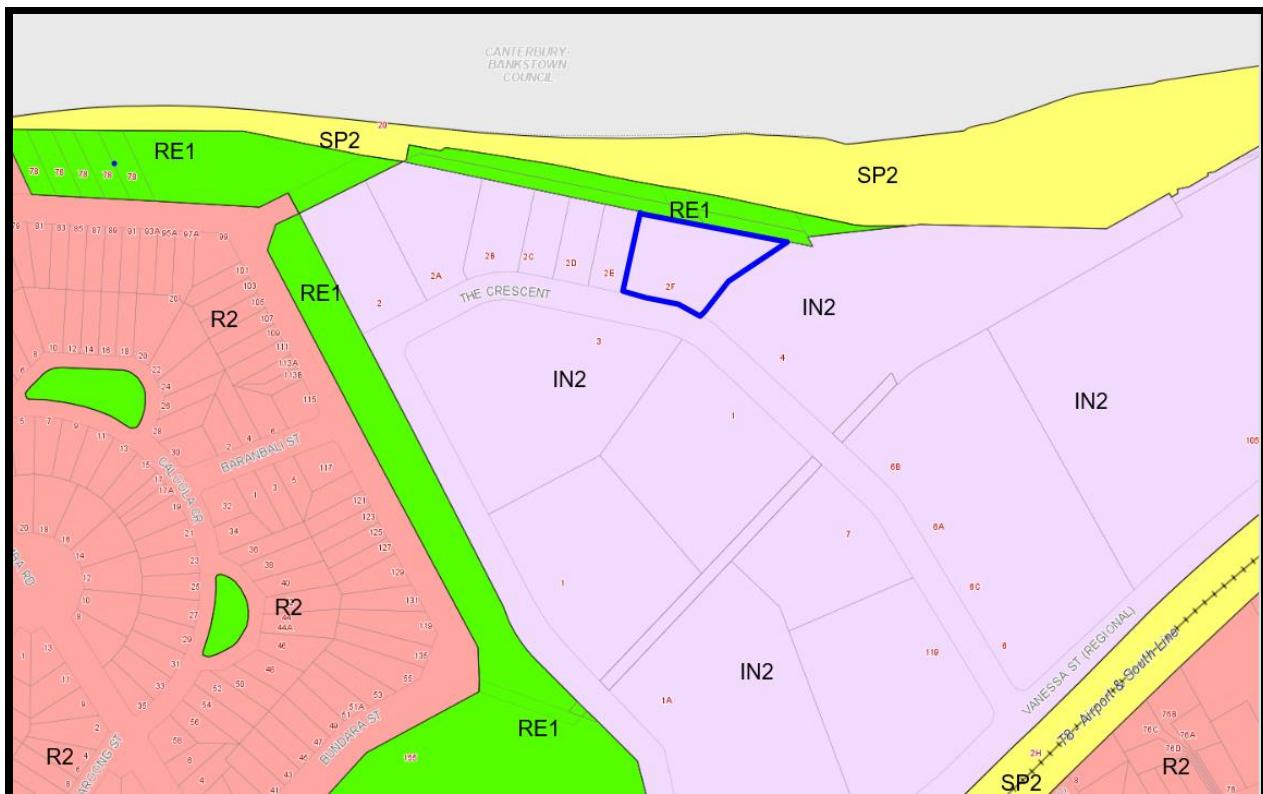


Figure 16: Zoning map with the site outlined in blue.

Table 1: Compliance with the HLEP

Clause	Standard	Proposal	Compliance
Clause 2.2 Zoning of land	IN2 – Light Industrial zone The objectives of the zone are;	The proposal is defined as a “waste disposal facility” which is a permissible use in the	Yes

	<p>(a) <i>To provide a wide range of light industrial, warehouse and related land uses.</i></p> <p>(b) <i>To encourage employment opportunities and to support the viability of centres.</i></p> <p>(c) <i>To minimise any adverse effect of industry on other land uses.</i></p> <p>(d) <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i></p> <p>(e) <i>To support and protect industrial land for industrial uses.</i></p> <p>(f) <i>To enable industrial development which does not pollute or adversely affect adjoining land, air or water.</i></p> <p>(g) <i>To ensure industrial development creates areas that are pleasant to work in, safe and efficient in terms of transportation, land utilisation and service distribution.</i></p>	<p>zone.</p> <p>The proposal is considered to be generally consistent with the zone objectives.</p> <p>It should be noted that the EPI only includes industrial lands zoned Light Industrial (IN2). It does not include any other industrial zones (i.e heavy industrial use zones). This use is not permitted in any other zone.</p>	
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Clause 4.3 Height of Buildings	<p>The maximum permissible height of a building on this site is 10m.</p> <p>The objectives of the building height provision which are relevant to this proposal are;</p> <ul style="list-style-type: none"> • <i>to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,</i> • <i>to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,</i> • <i>to nominate heights that will provide a transition in built form and land use intensity,</i> • <i>to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,</i> • <i>to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.</i> 	<p>The maximum height proposed for the two-storey gatehouse is 7m (max RL27.00)</p> <p>The maximum height for the new Industrial warehouse building (sorting shed) is 8.947m (max RL29.84)</p> <p>The proposal satisfies the height of building objectives.</p>	<p>Yes</p> <p>Yes</p> <p>Both new buildings proposed will be constructed below the maximum 10m height limit and will be consistent with the bulk, scale and form of other existing industrial buildings.</p>
Clause 4.4 Floor Space Ratio	<p>The maximum FSR permitted at the site is 1:1 (Noted as "N" on the FSR_004 map)</p>	<p>The total gross floor area of the proposal is 1,125sqm (1,000sqm for the sorting shed and 125sqm for the</p>	

	<p>The objectives of the Clause are;</p> <ul style="list-style-type: none"> • <i>to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,</i> • <i>to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic to achieve the desired future character of the locality,</i> • <i>to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,</i> • <i>to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing and are not likely to undergo a substantial transformation,</i> • <i>to establish maximum floor space ratios that ensure the bulk and scale of development is compatible with the major centre status of the Hurstville City Centre.</i> 	<p>gatehouse) which amounts to an FSR of 0.24:1</p> <p>The Applicant's plans show that the gatehouse and amenities contribute to 75.08sqm of floor space however the GFA of this building is actually 125sqm. The increase in floor space is considered in the assessment and is a minimal increase across a site of this size.</p> <p>The bulk, form and scale of the new buildings are consistent with the objectives of the floor space control. The new structures have been designed to be consistent with the nature and character of immediately adjoining industrial buildings.</p> <p>The siting of the new sorting shed has been questioned and this issue is discussed in greater detail later in this report. However in terms of the design, scale and built form the proposal is consistent with surrounding industrial developments.</p>	
Clause 4.5 Calculation of Floor	<p>The Gross Floor Area calculations in relation to all structures on site (sorting</p>	<p>The proposal has been correctly calculated in accordance with the</p>	Yes

space and Site area	shed and new gatehouse) have been completed in accordance with the provisions of the HELP.	provisions of this clause.	
Clause 4.6 Exceptions to Development Standards	A Clause 4.6 Statement is required to be submitted if the development fails to comply with the main environmental planning standards.	N/A as the proposal complies with the key statutory planning and development standards in relation to height and floor space in this case.	N/A
Clause 5.10 Heritage Conservation	Not applicable to the Site	The site is not located within the vicinity of any designated Heritage Items or within a Heritage Conservation Area	N/A

The subject site is not affected by other environmental factors such as acid sulphate soils (ASS), not located within a designated riparian zone. The site adjoins a watercourse at the rear (Wolli Creek) and is classified as “Integrated Development” given that the site is within 40m of a watercourse the development requires concurrence from the Natural Resources Access Regulator (NRAR) in accordance with the provisions of the Water Management Act, 2000. The NRAR issued GTA’s on 22 May 2020.

The site is not affected by active street frontage requirements nor is it flood prone or impacted by heritage conservation provisions.

Draft Georges River Local Environmental Plan 2020

Consideration is given to the provisions of Draft Georges River Local Environmental Plan 2020 in the assessment this application. The Draft Georges River Local Environmental Plan 2020 is currently with the Department of Planning, Industry and Environment awaiting gazettal. In relation to this development site, the zoning is not proposed to change. The height and floor space ratio are also proposed to remain unchanged in accordance with the draft LEP. The minimum lot size is proposed to be increased to a minimum 2,500sqm. The proposed development would satisfy this control given the site area exceeds 4,000sqm.

In summary, the draft plan’s intended changes do not alter the permissibility of the development nor alter the assessment in any significant manner.

In this regard, the provisions have no determining weight as a result of proposed operation of Clause “*1.8A Savings provisions relating to development applications*” of the Draft Plan which provides “*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the*

application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”

Hurstville Development Control Plan 2012 (HDCP)

Section 1 (Introduction), Section 2 (Application process), Section 3 (General provisions), Section 5 (Non-residential development) and Section 6 (specific uses) of the Hurstville Development Control Plan (HDCP) are relevant to the proposed development.

The following table summarises the applicable controls;

Table 2: Compliance with the HDCP

Control	Standard	Proposal	Complies
Section 3 General Provisions			
3.1 Vehicle Access and Parking			
General Provisions			
<i>Car parking and service vehicle areas are:</i> <i>a. sufficient, safe and convenient and meets user requirements including pedestrians, cyclists and vehicles</i>	Council does not encourage, but may consider stacked parking for parking spaces in a controlled parking situation. All driveways in Hurstville are to be finished in plain concrete.	No stacked parking is proposed The driveway finish will be in accordance with Council's requirements and appropriately conditioned to ensure compliance.	Yes
<i>b. safe, easily accessible, does not obstruct the passage of vehicles or create traffic conflicts, impact pedestrians or cyclists and does not result in detrimental effects to adjoining or nearby properties</i> <i>c. provided according to projected needs and provide pleasant areas in which to park</i>	Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6. Numerical parking requirements for developments within a business or industrial zone:	The car parking design and layout satisfies the Australian Standards. In calculating the required car parking a conservative approach has been taken and the gatehouse has been classified as a business/office premises rather than an industrial use even though it is ancillary to the dominant use.	
<i>Parking areas:</i> <i>a. promote pleasant, safe car parking areas and protect the natural environment</i> <i>b. are designed to</i>	Industrial (except for warehouse) – 1 space per 100sqm Industrial (warehouse) – 1 space per 300sqm		

<p><i>reflect the environmental conditions of the land</i> <i>c. incorporate measures to protect the natural environment</i></p>	<p>Business premises/office premises – 1 space per 60sqm</p> <p>Requires:</p> <p>Warehouse/sorting shed $100\text{sqm}/300\text{sqm} = 4$ spaces</p> <p>Gatehouse = total GFA $150\text{sqm}/60\text{sqm} = 3$ spaces</p> <p>Total required = 7 spaces</p> <p>The calculation has been based on the gatehouse building and use being classified as an office use with ancillary amenities and has therefore been calculated at the higher parking rate rather than the 1 in 100sqm ratio required for a use (except for warehouse) which technically applies to an ancillary use.</p>	<p>The development proposes a total of thirteen (13) car parking spaces and complies numerically and exceeds the requirement.</p> <p>Conditions will be imposed to ensure all car parking spaces have minimum dimensions of 2.4m by 5.5m, are line marked appropriately and also signposted. A condition will require a minimum of one (1) accessible car parking space to be included.</p>	
<p>Environmental Design</p>	<p>Proposals for parking areas are to be accompanied by a landscape plan, prepared by a qualified landscape architect or designer, illustrating means to soften the visual impact of parked cars and any associated structures, as per these landscaping controls.</p> <p>Council considers that landscaping needs to be included in every car</p>	<p>A landscape plan has been submitted as part of the proposal and includes an area 2.8m wide around the periphery of the car parking area which is dedicated to deep soil landscaped area. This area includes the retention of some existing mature trees and the provision of additional canopy trees which will screen the building and soften the</p>	<p>Yes</p>

	<p>parking design, within and on the perimeters of the car parking area. Accordingly, the following is required:</p> <ul style="list-style-type: none"> a. planting beds fronting a street or public place are to have a minimum width of 1 metre b. shade trees are to be provided in open parking areas at the ratio of 1 shade tree for every 6 spaces c. plants to avoid are those which have a short life, drop branches, gum or fruit or those which interfere with underground pipes. <p>Parking areas are to incorporate a 150mm concrete kerb or edge treatment to reduce the likelihood of vehicles damaging adjoining landscaped areas. The use of bollards should also be considered.</p> <p>All parking areas are to have adequate drainage for runoff and seepage. Council requires that minimum gradients be provided in car parks.</p>	<p>car parking area.</p> <p>The planting beds are a minimum of 1m wide between spaces and generally 2.8m wide adjoining the building.</p> <p>The proposal would generate the need for two (2) shade trees given there are thirteen (13) car parking spaces. There are substantially more trees as compensatory planting of 2:1 is required so a total of 34 new trees will be planted across the site.</p> <p>A condition will ensure that the parking area includes a concrete kerb (min 150mm) adjoining the landscaped area to protect the landscaped area.</p> <p>The stormwater and drainage arrangement designed to cater for runoff is considered satisfactory and will cater for the parking area and its associated impacts. The site naturally slopes towards the street and runoff will be naturally</p>	
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		captured (via gravity) from the parking area towards the gutter along the street.	
Safer by Design			
	<p>On-site parking spaces are to be located in areas visible from nearby habitable windows, entrances, public spaces etc.</p> <p>To help minimise the likelihood of conflict when sites have both pedestrian and vehicular access, the following is required:</p> <ul style="list-style-type: none"> a. parking areas are to be designed so that through traffic is either excluded or appropriately managed b. pedestrian entrances/exits are to be separated from the vehicular entrances/exits (parking spaces must not obstruct required exit doors) c. developments generating a significant amount of pedestrian movement throughout the car park (such as shopping centres or office parks) are to establish clear and convenient pedestrian routes. These routes should minimise the number of points which cross vehicle paths and be appropriately marked to heighten driver awareness (e.g. painting, use of contrasting 	<p>The parking area is easily visible from the street and adjoining properties and its location will allow for natural surveillance.</p> <p>No through traffic will be able to transverse through the site to the parking area.</p> <p>Pedestrian access is separated from the parking area and main operation.</p> <p>The proposed use does not generate a large amount of pedestrian movement and traffic as it relies largely on the functioning of large machines and a small taskforce of people to monitor operations and the equipment. It does not require a large or intense workforce.</p>	Yes

	materials, lighting and/or signage).		
Section 3.3 Access and Mobility			
Commercial / Business Premises developments (including commercial premises, shops, remodelling / refurbishment of shops / shopfronts, refreshment rooms) and industrial developments (including warehouses) Classes 5 to 8 of the BCA	<p>Access is required to a principal entrance and to public areas in existing buildings or developments if it is proposed to carry out a substantial intensification of use or substantial alterations. In no case shall alterations result in a decrease in access.</p> <p>General access for all persons to appropriate sanitary facilities and other common facilities including kitchens, lunch room, shower facilities, indoor and outdoor recreational facilities.</p>	<p>A BCA assessment report was prepared by Concise Certification dated 8 October 2019. This report considers compliance against the provisions of the BCA.</p> <p>Section D3 of the BCA refers to access for people with disabilities. Class 5 and 8 buildings are required to be accessible to and within all areas normally used by occupants. Ramps, stairways, walkways, circulation spaces at doorways, door widths and accessible paths of travel are to comply with AS1428.1-2009. The report stipulates the clauses that need to be satisfied and complied with. A condition will require that the development complies with the provisions of the BCA and with the recommendations of the BCA assessment report.</p> <p>The BCA assessment report concludes that the development is able to comply with the deemed to satisfy provisions and performance solutions</p>	Yes

	<p>One space per 20 spaces or part thereof, where parking areas have more than 20 spaces but less than 50 spaces. 2% of parking spaces where 50 or more parking spaces provided in accordance with AS 2890</p>	<p>of the BCA and a condition will ensure compliance is achieved when preparing Construction Certificate drawings.</p> <p>The architectural floor plans do not include an accessible car parking space however the DCP requires the provision of one (1) accessible space. A condition will ensure this is designed for in the designated parking area as there is ample area to accommodate an accessible space.</p>	
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3.4 Crime Prevention Through Environmental Design

<p>Site and building layout: a. ensures that the way in which the site, and the buildings within the site, are laid out enhance security and feelings of safety.</p> <p>b. ensures that private and public spaces are clearly delineated</p> <p>c. ensures that the design of the development allows for natural surveillance to and from the street and between individual dwellings or commercial units within the site</p> <p>d. provides entries that are clearly visible and avoid confusion</p>	<p>Avoid blank walls fronting the street.</p> <p>Offset windows, doorways and balconies to allow for natural observation while protecting privacy.</p> <p>Entrances should be located in prominent positions, be easily recognisable through design features and</p>	<p>The two storey gatehouse has been designed to reflect a more commercial building that includes a terrace, landscaping and internal areas that allow for workers to have a break and office staff to conduct day to day business.</p> <p>The gatehouse includes window openings and features that make this building more attractive and assist in screening the large warehouse (sorting shed).</p> <p>The entrance to the facility is well defined and directional signage and business signage will assist although</p>	<p>Yes</p> <p>Yes</p>
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<p>e. avoids blind corners in pathways, stairwells, hallways and car parks</p> <p>f. provides natural surveillance for communal and public areas</p> <p>g. ensures that design for natural surveillance also provides for a suitable streetscape appearance</p> <p>h. where permitted, provides appropriate mixed uses within buildings to increase opportunities for natural surveillance, while protecting amenity</p> <p>i. locates public services (ATMs, telephones, help points, bicycle storage etc) in areas of high activity</p> <p>j. designs car parks to allow for natural surveillance and ensure clear sight lines, ease of access and safety at the entrance and within the car park</p>	<p>directional signage and should allow users to see into the building before entering.</p> <p>Pathways within and to the development should be direct and all barriers along the pathways should be permeable including landscaping and fencing.</p> <p>Consider the installation of mirrors, glass or stainless steel panels to allow users to see ahead and around corners in corridors and stairwells.</p> <p>Locate active uses or habitable rooms with windows adjacent to the main communal/public areas e.g. playgrounds, swimming pools, gardens, car parks etc.</p> <p>Communal areas and utilities e.g. garbage bays should be easily seen and lit.</p>	<p>very few visitors will be accessing the site.</p> <p>Accessibility in and around the facility is well defined and delineated. Access to the sorting shed from the car parking spaces is direct and there is a path providing access to the gatehouse with a pedestrian crossing being designed at the main entry so that people and trucks can slow down and ensure there is time to cross.</p> <p>There is a fence delineating the car parking area and the main driveway into the facility. To some degree the fence will provide some safety however it does act as a barrier and it is more appropriate for this area to be open and distinguished by bollards. A condition will require the fence to be replaced with a series of bollards that can be located on the edge of the landscaped area to provide safety but also allow access by persons in an emergency.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
	Seating should be	A condition will require	Yes

	<p>located in areas of active uses</p> <p>Illuminate all external edges and access points to car parks during its opening hours.</p>	<p>a built in bench to be provided along the south-eastern side of the outdoor rest area.</p> <p>A condition will also require some sensor lighting at night adjoining the gatehouse and car parking area and around the perimeter of the sorting shed to ensure better safety at night.</p>	Yes
3.5 Fencing			
<p>Fencing:</p> <p>a. does not restrict casual surveillance between the site and the street due to its height, location and design</p> <p>b. where on the front boundary, should be designed to maximise opportunities for casual surveillance between the site and the street and minimise opportunities for concealment</p>	<p>Front fences are to be predominantly open in design to allow sight through the fences e.g. picket fences, wrought iron.</p> <p>If noise insulation is required, install double-glazing at the front of the building rather than a high solid fence (greater than 1 metre).</p>	<p>A tubular security fence is proposed along the front of the site. This is similar to a black picket style fence which is solid and stronger providing better security and is a standard fence for industrial uses. A condition will ensure opening gates are designed to be sliding gates along all three openings to the facility.</p>	Yes
	<p>Fences are not to inhibit surveillance of the communal areas, pathways, and footpath by occupants of the building. Both the height of the fence in relation to the building as well as the nature of the construction materials need to be considered.</p>	<p>The fence is transparent and will not inhibit visibility through to the site.</p>	Yes

<p>are clearly identified by street number to prevent unintended access and to assist persons trying to find the address</p> <p>b. ensures that parking areas are clearly identified by signage to prevent unintended access and to assist persons trying to find their car</p> <p>c. ensures that signage is clearly visible, easy to read and simple to understand</p>	<p>be clearly numbered and unit numbers and directions should be provided on each level of the development. DS6.2</p> <p>Each building entry must clearly state the dwelling or unit numbers accessed from that entry.</p>	<p>will be required which shall show the address and name of the facility to be included at the front of the site as a sign on the front gate or within the landscaped area. The parking area shall also be sign posted and all access points shall be sign posted to indicate points of entry and exit. Signage shall be non-illuminated and shall cover a maximum area of 1.5m by 1m in height. Conditions will ensure compliance is achieved.</p>	
<i>Building Materials</i>			
<p>Building materials: a. minimise opportunities for criminal damage and can be easily maintained b. reduce the opportunity for intruder access c. minimise opportunities for vandalism d. are regularly maintained and include swift removal of graffiti to enhance 'cared for' image</p>	<p>Use toughened or laminated glass at ground floor public areas.</p> <p>Roller shutters for commercial premises or car parks should be in the form of an opaque or clear security grille rather than a solid material.</p>	<p>The BCA assessment report outlines the type of materials and finishes that are required for all the key elements of the buildings on site to ensure compliance with fire safety and BCA requirements. The intention is to construct a solid and secure building that will endure with time. It is not intended to be a temporary structure but a permanent, long term facility.</p>	Yes
<i>3.5 Landscaping</i>			
<p>The size and dimensions of landscaping areas are adequate to minimise the visual impact of buildings</p>	<p>Landscaping in front setbacks consists of:</p> <p>‘a. an area of sufficient dimensions to accommodate planting</p> <p>Note: this area must be a</p>	<p>Landscaping is provided within the front setback of the building and adjoining the entry. A condition will require the</p>	Yes

<p>and structures and provides areas of a high level of utility and amenity</p> <p>Development protects existing significant trees and vegetation</p> <p>Landscaping in front setbacks: a. integrates the public and private domain b. is co-ordinated with the street planting pattern and species c. reduces the visual impact of buildings, structures and hardstand</p> <p>Landscaping alongside boundaries reduces the visual impact of buildings on adjoining premises</p>	<p>minimum of 2m</p> <p>b. shade trees that grow to a height consistent with or greater than that of the building</p> <p>c. screening shrubs where required to mitigate the visual impact of blank walls</p> <p>d. low shrubs and ground covers to ensure complete coverage of planting area</p> <p>Landscaping is provided along the entire length of rear boundaries where buildings are located and consists of:</p> <p>a. an area of sufficient dimensions to accommodate planting</p> <p>Note: this area must be a minimum of 2m</p> <p>b. shade trees that grow to a height consistent with or greater than that of the building</p> <p>c. screening shrubs where required to mitigate the visual impact of blank walls</p> <p>d. low shrubs and ground covers to ensure complete coverage of planting area</p> <p>Landscaping is to be provided within and around the perimeter of carparking areas that accommodate over 6 vehicles. DS7.2 Shade trees are provided at a ratio of at least 1 for every 6 carparking</p>	<p>provision of a detailed Landscape Plan indicating the plant species and the provision of 34 new trees across the site.</p> <p>The development will provide for larger canopy trees and shade trees and will include a large amount of landscaping as opposed to adjoining industrial developments where there is no landscaping.</p> <p>Landscaping is an integrated part of the development and will assist in delineating the boundaries but also screen the industrial building and soften the large expanse of concrete.</p> <p>There is a minimum area of 2m wide at the front, rear and around the periphery of the car parking area for landscaping. The area surrounding the car parking which is dedicated for landscaping is 2.8m wide.</p>	
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	<p>spaces</p> <p>Raised or sunken planting beds having a minimum width of 1m are provided around the entire perimeter of carparks.</p> <p>Landscaped areas and trees are to be protected with a 150mm concrete kerb or edge treatment to protect them from damage by vehicles.</p>	<p>Kerb and gutter will be included around the perimeter of the car parking area to ensure that landscaped area will not be damaged or destroyed by vehicles. A condition has been imposed to ensure compliance is achieved.</p>	Yes
3.6 Public Domain			
	<p>Development contributes to the creation of attractive, comfortable and safe streets that comprise consistent and high-quality paving, street furniture and street tree plantings.</p>	<p>Development that proposes works in the public domain is to obtain all necessary council and statutory authority approvals before work commences.</p>	<p>No public domain works proposed however street tree planting can occur and a condition will be imposed to ensure a number of street trees are planted in conjunction with the development.</p>
	<p>Where council has prepared a streetscape design manual for a street or area detailing public domain requirements, works are consistent with the requirements of the manual.</p>	<p>There is no streetscape design manual for this industrial area however the provision of street trees will enhance and improve the visual appearance of the street and site.</p>	Yes
	<p>Construction activity that damages council assets in the public domain such as kerb and gutter is to</p>	<p>There is a condition imposed if consent is granted for a damage deposit to be paid to</p>	Yes

	<p>replace the damaged asset to the same or an equivalent standard.</p> <p>The placement of trees, street furniture and signage is to provide for amenity without causing clutter.</p> <p>Footpath pavement width is to allow for comfortable walking, unimpeded by obstacles.</p> <p>Streets are to have shared services pits to reduce maintenance costs and reduce conflict with street plantings.</p> <p>For large scale development, high quality, durable and coordinated street furniture that enhances the comfort, legibility and attractiveness of the public domain is to be provided, and may include a selection of:</p> <ol style="list-style-type: none"> seating lighting rubbish bins signage <p>Street trees are to be provided on all streets to achieve the following outcomes:</p> <ol style="list-style-type: none"> coordinated palette of climatically responsive species reinforce the street hierarchy and create distinct places 	<p>Council if their assets are damaged during construction otherwise the Applicant is responsible to ensure that any damage to public assets and infrastructure is repaired.</p> <p>Although this could possibly be considered a large scale development, street furniture is not required within this industrial environment.</p> <p>As previously mentioned street trees have been requested to be planted in accordance with Council's specifications.</p>	<p>Yes</p> <p>Yes</p>
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	<p>c. be robust and low-maintenance</p> <p>d. be planted in a coordinated, regularly spaced and formalised manner</p> <p>e. increase the comfort of the public domain for pedestrians</p> <p>f. enhance the environmental performance of the precinct by increasing opportunities for energy efficiency, reducing the heat island effect and proving habitat for wildlife</p>		
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3.7 Stormwater Drainage

<p>Stormwater management is provided on site:</p> <p>a. to not increase the existing level of hazard to persons or property</p> <p>b. to ensure rainwater run-off and overland flow is directed into an approved stormwater drainage system</p> <p>c. to reduce and control rainwater run-off in order to minimise overland flows, soil erosion and siltation in streams and water ways.</p> <p>d. to encourage an environmentally sustainable regime of stormwater management that achieves a balance between collecting</p>	<p>Stormwater flows are managed within the drainage sub-catchment the site is located.</p> <p>Original or existing stormwater flow patterns are formalised and are not significantly altered in terms of direction and fall.</p> <p>Development does not concentrate, divert or increase overland flow of stormwater onto an adjoining property and where overland flow is an issue in a rare storm event as determined by Council's Hurstville Flood Study, a post-development flood analysis is to be provided.</p>	<p>The development includes an OSD tank to be located along the rear, north-eastern boundary of the Site.</p> <p>The proposed stormwater system relies on discharge to the open drainage channel at the rear of the site via an on site detention system.</p> <p>Currently there is no method of stormwater control as the site is unbuilt upon.</p> <p>The proposed method of stormwater management has been assessed by Council's Engineers and it is considered be satisfactory subject to a Deferred Commencement</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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<p>and re-using rainwater, maintaining acceptable environmental flows in streams and allowing for on-site surface infiltration via landscaping.</p>	<p>Measures are implemented during construction to reduce soil erosion from development sites.</p> <p>A development application is supported by a concept stormwater management plan showing how surface and roof waters are to be discharged by gravity to the street or easement and the size of all pipes.</p> <p>On-site retention of roof run-off using rainwater tanks or detention tanks for storage and re-use must be provided.</p> <p>All runoff is discharged to the adjacent road kerb and council's drainage system or an easement over a downstream property.</p> <p>On-site infiltration is maximised by minimising sealed surfaces and increasing porous surfaces to reduce stormwater runoff</p> <p>Overland flow paths are designed for the 100 year storm ARI event.</p> <p>On site stormwater and drainage control is to be designed for the 20 year ARI storm.</p>	<p>condition which requires the Applicant to obtain a drainage easement (1m wide) to allow for stormwater to drain to the rear of the site. The Applicant has stated that an easement has been obtained and formally agreed to by Council but this easement has not been registered and before commencement of any works the registration will need to occur.</p> <p>The development includes the provision of a rainwater tank.</p> <p>As this is an industrial use it is not possible to facilitate large amounts of deep soil or porous surfaces as sealed areas are needed for the operation. This also reduces the potential for any seepage. The wheel wash facility at the entry to the premises has been designed to recycle and reuse water.</p> <p>This has been discussed earlier and there is a more detailed discussion</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>Development sites greater than 700sqm in area must discharge stormwater into Council's stormwater system. A gully pit with 2400mm lintel is to be constructed at this location. If no pipe line exists, a new pipe line must be constructed to discharge stormwater</p> <p>Developer required creating an easement over the adjoining downstream property/s to drain stormwater by gravity across the downstream properties to the road kerb or Council's drainage system. Note: A drainage application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993 is required to get approval to connect to Council's drainage system.</p> <p>Where an easement is required over downstream properties for drainage purposes:</p> <ul style="list-style-type: none"> a. it is to have a minimum width of 1m and a separate Development Application is required for the installation of the pipeline within easement. b. a letter of consent from the owner(s) of the downstream properties is to be submitted with the Development Application 	<p>later in the report regarding the method of stormwater management and flooding.</p> <p>This will be addressed by conditions. Conditions have also been imposed to ensure the stormwater drainage arrangement has been designed to satisfy Hurstville Council's Drainage and Onsite Detention Policy.</p>	<p>Yes</p> <p>Yes</p>
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	<p>for installation of the pipeline within easement. The applicant is to provide Council with evidence that the easement has been registered with the Registrar General.</p> <p>On site detention facility shall be designed in accordance with Hurstville City Council's 'Drainage and On-Site Detention Policy'.</p>	<p>The proposal includes an OSD and has been designed and conditioned to comply with the Hurstville controls.</p>	Yes
<i>Additional stormwater requirements for commercial and industrial developments</i>			
	<p>Stormwater discharge for development sites is not to exceed the 5 year ARI storm event.</p> <p>An on-site stormwater detention system is provided that reduces the flow rate of stormwater discharge. Stormwater quality</p> <p>The quality of stormwater leaving development sites is consistent with water quality standards set by the Environment Protection Authority and ANZECC. Stormwater management systems – type</p> <p>A trunk drainage system that provides for the 20 year ARI event.</p> <p>Development is to maintain natural drainage systems and not change the drainage pattern</p>	<p>A Flood Risk Assessment was prepared for the site which concluded that <i>"the existing site proposed for development of a resource recovery facility is not flood liable during the 1% AEP flood event. The proposed development does not cause offsite flood impacts. There are no other potential impacts to water resources, hydrology, drainage lines and watercourses related to flooding"</i>. Council's Stormwater Engineer concurs with this assessment and subject to the imposition of standard conditions the development is largely compliant and satisfies Council's controls.</p>	Yes

	<p>through filling.</p> <p>Development applications are supported by drainage diagrams, including the size of all pipes, that demonstrate the effective collection and discharge of all surface and roof waters to the street gutter by means of adequate pipes. Disposal of waste water from work areas</p>	<p>On 27 July 2020 Council adopted the Georges River Stormwater Management Policy 2020. Since this application was lodged prior to this policy's adoption savings provisions ensure that it would need to satisfy the provisions established at the time of lodgement which relate to the Hurstville DCP provisions in relation to stormwater management. The design of the system is compliant with these provisions.</p>	Yes
	<p>Covered, bunded work areas, including workshops and lube bays, are graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal and/or reuse. Washing of vehicles</p>	<p>The design of the facility has been adjusted in order to satisfy and comply with EPA controls and confirmation has been provided by the issuing of GTA's by the EPA which outlines certain protocols and practices that will have to be adopted and abided by.</p>	Yes
	<p>Washing of vehicles/boats is conducted in a car wash bay, which is roofed and bunded to exclude rainwater.</p>	<p>Some of the operational requirements although compliant and included on the plans (i.e. bunded areas, location and functioning of</p>	Yes

	<p>Waste-water from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.</p> <p>Any open parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system.</p> <p>Car parks comply with:</p> <ul style="list-style-type: none"> a. Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution) b. Environment Protection Authority's Managing Urban Stormwater: Treatment techniques <p>Stormwater treatment device(s) are to be maintained on a regular basis</p> <p>All chemicals are to be stored and handled in accordance with:</p> <ul style="list-style-type: none"> a. AS 1940-1993 The Storage and Handling of Flammable and Combustible Liquids b. Environmental Protection Authority's 	<p>sumps, rainwater tank size and location, storage pits for leachate and fire test water storage pits) will be conditioned to ensure they are constructed in accordance with Council and the EPA's requirements in order to minimise any potential environmental impacts.</p> <p>A condition will be implemented to ensure the car parking design will satisfy the EPA requirements.</p> <p>A standard condition will require regular maintenance of the OSD through a restriction on the user on the land.</p> <p>The EPA has included conditions as part of the GTA's which consider this issue and ensure compliance.</p> <p>The Applicant has provided a materials handling guide for the</p>	<p>Yes subject to a condition</p> <p>Yes subject to condition s</p> <p>Yes addresse d through GTA's</p>
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	Environmental Protection Manual for Authorised Officers: Technical Section (Bunding and spill management) (1995)	handling of spills and other risk factors ie fires.	
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5.0 Controls for Specific Non-Residential Development Types

5.2 Light Industrial Areas

Density Development density: <ul style="list-style-type: none">• maintain the character of light industrial areas by controlling the scale of the development• is in keeping with the bulk, scale and character of the area	Floor Space Ratio controls are in Clause 4.4 and associated maps of the Hurstville LEP 2012.	The proposed development complies with the maximum GFA and FSR provisions within the HLEP 2012.	Yes
Site area and subdivision Subdivision results in lots that can accommodate buildings, structure, vehicle access and parking and other associated activities while complying with other provisions of this DCP such as setbacks	The minimum site area including access corridors and minimum street frontage (width) for subdivision of light industrial land is 650sqm and 15m. Where a site is greater than 6,000sqm in area, the minimum frontage is 25m.	Subdivision is not proposed. N/A	N/A
Setbacks Development setbacks: <ul style="list-style-type: none">• provide a setback that enhances the streetscape and provides for landscaping• enhance the	A minimum front setback of 4.5 metres is required for all light industrial development, except for the specific areas identified below: <ul style="list-style-type: none">• Depot Road 6m setback• Durkin Place 6m setback	The setback of the gatehouse to the street is 12.5m with the outdoor rest area being setback 7.5m from The Crescent. The main industrial building is setback substantially further.	Yes subject to a condition

<p>streetscape and allow for landscaping and open space at the front and between buildings</p> <ul style="list-style-type: none"> allow for landscape screening to reduce the visual mass of buildings 	<ul style="list-style-type: none"> Pritchard Place 6m setback The Crescent 7.6m setback Vanessa Street 7.6m setback. <p>Within the front setback area, a minimum of 3 metres is to be landscaped and maintained as open area in order to enhance the streetscape. This area is not to consist of buildings, storage areas or car parking and manoeuvring areas.</p>	<p>Although the small rest area at the front of the gatehouse is of an open nature it is covered by a shade structure and potentially could be enclosed in the future. A condition will require this area to be setback a minimum of 7.6m in order to fully comply with the DCP control and maintain a consistent and desirable front setback. A condition will also require the 3m front setback area to be softly landscaped.</p>	
Building Design	<p>Building design:</p> <ul style="list-style-type: none"> contributes to the streetscape and improves the visual amenity of the surrounding area integrates with the 	<p>DA schedule of materials is to accompany development applications.</p>	<p>Yes</p>
<p>Building design:</p> <ul style="list-style-type: none"> contributes to the streetscape and improves the visual amenity of the surrounding area integrates with the 	<p>Documentation is to be provided demonstrating that consideration has been given to the type of</p>	<p>A schedule of materials and finishes has been submitted with the application.</p> <p>The proposed materials, colours and finishes are</p>	<p>Yes</p>

<p>streetscape and are compatible with their surroundings.</p> <ul style="list-style-type: none"> • comprises colours, textures, materials and forms that enhance the quality and character of light industrial areas. 	<p>materials to be used in the project and the extent to which their use will achieve the objectives.</p> <p>Materials appropriate for new buildings include face brickwork, decorative brickwork, contrasting trim and details, concrete or masonry and metal or fibre cement cladding systems.</p> <p>Non reflective materials and finishes are to be used. Reflective surfaces on the external wall of a proposed building are to be no greater than 20%.</p> <p>Council may require a reflectivity study to be prepared by a suitably qualified person where the development has the potential for adverse impacts on the locality, or major roads within the vicinity of the light industrial area.</p> <p>Fencing is not to be erected within any landscape setback area.</p>	<p>satisfactory and compliment the intended use and will be in keeping with the surrounding industrial buildings.</p> <p>The proposed gatehouse has a more residential character with brickwork and simple finishes whilst the sorting shed is a typical purpose-built industrial warehouse that will house the machinery and equipment.</p> <p>A condition will ensure all materials and finishes will not be reflective.</p> <p>A reflectivity study is not considered necessary in this case as the site is located on the border of the industrial area and the main warehouse building is setback substantially from the street and should not be highly visible. A condition to ensure its finishes are not reflective should satisfactorily address this issue.</p> <p>As previously discussed the open style tubular boundary</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>Fencing at the front of premises is to be of an open design and a maximum height of 2.5m.</p> <p>Buildings must present a satisfactory facade to the street. Blank wall facades are not acceptable.</p> <p>Architectural features are to be included in the design of new buildings to provide for more visually interesting light industrial areas. Such features may include:</p> <ul style="list-style-type: none"> • Distinctive parapets or roof forms • Articulated facades • Distinctive entries • A variety of window patterns • Balustrades • Pergolas and other sun shading devices; • Selection of building materials. <p>Where a proposed light industrial development is considered to be environmentally significant or of major significance to the community, Council may request an architectural model, at a scale of 1:100, which provides the</p>	<p>fencing is common place for industrial developments and is transparent and consistent with fencing in these areas. A condition will ensure it does not exceed 2.5m in height as per the requirements of the DCP.</p> <p>The proposed gatehouse is a more attractive built form than the large warehouse despite its simple proportions. The inclusion of landscaping across the site will also improve the visual appearance of the development from the street.</p>	Yes
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	<p>following information:</p> <ul style="list-style-type: none"> • Development on the adjoining land in block form • Architectural details of proposed development. • Finishes • Landscaping details. 		
<p>Landscaping</p> <p>Landscaping:</p> <ul style="list-style-type: none"> • provides attractive areas which enhance the street character and the amenity of buildings. • preserves significant stands of trees and natural vegetation. • softens the visual impact of the buildings within light industrial areas. • reflects the scale of the development. • maximises the number of trees retained on the site. • softens the impact of buildings, as a screen to visual intrusions and for recreation space. • predominantly uses indigenous species. 	<p>Development applications are to be accompanied by a landscape plan prepared by a suitably qualified landscape architect or designer.</p> <p>A survey plan is to accompany a development application indicating the precise location of existing trees, their condition, species and crown size, and which trees are proposed to be removed.</p> <p>Landscape design is to generally incorporate species indigenous to the area and those which will not cause damage to adjacent buildings and driveways. Plants to avoid are those which have a short life, drop branches, gum or fruit, or which interfere with underground pipes.</p> <p>Landscaping is to be provided in the front setback area to soften the appearance of buildings and enhance</p>	<p>A concept landscape plan accompanies the application. The proposed plan includes the provision of new planting species and compensatory planting in lieu of the removal of some trees.</p> <p>A detailed survey plan accompanies the application and highlights the location of trees.</p> <p>The application is accompanied by a detailed Flora and Fauna assessment and an Arboricultural assessment which have been reviewed as part of this assessment and discussed in detail earlier in this report. Council's Landscape Officer has also reviewed all the technical documentation and has provided a series of conditions which will need to be adhered to prior to the issuing of a Construction Certificate and also the provision of</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>the streetscape.</p> <p>Landscaping is to be provided where the site abuts access streets, service roads, railway lines or residential development.</p> <p>Species that will grow to a height consistent with the building are to be included.</p> <p>Buildings, driveways and service trenches are to have a minimum setback of 4 metres from trees and groups of trees which have been assessed as significant.</p> <p>Protective measures are required around trees during site works and construction. Such measures are to be submitted with the development application.</p> <p>An outdoor eating and sitting area is to be provided within sites at the rate of 1sqm per employee, with a minimum total area of 10sqm.</p> <p>Trees planted on site should provide shade in summer and allow sunlight in winter and should be positioned appropriately</p>	<p>landscaping works during construction and prior to the issuing of an Occupation Certificate. Details regarding the type of trees to be planted on site and on the street are specified and mechanisms for the protection of existing trees has been included which will ensure that a series of new canopy trees are included and landscaping will be an integral part of the design and construction of this development.</p>	
		<p>One (1) designated outdoor dining/eating area is provided as part of the development and will be located at the front of the gatehouse.</p> <p>This area will amount to 25.5sqm. A total of 10 employees will occupy the site at any one time (7 permanent staff and 3 casuals) which equates to the requirement of an</p>	<p>Yes</p> <p>Yes</p>

		outdoor area with a minimum size of 12sqm. The proposal exceeds this control and is compliant with the provisions of the DCP for outdoor entertaining area and space for employees.	
Vehicle Access and parking Vehicle access and parking: <ul style="list-style-type: none">• is safe, efficient and direct.• is sufficient for user needs and is convenient.• include on-site facilities for loading and unloading of goods.• are adequately sign posted and where required, provide parking for people with a disability	Car parking and loading bays must comply with section 3.1 – Vehicle Access, Parking and Manoeuvring. Access and mobility provisions must comply with section 3.3 – Access and Mobility. Where possible, parking is to be provided to the rear of buildings or below ground level. Design and layout of parking facilities is in accordance with relevant Australian Standards.	The development is compliant with the numerical, design and layout arrangements stipulated in Section 3.1 of the DCP. A condition will ensure the development is compliant and accessible paths of travel are provided including one (1) accessible car parking space for the proposal. Given this is an industrial area at grade parking is common and convenient. The development provides for more car parking spaces than are required. The application and its design intends on complying with the Australian Standards however conditions will be imposed to ensure compliance is achieved.	Yes Yes subject to condition Yes Yes
Acoustics Development: <ul style="list-style-type: none">• protects the surrounding	Noise levels are not to exceed specified limits at the most affected point of the property boundary.	An acoustic assessment accompanied the application and has	Yes

<p>environment from noise intrusions.</p> <ul style="list-style-type: none"> • ensures the hours of operation of premises is restricted to avoid any undue or unreasonable noise nuisance upon surrounding residential areas. • is designed to minimise the possibility of noise to the occupants of adjoining or neighbourhood dwellings. • ensures noise control measures for any particular source take account of all potentially affected points. • ensures sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and screened/insulated by walls or other acoustic treatment. 	<p>Note: Recommended Background Noise Levels are in accordance with Table 1: Recommended Background Noise Levels.</p> <p>All proposals which may generate noise are to be accompanied by documentation from a qualified acoustic engineer certifying that the acoustic standards can be met</p>	<p>been amended and updated as both the EPA and Council were concerned with the measurements and lack of detail regarding the after hours activities. An updated Acoustic report was submitted in October 2020 and this report has been reviewed by Council's Environmental Health Section and EPA and the findings and recommendations are considered to be satisfactory subject to the imposition of acoustic conditions.</p> <p>A detailed assessment of noise impacts has been included as part of this assessment as this is an environmental impact that needs to be closely monitored and sensitively managed.</p>	<p>Yes</p>
	<p>The hours of operation of light industrial activities are between the hours of 7.00 am and 5.00 pm. Mondays to Saturdays inclusive, with no work on Sundays or Public Holidays. For those properties that are not located adjoining or opposite a residential property where the use does not result in heavy machinery work the</p>	<p>The operation will not operate on Sundays or Public Holidays and the proposed after-hours deliveries to the site have been conditioned to ensure they do not adversely affect the immediate and surrounding environment in terms of the night time use of the premises. It is proposed to trial the</p>	

	<p>extended trading hours, 7am to 7pm Mondays to Saturdays inclusive with no work on Sundays or Public Holidays apply.</p>	<p>after hours use for a 12 month period to provide an opportunity for the operator to use the premises for its intended use however if the activities generate undue and unreasonable acoustic impacts this part of the operation may not be able to continue to operate.</p>	
<p>Energy Efficiency</p> <p>Development:</p> <ul style="list-style-type: none"> • is ecologically sustainable, maximise energy efficiency and conservation of resources through building design, construction and occupation. • ensures building design and internal layouts are designed to maximise energy efficiency for heating and cooling. • ensures building materials are selected to assist thermal performance. • has an area, orientation and roof pitch that is suitable for the installation of solar collectors. • ensures landscape design assists in microclimate management for the reduction in use of fossil fuels, the conservation of water 	<p>Passive solar design measures are to be incorporated into a building's design.</p> <p>Ceiling insulation is to be provided.</p> <p>The use of solar collectors for hot water heating and power is encouraged to reduce energy consumption.</p> <p>Buildings are to have windows that are appropriately sized and shaded to reduce summer heat load while permitting entry of winter sun.</p> <p>External shading devices are to be incorporated but should not completely eliminate or substantially reduce natural lighting or views.</p> <p>Low energy, high efficiency plant, fittings and appliances are to be specified.</p>	<p>The facility has included a number of environmentally sensitive and sustainable measures including the provision of a rainwater tank, wheel wash which will reuse and recycle the water which is part of this system.</p>	<p>Yes</p>

<p>and reducing nutrient runoff to stormwater systems.</p>	<p>Water consumption is to be minimised by the use of dual flushing toilets and the planting of indigenous species in landscaped areas. The applicant is to ascertain, by reference to Energy Australia, the position where the service box and meters are to be installed.</p> <p>Applicants are informed that Energy Australia may require an area within the site to be dedicated, suitable for the location and maintenance of a distribution substation. The location must satisfactorily meet the requirements of both Energy Australia and Council</p>		
<p>Waste Management</p> <p>Waste management:</p> <ul style="list-style-type: none"> • provides for an efficient and environmentally sustainable means of storage and/or disposal of trade waste and recyclable products. • ensures the capacity, size, construction and placement of both trade waste and recyclable storage facilities is determined according to: - estimated amounts of trade 	<p>Adequate storage for waste materials is to be provided on the site. This waste must be removed at regular intervals and not less frequently than once per week.</p> <p>The garbage area is to be capable of accommodating trade waste and recyclables arising on the premises. Sufficient space is to be provided for a loading and unloading area and any associated handling equipment.</p> <p>The location of garbage</p>	<p>Given that the proposed use is a waste management facility, minimal waste will be generated by the development itself. The only waste will be general waste and trade waste from the employees within the gatehouse building. The generation of general waste will be managed and will be serviced by the Council garbage waste with collection from The Crescent. Three (3) standard garbage bins will be</p>	<p>Yes</p>

<p>waste and recyclables generated. - safe means of collection; and - unobtrusive effects on the building and neighbourhood.</p> <ul style="list-style-type: none"> • ensures excavated material, demolition and builder's waste is disposed of on landfill sites approved by the Environmental Protection Authority and acceptable to Council. • incorporates convenient access for waste collection. 	<p>area and bulk waste collection bins is to be shown on the development application plans.</p> <p>Garbage areas are to be constructed of concrete floors or the like, graded and drained and connected to the sewer where appropriate. Solid walls are required, with or without the following - roof covering, doors, lighting, ventilation and water supply.</p> <p>Garbage areas are to enable safe and easy access by collectors and collection vehicles within proximity to street frontages, and are to be screened with appropriate landscaping measures.</p> <p>For collection of waste, roadway curves are to be a minimum radius of 11 metres.</p> <p>Sites for disposal of excavated material, demolition and builders waste are to be specified by the applicant with the development application.</p> <p>In addition to the above requirements, applicants are required to comply with the Waste Management policy contained in Appendix 1 of this DCP.</p>	<p>stored and located at the rear of the gatehouse building. The site has a very wide frontage so space for bins is acceptable.</p> <p>The facility itself can manage all other recycled waste etc.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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Environmental Impacts

Traffic and access

One of the main issues of concern is the potential increase in traffic movements and the impact on the immediate locality. Although the site is situated within a clearly defined and designated industrial area it is located within close proximity to established low scale residential areas to the west and south. To the west, the industrial area abuts residences along Tallawalla Street in Beverly Hills. The western side of The Crescent adjoins the residential area. These residents are setback some 20m from the roadway. Beverly Hills Park (wooded reserve section) acts as a buffer between the land uses. The site is located some 300m away from the closest residential property to the west.

To the north of the site is a green drainage easement and associated fencing which provides natural screening and noise attenuation from the M5 Motorway. Immediately to the east are larger scale industrial warehouses and properties and the Illawarra Railway line which adjoins Vanessa Street. Lower scale residential properties are located immediately south of the railway corridor and are situated only some 55m from Vanessa Street which is a key access route for trucks and vehicles entering and leaving the industrial area. Below **Figure 17** shows the location of the subject site, key access route and location of the residential properties.



Figure 17: The location of the subject site, the key access route and its relationship to the adjoining residential areas (courtesy: Spectrum Acoustics, 2019)

A detailed Traffic and Parking impact assessment was prepared by McLaren Traffic Engineering and dated 12 December 2019 which accompanied the application. The assessment considered the existing traffic and parking conditions which include the following characteristics;

- Priority controlled intersection of The Crescent and Vanessa Street.
- Signal controlled intersection of Commercial Road/Kingsgrove Road/ Kingsgrove Avenue.
- Provision of “*No Right Turn*” signage for “*Vehicles over 6m*” at the priority-controlled intersection of The Crescent and Vanessa Street.
- Provision of “*No B-Doubles Permitted on Vanessa Street and The Crescent*” signage located at the intersection of The Crescent and Vanessa Street (western intersection).

Parking and access provisions

The report prepared by McLaren conducted a parking assessment based on Council’s controls. It determined that a minimum of 10 parking spaces are required to cater for the development based on the use falling within the manufacturing category and 1 space per 100sqm is required (the proposed warehouse has a floor space of 1,000sqm). This calculation is found to be inaccurate as the calculation has not included the floor space catered for in the gatehouse building which is considered to be an “office” use rather than an industrial use. Council’s assessment against the numerical controls stipulated in **Table 1** as part of this assessment and concludes that the proposal in its current form and in respect to the proposed GFA generates the need for 7 spaces (in accordance with the HDCP) and thirteen (13) are provided which satisfies the control. The car parking includes a designated accessible space

In addition the parking assessment states that there will be a total of ten (10) staff employed at any one (1) time and “*based on the requirement of 10 staff and due to the location of the site subject to public transport, the site is likely to demand 10 car parking spaces. Journey to Work data provides a car driver mode of 79%. Based on the maximum of 10 staff on site, the resulting parking demand based upon the Journey to Work Data is 8 car parking spaces.*” This is considered to be a reasonable assumption given that some employees are likely to car pool and/or catch public transport.

The proposal provides for a total of thirteen (13) spaces which generally complies with Council’s car parking provisions. The development caters for one (1) accessible space however this space has not been designed to comply with AS2890 and it will need to include a shared zone and be redesigned. A condition will ensure this space is redesigned and satisfies Australian Standards and Council’s provisions. Council’s DCP does not include a rate for bicycle or motorbike parking. It is unlikely that staff will ride their bikes to the facility however motor bikes are common uses so a condition will require a small parking bay to be designed and dedicated to cater for two (2) motorbikes.

Regarding loading and servicing the site, it is intended that a maximum 17m long Truck and Dog will access the site. No 19m Articulated vehicles are proposed to access the site although swept path diagrams have been prepared which indicate that a 19m Articulated vehicle could access the warehouse and leave in a forward direction although the manoeuvring will be tight. **Figure 18 and 19** below indicate that manoeuvring into and out of the site by a 17m long Truck and Dog can be accommodated on site. Other common 9m long semi-trailers easily manoeuvre within the site. The new warehouse can house two (2) nine 9m wide trucks at one (1) time or one (1) seventeen (17m) long Truck and Dog.

The western portion of the site has been dedicated for parking spaces but also to allow for trucks that may be waiting to access the site. Given the intensive use of the site the provision of this waiting bay is a good operational solution and will assist with access to and around the site.

The proposal intends to create two (2) x six 6m wide driveway access points to the western portion of the site. It is recommended this area be designed to cater for the cars and trucks that will be using this part of the site and to reduce any potential conflicts occurring. The following design changes are required to facilitate acceptable manoeuvrability:

- Access into the western portion of the site shall be one-way in and one-way out. The main entry shall be on the eastern part of the site ("entry only") and a circular solid concrete driveway with a minimum width of 6m shall be designed and constructed to cater for both vehicles and trucks.
- Vehicles and trucks shall exit the site from the driveway access along the western side. This will be an "exit only" point and shall be signposted accordingly. Trucks will then have to leave the site and travel down the southern side of The Crescent to connect into Vanessa Street. Trucks will not be permitted to turn right into The Crescent and connect into Tallawalla Street.

This will clearly define access to and from the site and should avoid any on street parking or queuing of vehicles and/or trucks attempting to access the site. The report states that the formalisation of the western portion of the site is not required as it is not required to facilitate the functionality of the site. However, formalisation of this area, its use and the parking space design is imperative, otherwise the functioning of this use will lack clarity and the parking of trucks and/or cars and storage of containers etc in a haphazard way is likely to occur. The functioning of the site and all its ancillary services (parking and access arrangements) needs to be very clearly defined and resolved.

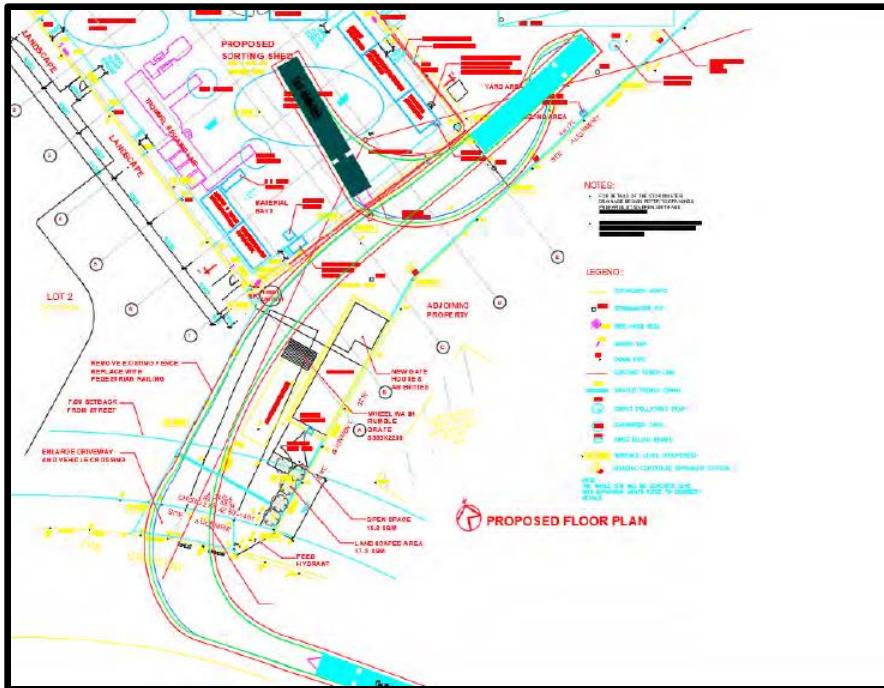


Figure 18: Maneuvering into and out of the facility by a 19m long truck (courtesy: McLaren, 2019)

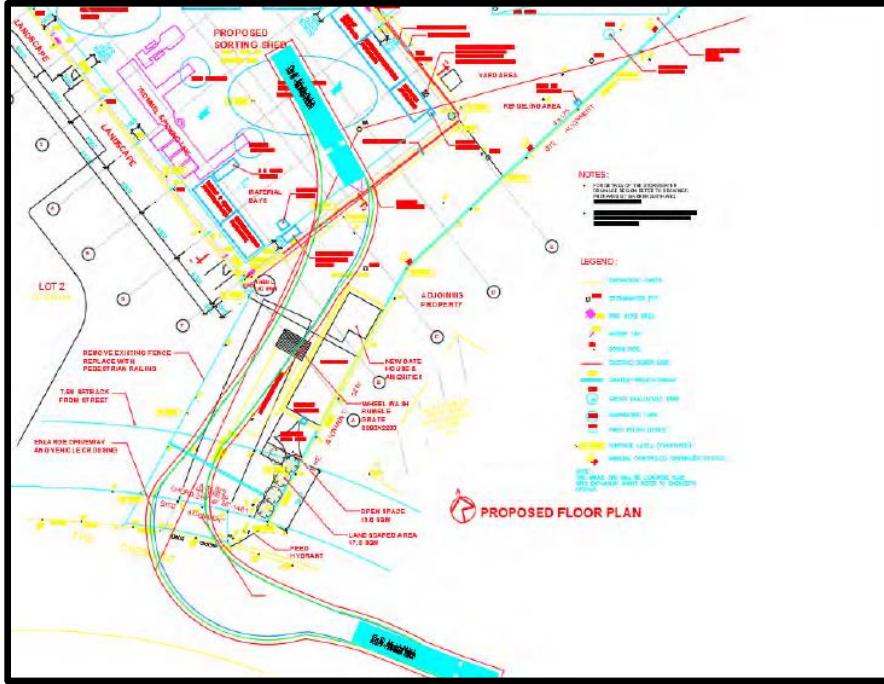


Figure 19: Maneuvering into and out of the facility by a 17m long truck (courtesy: McLaren, 2019)

Traffic generation

The former Roads and Maritime Services (now Transport for NSW) *Guide to Traffic Generating Developments* does not provide specific traffic generation rates for recycling facilities.

Assumptions can be made based on the tonnage of waste that will be generated by the development (in this case 35,000 tonnes per annum which translates to some 673 tonnes per week, 112 tonnes per day). This can then be broken down into the truck loads and their maximum carrying capacity and the number of trucks which can access the site based on the capacity requirements.

The report also compared projections to an existing recycling facility in Moorebank, however traffic counts were conducted in 2003 and it is considered that these figures are outdated and should not be relied upon. Since it is only a comparison which is indicative it should not be used as the basis for comparison to this proposed modern facility.

So based on the general capacity of trucks, a 9m long rigid vehicle can carry some 6 tonnes per trip and a 17m long truck and dog can carry 35 tonnes per trip. In order to satisfy the daily 112.2 tonnes capacity of the site, this means that a total of 46 truck movements (in and out of various vehicles) will be occurring daily.

This is broken down into 19 trucks entering which arrive full and then leave the site empty, and 4 trucks which arrive empty and take recycled material out (8 trips in total). The **Table 3** below shows the breakdown of truck movements on a daily basis which indicates the busiest time of the day is between 9am to 3pm.

Table 3: Estimated hourly and daily truck movements (courtesy: McLaren, 2019)

Time	Percent of total	Number of truck movements	Movements per Hour
7:00AM – 7:30AM	3	1.4 (2)	2 (1 in, 1 out)
7:30AM – 9:00AM	17.5	8.05 (8)	6 (3 in, 3 out)
9:00AM – 12:00PM	35.5	16.35 (17)	6 (3 in, 3 out)
12:00AM – 3:00PM	31	14.25 (13)	5 (3 in, 2 out)
3:00PM – 5:00PM	13	6	3 (1 in, 2 out)
Total	100	46	-

Additional vehicular movements by staff are considered low comprising of 5 movements in the morning and 5 movements in the afternoon which is generated on the basis of 10 staff at the site on a standard working day.

Combined (staff and heavy vehicles) there will be some nineteen (19) movements in total during the AM peak and thirteen (13) in the PM peak. The report concludes that:

“This is well within daily peak hour traffic fluctuations at intersections and the proposed development will not have any adverse impacts upon the surrounding road network in terms of traffic flow efficiency or road safety considerations. Regardless of this, future traffic modelling has been undertaken which is detailed in the following subsections.”

Council's Traffic Engineers reviewed the traffic and parking assessment and raised no objection to the proposed counts and arrangement subject to some issues being raised that can be addressed via the implementation of conditions.

- Reversing of trucks onto local roads is prohibited – *appropriately conditioned*.
- An operation Management plan will need to be submitted and approved and form part of a condition of consent, where it indicates the number of trucks to access the site per day and the frequency per hour so that no trucks will arrive to the site unless can be wholly accommodated within the site without the need to wait or queue on any public road. – *condition included if consent is granted*.
- No loss of parking on The Crescent will be permitted due to the swept path of the largest vehicles accessing the site. - *The proposal will not alter the current access arrangement that exists onsite. Currently there are three (3) points of access and these will not be altered nor will they remove the existing onstreet parking*.
- Queuing on a public road is not permitted. - *This will be conditioned however the formalisation of the western side of the site for trucks to wait will ensure there is no queuing on The Crescent*.
- Details of the truck routes arriving and leaving the site will need to be included in a Traffic management Plan before the issue of a Construction Certificate. - *Conditioned*
- 19m long semi-trailers cannot safely turn at the intersection of Commercial Road and Kingsgrove Road and accordingly must go straight ahead along Kingsgrove Avenue to ensure that trucks do not break any road rules, by crossing double centre lines in any of their turns. - *No 19m long trucks are intended to access the site*.
- Trucks should not turn right into Vanessa Street as this is the residential section of this industrial area. – *The street includes appropriately signposting but a condition will also be included*.
- An accessible parking space needs to be properly delineated and the share zone be hatched with a bollard installed as per the requirements of AS2890.6. – *Provided and included in the design*.

Access routes

Access to and from the site is restricted by existing road conditions and therefore routes for trucks are limited. 9m long trucks have more options to access the site (as shown in the **Figure 20** below) as they are able to travel on the M5. 17m long Truck and Dogs are unable to use the M5 and therefore are restricted to a series of roads (as shown in red in the **Figure 20** below).

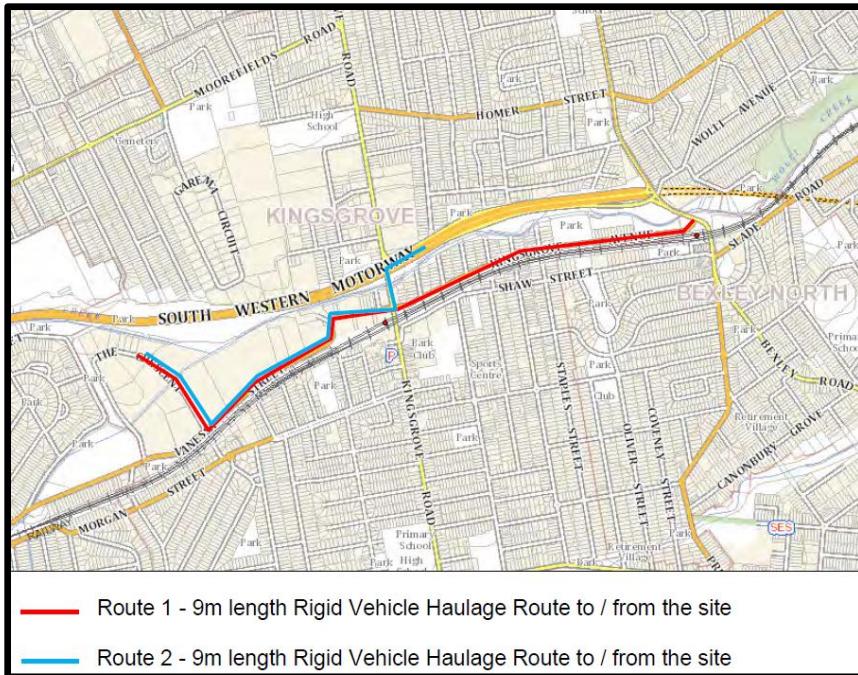


Figure 20: The two potential access routes for 9m long trucks to enter and leave the site.

TfNSW have provided a formal response and do not object to the proposed traffic and transport movements generated by the development subject to the implementation of standard conditions.

In conclusion, the proposal should not generate adverse impacts on the precinct if the operation complies with the conditions of consent and trucks complying with the restrictions currently in place in and around the site for truck access i.e. not utilizing the residential streets (Tallawalla Street) and accessing The Crescent via Vanessa Street only.

Air Quality

An Air Quality Impact Assessment was prepared by EMM Consulting and is dated December 2019. The Air Quality Assessment was conducted in accordance with the EPA's "Approved Methods for the Modelling and Assessment of Air Pollutants in NSW" and is classed as a Level 2 assessment given the proposed intensity of the proposed land use.

The assessment involved a detailed analysis based on modelling a series of information to determine the potential air quality impacts generated by the use with respect to existing and surrounding receptors. **Figure 21** shows the location of the mapped receptors. This type of assessment is technical and scientific and the criteria used and findings are discussed in more detail below, however in conclusion the report states

"The results of the dispersion modelling conducted indicated that proposed operations at the site are unlikely to result in exceedances of the applicable particulate matter or

odour impact assessment criteria at any of the surrounding assessment locations. Impacts generated by the facility are minor relative to ambient background air quality.”

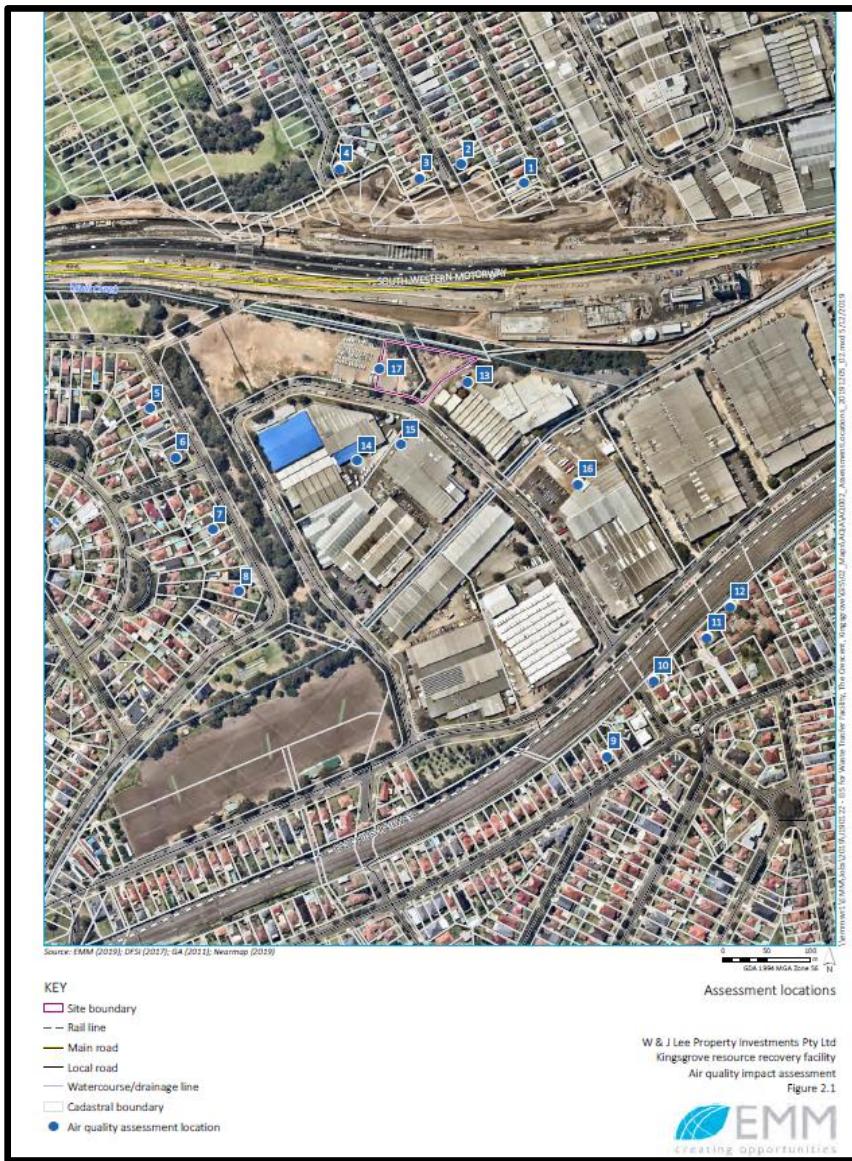


Figure 21: Assessment Locations (courtesy EMM Consultants, 2019)

The proposal has the potential to generate emissions of various air pollutants to the ambient atmosphere caused by day to day actions of the operation (material handling, transfer, processing activities, movement of plant, materials and equipment). In simple terms, air pollutants in relation to the waste resource facility use will generally comprise the following (but not limited to these);

- Oxides of nitrogen
- Particulate matter (key pollutants)
- Sulphur dioxide
- Carbon monoxide

- Volatile organic components

There may be some odour emissions from green waste although no composting is proposed at the site. A condition will be imposed to enforce this. In assessing odour, the *NSW Technical Framework – Assessment and Management of Odour from Stationary Sources* (EPA, 2006) has been used.

Odour performance criteria are expressed in terms of odour units and “*the detectability of an odour is defined as a sensory property that refers to the theoretical minimum concentration that produces an olfactory response or sensation.*”

The EPA guide recommends as a design goal that no individual be exposed to ambient odour levels greater than 7 OU (a concentration of 7 OU means the sample requires dilution with clear air 7 times to become odour free).

A result of 7 OU or less generally represents a level below an “offensive” odour level. Odour performance criteria is designed to take into account the range of odour sensitivities within a community (utilizing a statistical approach) and increasing protection measures accordingly. Generically, an increase in population increases odour sensitivities and more stringent criteria may be required.

Since there are no meteorological measurements collected at the site historical climate data is used with results taken from the closest meteorological monitoring station, in this case the Canterbury Racecourse and Bankstown Airport monitoring stations in conjunction with the CSIRO’s The Air Pollution Model (TAPM) to predict anticipated impacts. The assessment considered the prevailing winds and their frequency and also assessed atmospheric stability (the degree of turbulence or mixing that occurs within the atmosphere that affects the dispersion of pollutants). In determining the background air quality, given the site is located within an industrial area there are many existing emissions sources as the site also adjoins the M5 motorway.

Sources of atmospheric emissions associated with the site include the following:

- vehicle entrainment of particulate matter from material delivery and dispatch trucks along the sealed access road from site entrance to the shed;
- unloading of imported material inside the shed;
- sorting of material by excavator inside the shed;
- transport of material within the shed by FEL;
- handling, sorting and screening of material within the shed;
- transfer of processed materials to storage bunkers inside the shed;
- loading of material to trucks within the shed for dispatch from site;
- diesel fuel combustion by on-site plant and equipment; and
- odour emissions from the storage of green waste material.

The report states that “*emissions of non-particulate matter pollutants (including oxides of nitrogen, carbon monoxide and sulphur dioxide) associated with diesel fuel*

combustion are likely to be minor in nature relative to particulate matter emissions. Such emissions were not included in this assessment.”

The report and associated modelling found that “*the most significant source of emissions is associated with the movement of vehicles (trucks and FEL) across paved surfaces. Given that the majority of material received by the recycling facility would be inert building waste, the potential for odour emissions arising from the project would be low. Nevertheless, odour emissions have been quantified for this assessment for the waste streams with the highest odour potential, being green waste, although there will be no composting on site.*”

The report showed that in respect to air dispersion, incremental (site-only) results (deposition rates from the proposed operation) and expressed as cumulative (site and background) results found that “*the predicted cumulative concentrations for all pollutants and averaging periods comply with the applicable NSW EPA assessment criterion at all neighbouring receptors.*”

In complying with the legislative provisions in respect to pollution and associated emissions, and to ensure that adequate protection of human health and wellbeing is maintained, a series of dust mitigation measures are proposed which include the following;

- *all material unloading, storage, processing and loading will occur within a shed structure; and*
- *the shed is to be fitted with an internal water fogging system to control dust and odour emissions.*
- *Based on the above information, the following emission reduction factors were applied to all emissions occurring within the shed to account for proposed controls at the site:*
- *70% reduction for enclosure (NPI, 2012) for activities occurring within the shed; and*
- *50% reduction for water sprays (NPI, 2012) for within the shed.*

In conclusion the assessment states that “*The results of the dispersion modelling conducted indicated that the site is highly unlikely to result in exceedances of the applicable particulate matter or odour impact assessment criteria at any of the surrounding assessment locations.*” This report was referred to Council’s Environmental Health Section who did not raise any issues with the assessment and its findings.

The application is accompanied by a Dust Management Plan (DMP) which clearly stipulates the processes to be undertaken to reduce dust emissions by all operations at the site. Measures have been developed in relation to dusty loads, machinery and plant equipment handling, wheel wash operations, hard stand area, stockpiles, loading materials, utilising a sprinkler and misting system and further measures are engaged during adverse weather conditions with the implementation of a “*shut down and cover up*” policy if conditions require more stringent protection measures to be initiated. A condition will require the implementation of the DMP on a daily basis.

The development will include a Coolfog System which aims to reduce the cooling, dust and potential odours. The system relies on a “Fugitive Overhead Fogging system” which relies on a series of nozzles within the sorting shed (as shown in **Figure 22** below) producing minute water droplet particles that evaporate into the atmosphere and “*this output of water fog encapsulates the dust particles making them too heavy to remain airborne, thus suppressing the dust particles safely to ground. Coolfog reduces the risk of dust particles entering adjoining industrial and residential properties*”. The system also deals with fugitive odours that can be controlled by “*introducing liquid odour control products into the Coolfog water supply. Once the water is fogged into the atmosphere these products neutralise odours, improving both the working environment and its surroundings*”.

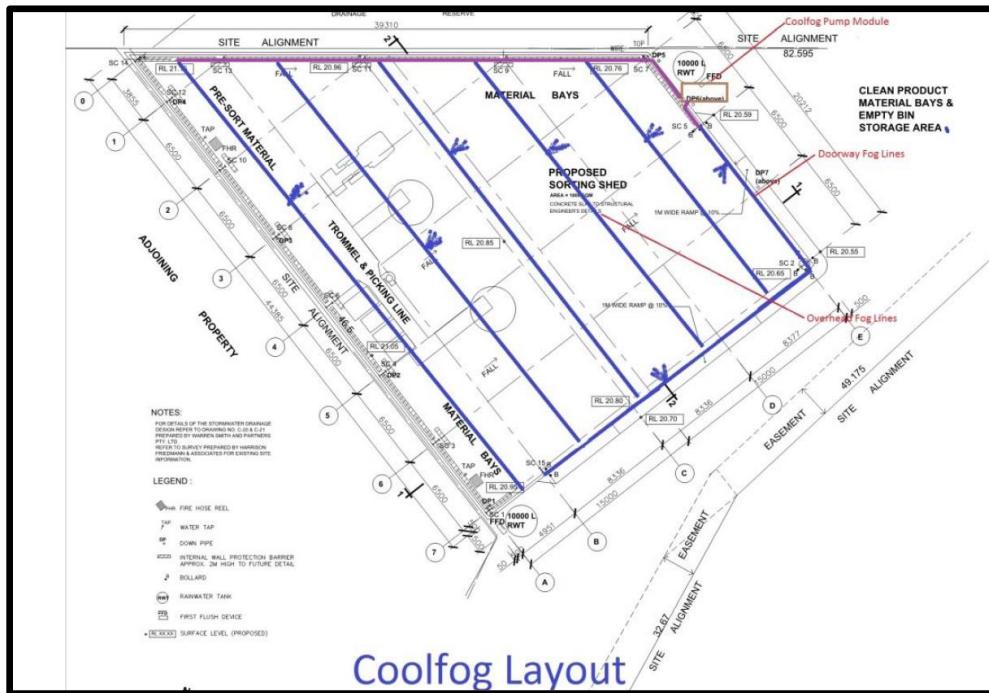


Figure 22: Assessment Locations (courtesy EMM Consultants, 2019)

Despite the proposed measures to manage dust emissions, neighbouring properties have raised concerns regarding the proposed large sliding hangar doors that are proposed and that these are not automated and as such could be left open when waste is being unloaded within the shed and dust and associated emissions will leave the building through the doors and adversely affect the amenity of adjoining properties which are food processing industries and operations which are particularly sensitive to dust. The EPA on a number of occasions has raised concern that the sliding hangar doors are not automated. In ensuring that the development will be designed and developed to best practice it is recommended via a condition that the doors will be automated and this will ensure they will close whilst a truck is unloading within the shed.

Flood Risk Assessment

The Planning Secretary's Environmental Assessment Requirements (SEARS) include the requirement for the proponent to consider the flood liability of the site and associated flood behaviour. In response to this requirement, a Flood Risk Assessment has been prepared by Grc Hydro, dated December 2019.

The design flood behaviour for the site was previously established by the Hurstville LGA Overland Flood Study and was determined using a hydrolic/hydraulic model that included Wolli Creek and overland flow. The model was slightly updated by the realignment of fences and structures around the site. **Figure 23** below shows the peak flood depth and extent of 1% AEP event.

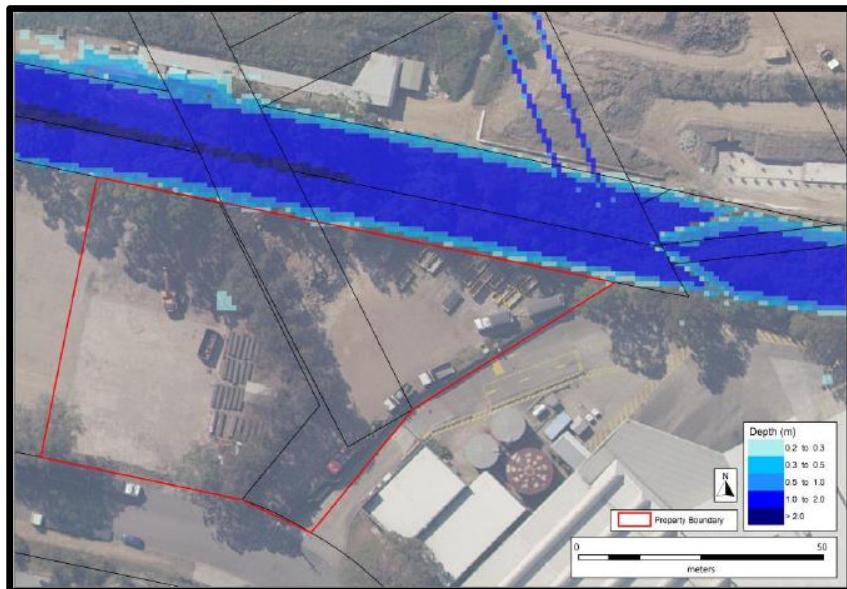


Figure 23: Existing Site 1% AEP flood affectation

Council recently approved a proposed development at No.2 The Crescent (which adjoins the site to the west) for the construction of a two-storey industrial building for the storage, maintenance and fitting of accessories to vehicles prior to delivery and sale, on grade vehicle storage, landscaping, fencing and site works (DA2019/0375). Deferred commencement approval was issued on 30 June 2020. This application was accompanied by a Flood Study prepared by Cardo, dated 6 March 2020. The study showed the 1% AEP Flood depth also taken from Council's Regional Flood Study which further confirmed the subject site is not flood liable.

To assess the impacts of the proposed development on the existing situation, the new building footprint and associated structures need to be mapped to determine the extent of changes to the peak flood level. The flood study mapped this and found that "*there is a small increase in the peak flood level in the vicinity of the two buildings (warehouse and gatehouse) due to them partially blocking shallow overland flow across the site.*" The report concludes that "*The existing site proposed for development of a resource recovery facility is not flood liable during the 1% AEP flood event. The proposed*

development does not cause offsite flood impacts. There are no other potential impacts to water resources, hydrology, drainage lines and watercourses, related to flooding."

The findings of this report are considered to be acceptable and reasonable and Council's Flood Planning Engineer has not raised any concerns regarding the proposed development in relation to flooding.

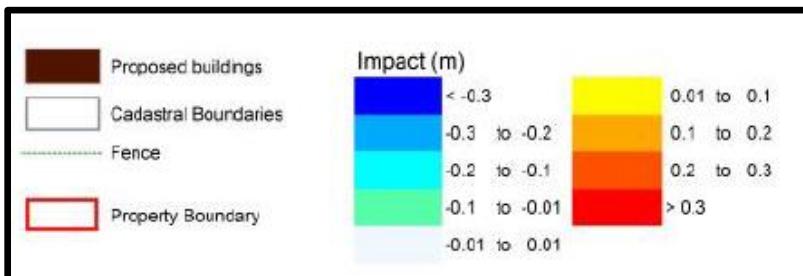


Figure 24: Flood level impact created by the proposed development (courtesy GRC Hydro, 2019)

Acoustic performance

Industrial noise can have a significant effect on noise-sensitive receivers surrounding the development site. A Noise Impact Assessment prepared by Spectrum Acoustics and dated December 2019 accompanied the application. It considered a 24 hour operation. Ambient noise monitoring was conducted at two locations (refer to **Figure 25** below).



Figure 25: Location of the two noise loggers N1 and N2 (courtesy Spectrum Acoustics, 2019)

The measurements were conducted in accordance with the relevant EPA guidelines Noise Policy for Industry (NPI) and AS 1055-1997 *Acoustics – Description and Measurement of Environmental Noise*. In respect to road traffic noise, the NSW Road Noise Policy (2012) has been utilised.

The residential noise logger locations were selected in accordance with Australian Standard requirements. The loggers registered noise at 15min intervals and located within residential locations at No.119 Tallawalla Street and 106 Armitree Street. The acoustic assessment considered noise creating sleep disturbance, road traffic and vibration.

The acoustic assessment firstly established the ambient noise levels which are outlined in **Table 1** below.

Location	Day	Evening	Night
119 Tallawalla St (N1)	43 dB(A) L90	42 dB(A) L90	39 dB(A) L90
	58 dB(A) Leq (11hr)	54 dB(A) Leq (4hr)	49 dB(A) Leq (9hr)
106 Armitree St (N2)	43 dB(A) L90	41 dB(A) L90	38 dB(A) L90
	57 dB(A) Leq (11hr)	53 dB(A) Leq (4hr)	46 dB(A) Leq (9hr)

Table 1: Measured ambient noise levels (courtesy: Spectrum Acoustics, 2019)

From these noise measurements, noise criteria for receivers (residential, industrial, sleep disturbance, road traffic and vibration) are established.

This assessment concluded that the proposal would satisfy the adopted noise trigger levels for operational noise and sleep disturbance impacts at residential receivers for a 24 hour operation and that the proposal will satisfy the guidelines and standards required to be met in relation to noise emissions, noise intrusion and in respect to road traffic noise.

However, Council's Environmental Health Section believed the assessment fell short of critically analysing and assessing noise impacts at night and failed to adequately determine impacts in relation to sleep disturbance. Council's Health Unit made the following observation;

"With reference to the acoustic report submitted to Council, Section 2.2.3 Sleep Disturbance specifies that where the subject development/premises night-time noise levels at a residential location exceed LAFmax 52dB(A) or the prevailing RBL plus 15 dB, whichever is the greater, a detailed maximum noise level event assessment should be undertaken.

Under Section 2.1 Ambient Noise Levels, the night RBL, L90 at 119 Tallawalla Street was measured at 39dB(A)L90 and at 106 Armitree Street it was measured at 38dB(A)L90. Both of these measurements plus 15 exceed 52dB(A) criteria set in the NPI.

In the Executive summary, it is proposed that the RRF is predicted to comply with relevant guidelines, policies and criteria in relation to noise emission, noise intrusion and road traffic noise. However, maximum noise level for night time and sleep disturbance have not been given full consideration. This is concerning as the site is proposing a 24/7 operation. We need to be satisfied that measures can be undertaken to negate sleep disturbance, comply with NPI and ensure the use of the premises is not emitting "offensive" noise as defined under the POEO Act.

In response to this concern the Acoustic consultant confirmed that;

"The background noise levels do imply sleep disturbance trigger levels of 54 dB(A), Lmax at Tallawalla Street and 53 dB(A) at Armitree street as noted by Council.

The detailed assessment of maximum noise is only required if the screening level of 52 dB(A) is exceeded.

The NPI uses "trigger levels" instead of "criteria" as used in the superseded INP. This change in wording was to make it clear that if a trigger level is not exceeded, no further assessment is required.

That is, exceedance of the trigger level triggers the need for further assessment.

Table 8 of the report shows calculated levels lower than the adopted default minimum screening level even for a source with very high sound power level of 121 dB.

Therefore, no further assessment is required as the trigger level was not exceeded.”

The Applicant updated the Acoustic Report and submitted an amended report dated July 2020. The revised report includes confirmation that, in the interests of a conservative analysis, the acoustic modelling assumes the proposed hangar doors to be open. The revised report also includes noise contours for night-time operations (ie tip and spread only) which also confirm nil sleep disturbance impacts for residential receivers.

The EPA's final request for additional information dated 20 August 2020 required additional acoustic information and detailed information regarding hours of operation. In relation to acoustics the EPA was concerned that the noise predictions at both residential receivers are too similar (during the day and night activities) given their locations and the propagation conditions do not seem reasonable. They also raised the issue that the proponent is seeking to use the western part of the site for storage of skip bins yet the acoustic assessment hasn't considered this potential impact in its testing. Reversing alarms have also not been taken into consideration. The hours for the modelling of night time activities has not considered the 6am -7am activities which are still classified as night time.

The final Acoustic report dated October 2020 has addressed these issues and the EPA were satisfied as they issued GTA's after receiving this information. The report provided the following information;

- *“Modelling for operational noise has also been recalibrated to include scraping, dragging, bangs and crashes associated with bin movement. The modelling indicates that the skip bin handling and storage contributes 1 dB. The noise contours, including under worst case wind scenarios, predict noise levels still well within EPA thresholds for both day and night time. No skip bin handling shall occur in the yard during night time periods.*
- *Computer noise modelling has been adopted. The greatest barrier effect for both receivers R1 and R2 will be provided by the precast concrete sorting shed which will contain all the major noise sources. Traffic noise barriers will provide additional insertion loss to the north towards R1 but with R2 being at greater distance from the site than R1, this receiver will experience greater distance loss. The net effect is similar calculated noise levels for the two receivers.*
- *The applicant's small fleet of trucks and mobile plant (eg excavators) are modern vehicles which include reversing alarms which utilise white noise (also known as 'squelch' or 'quacker') rather than beepers. The specific reversing alarms are BBS-Tek models and produce a self-adjusting noise emission level to be 5 to 10dB above ambient background pressure levels.”*

- *The operations between 6am to 7am are largely “set up” and the ‘preparedness’ period of the facility.”*

The Acoustic assessment concludes that the facility and its proposed operation will comply with the required noise levels. The concrete walls and the main opening facing north-east will suppress noise to a large degree to residential receptors.

The report recommends *“that once the RRF is fully operational, a consent condition should require initial noise monitoring to confirm compliance with the project noise trigger levels for industrial receivers and at residential receivers R1 and R2. It may be necessary to conduct several monitoring surveys to capture source to receiver winds for both residential receivers. Conversely, the survey may be conducted under neutral conditions and the levels under wind conditions can be estimated from the results for both conditions as presented in this assessment. Noise monitoring should not be required on a continuing basis if the measurement of full operation confirms compliance.”*

Given the close proximity of the site to residential properties and the nature of the land use proposed, noise is one of the fundamental issues and environmental concerns. Despite the conclusion of the Acoustic report it is essential to minimise impacts where possible and for the operation to maintain functionality and economic benefits. The following conditions have been imposed that will assist in managing, monitoring and minimising impacts;

- The night time activity will be trialed for a 12 month period to allow for further acoustic modelling and monitoring this more sensitive part of the operation.
- No skip bins shall be stored along the western side of the site.
- A series of conditions have been imposed which will require detailed acoustic modelling and further monitoring of the facility after operation commences.
- The GTA's imposed by the EPA include a number of specific and detailed noise conditions that will need to be complied with.

This approach is considered reasonable and should assist in monitoring, minimising and managing noise impacts of the operation.

Georges River Interim Policy Development Control Plan

Council at its Environment and Planning Committee Meeting dated 24 June 2019 resolved to adopt the Georges River Interim Policy Development Control Plan which became effective on 22 July 2019.

The Interim Policy is a public policy that is to be used as a guide to set a consistent approach for the assessment of residential development within the LGA. It is a supplementary document, meaning that current Development Control Plan controls will prevail if they are considered best practice. The Interim Policy has no statutory recognition in the assessment of DAs pursuant to the Environmental Planning and Assessment Act, 1979 (EP&A Act).

The Policy focuses on streamlining controls relating to Dual occupancy, Multi-Dwelling and Residential Flat Building development to provide for consistency when assessing these residential developments throughout the amalgamated LGA. The policy is not applicable to industrial developments.

Section 94 Contributions Plan

The proposed development requires the payment of Section 7.12 (previously Section 94A) contributions under the provisions of Council's document titled "Section 94A Contributions Plan 2017". Contributions under Section 7.12 of the Environmental Planning and Assessment Act 1979 are applicable based on the estimated cost of development which in this instance is 1% for \$200,000 or more. Section 7.12 contributions for this development equate to \$9,900 based on the estimated cost of development of \$990,000 as indicated on the applicant's DA form.

IMPACTS

Natural Environment

The proposed development is unlikely to result in adverse impacts on the natural environment.

The proposal seeks the removal of several large, mature trees however these are not considered to be species with any biodiversity or endangered qualities. They are currently poorly sited and poorly maintained. They are not highly valuable or add significantly to the visual quality of the area given the site is neglected and underutilised.

The replacement planting at a 2:1 ratio (for compensatory planting) will improve the environmental qualities of the site and create a more formal and well managed landscape plan and arrangement for the future.

Subject to the compliance with the EPA GTA's and conditions attached if consent is to be granted natural environmental impacts should be minimised and well controlled.

Built Environment

The proposed development will have a positive impact on the built environment as it will create a well-managed and organised development on a currently vacant and neglected site. It will also substantially improve the visual appearance of the property by the construction of the buildings on site which are consistent and in keeping to industrial warehouse buildings in the immediate locality and streetscape.

Social Impact

The proposed development is considered of benefit from a social and economic perspective, providing a facility that is in demand by the wider community.

Economic Impact

The proposed development will have a positive impact on the wider economy as it will benefit the construction industry given this is a large and integrated project that requires the co-ordination of many trades and resources to build and construct.

In addition, this is a facility that is in demand as part of society's greater environmental need as there is strong impetus and need for recycling facilities and operations which will restrict and limit rubbish generation and reduce the pressure placed on existing landfill sites.

Suitability of the site

It is considered that the proposed development is a permissible use and has been designed to be of a scale and design that is suitable for the site.

Having regard to its size, shape, topography, vegetation and relationship to adjoining developments, the subject site does not contain any impediments that would preclude it or compromise its suitability for the intended land use as proposed. The visual appearance of the development in a built form context is suitable and will be sympathetic and consistent with the scale and form of immediately adjoining industrial developments and the use will be in keeping with industrial developments in this broader precinct.

SUBMISSIONS AND THE PUBLIC INTEREST

The original application was notified and advertised to immediately adjoining properties. A total of seven (7) submissions were received.

The following issues were raised as concerns by submitters.

- **Detrimental impacts from the current unauthorised use**

Comment: Council's Compliance section and Environmental Health section have issued warnings to the current operator of the premises on a number of occasions. In more recent times Council's Compliance section have decided to hold off issuing any further Notices or Orders in relation to the use of the premises until after determination of this application.

In response to the complaints Council's Environmental Health section have issued a Prevention Notice on 4 June 2020 in relation to the current condition of the premises.

- **Contradictions within the EIS and some ambiguous facts about the proposal**

Comment: Where there are inconsistencies with the information provided in the EIS, Council has requested further information for clarification and to ensure processes and procedures align with one another.

Of importance is that the proposed methods to mitigate impacts which are now considered satisfactory, compliant and can be reinforced by appropriate Conditions. The potential environmental impacts have been considered by the EPA and Council's

Environmental Health sections. They have reviewed several iterations of updated information which is now considered to be satisfactory.

In respect to capacity and the amount of truck movements per day in and around the facility, the Applicant has provided more detailed information and conditions will ensure maximum numbers of trucks during the day and night will not be exceeded and the night-time activity will be trialed for a 12 month period in order to monitor these more sensitive activities. This is considered to be an appropriate planning outcome in respect to the operation.

- **Concern regarding the inspection regime and that any types of waste can enter the site**

Comment: Given the nature of the use, it is very difficult to determine the exact amounts of waste that will be stored and processed on the site at any given time.

Daily amounts will vary given the demand for this type of facility and the agreements in place. The proposal stipulates that a total maximum amount of waste to be processed at the site will be 35,000 tonne per annum.

The operation will need to carefully monitor the amount of waste entering and leaving the site and will need to comply with the EPA licence agreement and associated GTA's.

The weighbridge will assist with calculating loads of waste that enter the site and the Operator will need to satisfy capacity requirements otherwise the EPA can take action regarding non-compliance with the licence in accordance with the POEO Act.

The EPA has scrutinised the processes that have been proposed to minimise adverse environmental impacts (i.e. dust and odour emissions) and are now satisfied with the proposed material handling procedures.

It is accepted that a “visual inspection” which is proposed as part of the management process of allowing particular waste streams to enter the site is not the most reliable form of managing the types of waste that enter the site but it is Council’s understanding that this is an industry standard procedure and practice that is adopted by most waste resource facilities. General inspections will be able to determine the type of waste and materials that will enter the site and the facility will be able to hold a small amount of green waste or hazardous waste but for larger loads, trucks will be turned away. Generally operators know where to deliver certain wastes and it will not be in their interest to send illegal waste to a waste facility that can not process them. It is unlikely this would become a common practice.

- **No management plans are proposed in respect to hazardous waste**

Comment: The proposal will not accept any hazardous and/or offensive waste. The application has been amended a number of times to satisfy EPA requirements. One of the concerns was the lack of appropriate material handling processes. These procedures were updated and include the treatment of a variety of different waste

streams i.e green waste, hazardous waste, metals, plasterboard, rigid plastics and plasterboard and how each of these materials will be handled. The EPA are satisfied with the processes and if consent is issued then conditions have been imposed to ensure that the materials handling procedures are complied with.

- **The use of the western section of the site is unclear and could become an area for storage which is unacceptable**

Comment: Council has expressed concern regarding the use of the western section of the site. It is understood that from the most recent correspondence from the Applicant, this part of the site will be used as a “waiting bay” for trucks.

It is recommended that a 6m wide semi-circular driveway (fully concreted) be designed in this area, for trucks and cars to enter the eastern side of the site and use this driveway to park or allow for trucks to line up and wait until space is made available within the warehouse. The trucks or cars will exit along the western side of the site. This more formal arrangement will need to be designed prior to the issuing of consent as it is structured as a Deferred commencement condition. This condition will structure and formalise the use of this part of the site.

There will be no storage of any waste, items or skip bins along this side of the site (this is included as a standard condition).

- **Adverse impacts in terms of dust, debris, odours and air borne emissions are not appropriately addressed**

Comment: The potential environmental impacts that may be associated with the proposed use have been discussed in detail earlier in this report and subject to compliance with the EPA licence, GTAs and standard conditions recommended as part of this report. These impacts should be well managed, mitigated and within the limits anticipated for a development of this nature.

The proposed development includes a series of management plans and strategies to reduce the severity of any potential impacts.

- **After hours use will not be managed appropriately**

Comment: It is recommended that the after-hours use shall be initially regulated and monitored on a trial basis for twelve (12) month period. It is intended that only twelve (12) truck movements (6 in and 6 out) will occur after hours and will only permit for the storage of waste no processing will occur. This will be conditioned appropriately.

After the 12 month trial period Council will re-evaluate the night time use via a modification application to extend the trial or remove the trial condition and if it is not operating in accordance with conditions of consent and environmental impacts exceed thresholds (ie acoustic impacts exceed the requirements) the operation can be requested to operate in accordance with standard hours of operation 6am -5.30pm.

- **Insufficient contamination reporting**

Comment: Council requested an updated investigation in respect to contamination to ensure the site complies with the provisions of SEPP 55. An updated report (PSI) was prepared in October 2020 included boreholes which considered the current site conditions (the existing non-conforming land use activities occurring at the site). The report found that the site is not contaminated and will comply with the provisions of SEPP 55 and will be suitable for its intended industrial use.

- **Traffic and parking concerns**

Comment: This report has considered the traffic proposed to be generated by the development.

The scale and capacity of the development will largely govern the number and frequency of truck movements. It is estimated that on any one day 46 truck movements are proposed (19 movements in and 19 movements out including 4 movements in and 4 movements out of potentially hazardous waste). These movements are within the standard operating hours and there will be a total of a further 12 truck movements (6 in and 6 out) are proposed during the night time. This will be appropriately conditioned.

Despite the truck movements being only calculated between 7am to 5pm, the report fails to consider truck movements between 6am to 7am. The Applicant has confirmed that operations between 6am to 7am are limited to "set up" and the trommel and all heavy equipment will not commence until 7am. Also at 6am when the premises opens the waste that was delivered at night will have to be sorted and this is not an intense part of the operation. It is unlikely there will be any significant truck movements during this time

It is acknowledged that the swept paths and manoeuvring diagrams included in the traffic and parking assessment shows that the trucks that are 9m and 17m long will be able to access the site 19m long articulated vehicles are not intended to access the site. TfNSW have not objected to the proposal and this authority does not believe that the truck routes are incapable of catering for the trucks accessing the facility and the local area can facilitate the anticipated movements and types of vehicles given the nature of the immediate area.

- **The proposal is heavy industry and is an incompatible use.**

Comment: The proposed use is permissible in the zone and aims to be designed to be compatible with adjoining industrial uses.

The Georges River LGA only has one Industrial zone being IN2 and does not have a number or variety of industrial zones (i.e light and heavy industrial zones).

This use is prohibited in every other zone. The proposed development is a more intensive use than some of the immediately adjoining land uses however it is

considered that if it is well managed and operated then it should not adversely affect the amenity of the local area and should not conflict with adjoining industrial uses.

- **Current operation on site creates adverse environmental impacts (dust, noise and odour emissions) and mitigation measures are insufficient**

Comment: The environmental impacts have been addressed in detail throughout the report and the proposed processes and procedures aim to reduce impacts proposed. These are considered to be standard practices for this land use and sufficient in mitigating impacts.

The EPA, Council's Engineers and Environmental Health Officers are satisfied with the proposed materials handling processes and associated measures to minimise impacts subject to conditions.

- **Adverse vibrations from the proposed use, tipping of solid waste material and loading/unloading of skip bins**

Comment: Vibrations will not be considered to be adverse considering that all processes will be internalised within the building.

The introduction of advanced equipment and acoustic sound proofing will assist in mitigating and reducing these potential impacts. Vibration would only come from the crushing of some materials which will occur in an enclosed building and with the assistance of appropriate up to date machinery.

- **Fire emergency measures are insufficient**

Comment: The proposed design includes a sump and storage pit which is located at the lowest point in the sorting shed and has been designed by Fire and Hydraulic Engineers to cater for the collection of firefighting runoff that may occur in the event of a fire or firefighting testing exercise. This storage pit is not connected to the external stormwater drainage system as it is designed to prevent any contamination to waterways or the environment.

The sump and storage pit also performs the purpose of collecting any runoff or leachate that may occur within the shed. Therefore, the sump and storage pit performs a very important part of the Resource Recovery Facility water management system and must be checked and serviced regularly.

In addition to these measures, Fire and Rescue have commented on this aspect, appropriate conditions are included to manage potential incidents.

- **Potential pollution of Wolli Creek**

Comment: Management of stormwater is proposed which complies with Council's requirements and it is highly unlikely there will be any pollution to the Creek or immediate surrounds.

A sediment control plan will be in place to ensure sediment is managed on site and a sump will be included to capture any leachate and store it so it will not contaminate the ground and any surface water.

- **The proposed “top-hung sliding hangar style doors” are and unsuitable and inappropriate design solution in containing emissions within the warehouse**

Comment: The issue with the door design has been raised by the EPA in their original submission and they too were concerned and preferred the installation of automatic doors.

The Applicant has provided additional information regarding the door design and that hinges and locks and the treatment and construction of the doors will be such that they will be airtight and will not allow for dust emissions to escape whilst closed. The EPA are now generally satisfied with this arrangement.

However despite the Applicant satisfying the EPA controls, Council is still not satisfied with this arrangement.

The Applicant was requested to reorganise the positioning of the sorting shed so that the opening would not directly face and impact the adjoining food producing industry (Allied Pinnacle).

The Applicant has not altered the design of the warehouse and given the close proximity of the large opening to the boundary. It is requested by way of a condition that the doors will be required to be self-closing “automated” doors as manual sliding doors will no doubt potentially be left open and dust will affect adjoining properties. This is considered to be a small request which would minimise impacts and would assist in ensuring the openings remain closed when trucks enter the site and dispose of their loads within the shed.

The Applicant has stated that the hangar doors should be sliding as opposed to automatic for the following reasons;

- Automated doors don't allow for smaller vehicles to access the shed whilst manual doors provide more flexibility.
- In terms of impact mitigation, doors should be opened as little as possible and as infrequently as possible. This is the advantage provided by a manual door.
- The Applicant proposes to install a motorised door opener/closer which is activated by remote control. The facility supervisor can therefore operate the door without the need to direct staff away from normal processing activities.

The EPA believes that automated doors are best practice and would ensure that doors are closed when unloading and processing occurs. In this case it is felt that automated doors should be implemented which will ensure dust is managed and also noise. There will be no opportunity for human error with doors potentially remaining open when they should or could be closed.

- **Adverse acoustic impacts (well beyond background levels)**

Comment: The acoustic report has been updated on a number of occasions to consider all potential acoustic impacts. Of most importance is the potential for sleep disturbance by the after-hours use. This has been appropriately addressed by the report dated October 2020. Council's Environmental Health Section and the EPA are now satisfied with the results and have conditioned the development accordingly.

A condition in relation to the after-hours part of the use will be able to be varied if this part of the operation is found to be non-compliant with acoustic measures and will adversely affect the amenity of adjoining residential properties.

- **Light spill from night time activities and reflectivity of building materials and finishes**

Comment: The application was accompanied by a Reflectivity Report prepared by EMM Consultants dated December 2019.

The report assessed the potential of the proposed warehouse building to generate glare impact onto occupants of nearby industrial, residential properties and the M5 Motorway. Section 5 of the HDCP requires a reflectivity study to be prepared where the development may have an impact on the locality or on major roads.

As a guide, the ADG, SEPP 65 guidelines provide a generic measure for residential development that recommends that gazing should not deliver a reflective level of more than 20%. The architectural plans indicate that the proposed materials and finishes of the industrial warehouse building will include precast concrete walls, hanger doors which will be finished in colorbond "iron stone" colour and the roof, fascia, eaves and gutter will all be colorbond "windspray".

As such the materials, finishes and colours selected will not give rise to any glare or reflectivity which is unreasonable or detrimental. Conditions will be included regarding lighting and it will be requested that they be utilised by a sensor and be dimmed and appropriate so as not to create any adverse impacts.

- **The proposed layout of the building should be reversed so that impacts to the adjoining food processing premises are reduced.**

Comment: Council did raise concern regarding the proposed orientation and siting of the building given that a large proportion of the western part of the site is underutilised.

The Applicant has responded to state that the industrial warehouse is a specific purpose built facility and the arrangement and design satisfies the operational requirements of the use given that the site is irregular in shape.

Council reconsidered this argument and if the western part of the site is redesigned to create a well-planned access and fully concreted formal waiting bay this will alleviate any potential for queuing on the street and will allow for a more organised operation.

With the introduction of automated doors the orientation of the opening along the eastern side should be acceptable and impacts to adjoining properties minimised.

- **Hours of operation to be limited to 9am to 4.30pm**

Comment: The proposed changes to the hours of operation as sought by the submitters are considered unreasonable for the intended use.

The standard operating hours of 6am to 5.30pm are reasonable for an industrial use within this zone. The after-hours part of the operation will be monitored more closely and will be subject to a trial condition which will allow for variation and/or refusal if the operation is not complying with the stipulated noise conditions outlined in the GTA's issued by the EPA.

REFERRALS

Council Internal Referrals

Senior Building Officer (Major Projects)

The application was referred to Council's Senior Building Officer has raised no objection subject to conditions of consent being attached to any consent granted.

Development Engineer

Council's Development Engineer has raised no objection subject to conditions of consent being attached to any consent granted.

Traffic Engineer

Council's Traffic Engineer has reviewed the application and has made the following comments;

"The Traffic section has no objection to the subject DA in principal with the following conditions/extra information

Parking requirements need to conform to our DCP requirement

- *Reversing of trucks onto local roads is prohibited.*
- *An operation Management plan will need to be submitted and approved and form part of the condition of consent, where it indicates the number of trucks to access the site per day and the frequency per hour so that no trucks will arrive to the site unless can be wholly accommodated into the site without waiting or queuing on any public road.*
- *No loss of parking on The Crescent will be permitted due to the swept path of the largest vehicles accessing the site.*
- *Queuing on public road is not permitted.*
- *Details of the truck routes arriving and leaving the site will need to be included in a Traffic management Plan before CC*

- *19m semi-trailers cannot safely turn at the intersection of Commercial and Kingsgrove Road and accordingly must go straight ahead along Kingsgrove Avenue to ensure that trucks do not break any road rules, by crossing double centre lines in any of the turns.*
- *Trucks should not turn right on Vanessa Street as this is the residential section of this industrial area*
- *Disabled parking space needs to be properly delineated and the share zone be hatched with a bollard installed as per AS2890.6 requirement.”*

These issues and concerns can be dealt with as conditions of consent.

Environmental Health Officer

Council's Environmental Health Officer has reviewed the application and raised a series of concerns throughout the assessment process regarding the originally submitted acoustic report and its lack of assessment in respect to sleep disturbance analysis for the after-hours, night time activity, and the lack of details regarding site contamination.

Additional information was submitted in October 2020 which now generally satisfies Council's Environmental Health Officer subject to the implementation of conditions which relate to the management of hazardous and intractable waste, contamination, unexpected finds and site remediation/validation (if required) and the requirement for a Plan of Management regarding how the operation will address complaints.

Council's Environmental Health Officer is now satisfied with the additional information and has imposed a series of conditions if consent is to be issued.

Coordinator of Environment Sustainability and Waste

The application was referred to Council's Coordinator of Environment Sustainability and Waste on 4 February 2020. To date no response has been received and therefore their concurrence is assumed. Some general waste (food etc) will be produced which will have to go through to landfill and Council collects this waste from The Crescent. Arrangements can be made when the operation commences.

Council's Landscape Management Officer

Council's Landscape Officer has raised no objection to the proposal subject to conditions of consent which require compliance with the recommendations of the Arborists report, compensatory planting at 2:1 for the loss in vegetation across the site, retention and protection of existing trees and provision of new street trees.

External Referrals

Sydney Airports

The application was referred to Sydney Airports who advised that “*no assessment is required by this authority given that the height of the structures as proposed are within the Outer Horizontal Surface height limit of 155m AHD*”.

Ausgrid

The application was referred to Ausgrid for comment. On 3 March 2020 Ausgrid raised no objection to the development application however “the design submission must comply with the relevant Ausgrid Network Standards and Safe Work NSW Codes of Practice for construction work near existing electrical assets.

The “as constructed” minimum clearance to Ausgrid’s infrastructure must not be encroached by the building development. There are standard conditions included to ensure Ausgrid’s recommendations will be satisfied and adhered to during construction.

Environmental Protection Authority (EPA)

The proposed waste resource facility requires a Licence in accordance with Sections 43(b), 48 and 55 of the Protection of the Environment Operations Act 1997 from the Environmental Protection Authority (EPA).

Prior to the issuing of a Licence for the operation of the use the EPA will need to provide general concurrence for the use and issue General Terms of Agreement (GTA’s) which are general conditions by which the facility will need to operate in accordance with.

The application was referred to the EPA and on 30 March 2020 the first request for additional information was issued the Applicant. The EPA reviewed the EIS and determined it was inadequate and GTA’s could not be issued. Additional information was requested in respect to the following:

- Discharges during construction
- Design and operation of the wheel wash
- Details of the proposed waste streams in particular materials handling processes in respect to timber, wood and green waste.
- Details of any Resource Recovery Orders
- Additional Geotechnical information
- Water system management
- Refuelling processes
- Details in respect to the proposed top hung “Hangar style” doors

On 30 May 2020 additional information was provided by the Applicant which was referred to the EPA for comment.

On 9 June 2020 the EPA were still not satisfied with some of the information provided and requested more information in respect to the following:

- More details of the way the Hangar Style doors will be kept shut whilst sorting and processing occurs.
- Management of excavated natural materials
- Clarify the procedure for screening Green Waste and Treated timber.
- Soil storage and sorting procedure that is to occur within the shed

- Additional acoustic information
- Details of the 24 hour operation

Updated and additional information was submitted by the Applicant in July 2020 aiming to address the outstanding issues.

The Noise Impact assessment was modified to address potential dragging, banging and crashing of skip bins and the handling of bins outside the shed.

Additional information in regards to material handling was provided in respect to green waste which can become toxic and also in respect to treated timbers and wood. An amended floor plan was provided to show the sorting practices and more details in respect to this part of the operation.

This information was re-referred to the EPA and on 20 August the third and final request for additional information was issued. The EPA wanted more information in respect to noise predictions and more details regarding the hours of operation specifically in relation to the after-hours use of the premises. An updated Acoustic report was submitted dated October 2020 and a cover letter addressing the issues sent to the EPA for further consideration.

On 4 November 2020 the EPA issued GTA's and is now generally satisfied with the proposal subject to the satisfaction of the GTA's which include a series of conditions to ensure environmental impacts are minimized. The Applicant will have to apply for a licence separately and directly through the EPA.

Fire and Rescue

The application was referred to Fire and Rescue with formal comments being received which make the following comments;

"It has been the experience of FRNSW that waste recycling facilities pose unique challenges to firefighters when responding to and managing an incident. Factors such as high and potentially hazardous fuel loads, facility layout, and design of fire safety systems have a significant impact on the ability to conduct firefighting operations safely and effectively. Consultation with organisations such as FRNSW throughout the development process enables the design and implementation of more effective fire safety solutions that help to mitigate the impact of incidents when they occur.

FRNSW submit the following general comments and recommendations for consideration:

- *It is understood that a SEPP 33 assessment has been undertaken as part of the development of the Environmental Impact Statement (EIS).*
- *It is recommended that advice and considerations contained within FRNSW's Fire Safety Guideline – Fire safety in waste facilities be addressed. Advice and recommendations contained within the guideline have been developed to enable FRNSW to adequately manage an incident at such facilities.*

- *It is recommended that advice and considerations contained within FRNSW's Fire Safety Guideline – Emergency Vehicle Access be addressed. This is required such that FRNSW are able to safely access all parts of the site where an incident may occur.*
- *It is recommended that provisions be made for the containment of contaminated fire water run-off based on the worst credible fire scenario for the site. Any system(s) provided is to be automatic in nature and should not rely upon on-site staff or emergency services personnel to access or activate provided systems or valves in the event of fire.*
- *It is recommended that if the development proposes to incorporate a fire engineered solution (FES), whether a building design having a performance solution in accordance with the National Construction Code (NCC) or other infrastructure where building codes are not applicable, FRNSW should be engaged in the fire engineering brief (FEB) consultation process at the preliminary design phase, post approval of the development application. FRNSW also recommend that clauses E1.10 and E2.3 be addressed where a FES is required.*
- *It is recommended that a Condition of Consent be included that would require the fire and life safety measures for the development to be reassessed for adequacy in the event that either; significant changes are made to the site configuration, processing capacity is increased or there are changes to either the accepted waste streams or a significant increase in streams that are combustible in nature.*
- *It is recommended that an emergency plan for the waste facility in accordance with AS 3745–2010 Planning for emergencies in facilities be prepared for the development. An external consultant should be engaged to provide specialist advice and services in relation fire safety planning and developing an emergency plan.”*

Although the comments made by Fire and Rescue are provided in an advisory capacity they will be included as conditions if consent is to be issued as they aim to reduce risks and ensure the operation satisfies general fire safety requirements.

NSW Rural Fire Service

The application was referred to the NSW Rural Fire Service; on 25 May 2020 the RFS provided a formal response to Council which stated;

“I refer to your correspondence dated 08/05/2020 seeking advice regarding bush fire protection for the above Development Application in accordance with section 4.14 of the Environmental Planning and Assessment Act 1979. The New South Wales Rural Fire Service (NSW RFS) has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.”

Transport for NSW (TfNSW)

The application was referred to the former Roads and Maritime Services (RMS) now known as Transport for NSW (TfNSW) for comment in accordance with Clause 104 of the *State Environmental Planning Policy (Infrastructure)*.

On 25 February 2020 TfNSW provided a formal response which stated that “*TfNSW has reviewed the submitted application and raises no objection to the application as it is unlikely to have a significant impact onto the classified road network.*”

TfNSW requests that three conditions be included if consent is to be issued relating to the provision of a Construction Management Plan, swept path diagrams showing that the longest vehicle accessing the site will comply with the requirements of AUSROADS and all parking, driveways and points of access comply with AS2890. These conditions have been included and will be imposed if consent is to be issued.

Natural Resource Access Regulator (NRAR)

The application was referred to the Natural Resource Access Regulator (NRAR) for comment as the proposal is an integrated Development requiring a Controlled Activity approval in accordance with the *Water Management Act 2000* (WM Act). The determining body's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

NRAR on 22 May 2020 issued GTA's which are to form part of any consent if approval is granted. The formal concurrence requested that these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification if the proposal is modified in accordance with Section 4.55 of the Act and if the modified proposal results in additional works or activities:

- (i) in the bed of any river, lake or estuary;
- (ii) on the banks of any river lake or estuary,
- (iii) on land within 40metres of the highest bank of a river lake or estuary; or
- (iv) any excavation which interferes with an aquifer.

NRAR requests notification if the amended plans are submitted and may require review of or variation/s to the GTA's. The issued GTA's form part of the conditions of consent.

Office of Environment and Heritage (OEH)

Initially the proposal was referred to this agency for comment given the tree loss and potential biodiversity impacts. In this case OEH are not a concurrence authority and no formal response was received.

Sydney Water

The application was referred to Sydney Water for comment. On 7 May 2020 Sydney Water provided formal feedback and has suggested a series of conditions are imposed with respect to wastewater servicing, treatment of trade waste and stormwater. These conditions have been included if consent is to be issued.

CONCLUSION

The application has been assessed having regard to the Matters for Consideration under Clause 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.

The application seeks approval for the construction of a Waste Resource Recovery Facility that will receive, sort and process a total of 35,000 tonnes of dry, general solid waste (non-putrescible) per annum as defined by the NSW Protection of the Environment Operations Act, 1997.

The development involves the construction of a fully equipped, purpose built Industrial warehouse to house recycling machinery including a weighbridge along the entry and a two-storey gatehouse containing offices and associated amenities.

The hours of operation proposed are 6am to 5.30pm Monday to Saturday. No operation is proposed on Sundays and Public Holidays however there are some deliveries of waste are proposed after hours (5.30pm - 6am) but this waste will only be stored at the site not processed. A total of ten (10) employees are proposed to be employed at the site at any one time and a total of thirteen (13) car parking spaces are proposed including an accessible space. The proposal includes some tree loss and includes new landscaping, fencing and associated site works.

The proposed development application was lodged on the 20 January 2020 with a capital investment value of \$990,000. The development falls within Part 4, Clause 20 of the State Environmental Planning Policy (State and Regional Development) which defines Regional Development types. The development is classified a Designated Development in accordance with the provisions of Schedule 7 of the SEPP. The development is also classified as "integrated" in accordance with the provisions of the Water management Act, 2000 as the site is located within 40m of a waterway.

The site is subject to the provisions of the Hurstville Local Environmental Plan 2012 and the Hurstville Development Control Plan 2012. The proposal is a permissible use in the zone and complies with the key planning controls relating to height and floor space. The proposal satisfies the DCP controls for industrial uses.

The proposal has also been assessed in context of its surrounding and adjoining developments and the proposed industrial building and ancillary structures will be compatible and consistent with the character of industrial developments in the streetscape and immediate precinct.

The key concerns regarding the proposed operation and its design relate to the potential environmental impacts that will result from the land use including potential dust and odour emissions, acoustic impacts, traffic generation and accessibility to and from the site, the proposed management procedure in respect to materials handling and measures to mitigate impacts such as spills and/or fire. These issues have all been addressed in detail in the report and it is considered that the proposed development is a

reasonable and acceptable outcome for this site subject to the imposition of a series of conditions.

The EPA have scrutinised the proposal on many occasions and are now satisfied with the updated information and have issued GTA's which also aim to mitigate impacts and ensure the proposal will operate in accordance with the required environmental standards for this use.

It is for these reasons that the proposed development is recommended for approval via a deferred commencement determination.

DETERMINATION AND STATEMENT OF REASONS

The reasons for this recommendation are:

- The proposed development is a permissible use within the IN2 Industrial zone and satisfies the objectives of the zone.
- The proposed development satisfies the key development standards in relation to the buildings proposed on site which are within the maximum height and floor space ratio control.
- The development satisfies the objectives and key planning controls within the Hurstville Development Control Plan in respect to car parking, landscaping, setbacks and controls relating to industrial developments.
- The proposal has provided detailed technical assessments in respect to the environmental impacts associated with the development including acoustics, processing of materials and the handling and segregation of a variety of waste streams, mitigation of dust and odours and potential spills and fire have all been considered and appropriate plans of management have been prepared.
- There is no intention to store or process any potentially hazardous or offensive waste.
- The proposed works will improve the visual appearance of the development and will create a compliant and well managed and planned facility which should include up to date technology and equipment and adopt best practices in respect to the processing and recycling of waste.
- The proposed use will contribute positively to the economy and environment as it is a land use that is in demand and will minimise waste entering landfill.
- Key Government Agencies including Sydney Water, The Environmental Protection Authority, Transport for NSW, the Natural Resource Access Regulator have no objections "in principle" to the proposal and provided their formal concurrence subject to the imposition of GTA's and/or associated conditions if consent is to be granted.

Determination

1. THAT Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, as amended, the Sydney South Planning Panel grants deferred commencement consent to DA2020/0017 for the use of the site as a

Waste Resource Recovery Facility including the construction of an industrial warehouse building, gatehouse, weighbridge, fencing, tree loss and new landscaping and associated site works on land legally described as Lot 2 DP1237586 and known as 2F The Crescent, Kingsgrove subject to the following conditions of consent:

This Development Application is a Deferred Commencement Consent under Section 4.16(3) of the Environmental Planning and Assessment Act (as amended) 1979. Strict compliance is required with **all conditions appearing in Section A within thirty six (36) months from the Determination Date of this consent**. Upon confirmation in writing from Georges River Council that the Schedule A Conditions have been satisfied, the consent shall commence to operate as a Development Consent for a period of five (5) years from the **Determination Date of this consent**.

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, this consent will not operate until the following requirements are satisfied:

SCHEDULE A – DEFERRED COMMENCEMENT CONDITIONS

Section A Deferred Commencement

Pursuant to Section 4.16(3) of the [Environmental Planning and Assessment Act 1979](http://www.legislation.nsw.gov.au/) [<http://www.legislation.nsw.gov.au/>](http://www.legislation.nsw.gov.au/), this consent will not operate until such time as the following requirements are satisfied:

(1) Easement creation and registration

Pursuant to Section 80(3) of the [Environmental Planning and Assessment Act 1979](http://www.legislation.nsw.gov.au/), this consent will not operate until such time as the following requirements are satisfied:

- (a) The applicant must acquire an Easement to Drain Water of 1 metre (minimum) width. The easement must allow for a piped, gravity fed system of drainage of stormwater from the subject site with direct, underground connection to the embankment of Council's Drainage Reserve adjoining the northern property boundary. It is recommended that discussions with Council's Drainage Engineer-Asset and Infrastructure Division and Council's Property Officer be conducted simultaneously.
- (b) The applicant must obtain separate Development Consent for all drainage works to be carried out within the Easement to Drain Water. A Section 138 Drainage Application to Council under the Local Government Act 1993 is required to install a pipeline and associated infrastructure within a Drainage

Reserve. A written approval from Council to such an application is required before drainage works can be undertaken on the burdened lot.

- (c) Evidence of registration of the easement to drain water benefitting and burdening the respective properties is to be provided to Council.
- (2) **Detailed Landscape Plans** - A detailed landscape plan, drawn to scale, A3 size and coloured, by a qualified landscape architect or an AQF Level 5 landscape designer, must be submitted to Council's satisfaction. The plan must include:
 - a) Reference Georges River Councils, Tree Management Policy, 2019, 2:1 tree replacement. Councils Policy requires that for every tree removed from the site, two (2) trees shall be planted to replace those lost. A minimum of thirty two (32) new trees are required to be planted.
 - b) As per the Arboricultural Impact Assessment provided by Tree Survey, dated 20th December, 2019, a total of sixteen (16) trees are proposed to be removed and therefore a total of thirty two (32) new trees need to be reflected upon the landscape plan, be of a minimum 45 litre pot/ bag size and tree species selection from – Georges River Councils, Tree Management Policy, April 2019, Appendix 1 – Tree Planting.
 - c) Location of existing and proposed structures, services and existing trees to be retained and /or removed.
 - d) Three (3) street trees must be shown upon the new landscape plan.
 - e) The Landscape Plan is to also show the treatment of the deep soils areas within the front setback area.
 - f) Details of earthworks including mounding and retaining walls, Reduced Levels and planter boxes.
 - g) Location of proposed trees and plants proposed as well as a plant schedule showing the plant symbol, botanical name/ common name; with a minimum quantity; pot size of 100L; and minimum mature height of 9m.
 - h) A higher proportionate mix of natives than exotics plantings, with all trees proposed, able to reach a height at maturity of nine (9) metres is required.
 - i) Details of planting specifications, procedures and a maintenance schedule for twelve (12) months shall be prepared which considers the following:
 - Landscape ratios – pervious to impervious surfaces / deep soil zones;
 - Details of drainage and watering systems;
 - Details of garden edging and turf;

- Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans;
- The contact details and website of the landscape architect or AQF Level 5 landscape designer, as well as qualifications; and
- Associations and/or Memberships of Affiliation within the landscape industry.

(3) **Parking and driveway access design and fencing**

Detailed architectural plans are to be prepared and submitted in respect to the planning and design of the western portion of the site and are to show the following features:

- i) A minimum of thirteen (13) compliant car parking spaces are to be allocated with one (1) space to be enlarged and dedicated as an accessible space along this section of the site. The dimensions of this space shall be compliant with AS2890 and AS1428 and any other accessible parking requirements.
- ii) The proposed driveway accessing the car parking spaces shall have a minimum width of 6m and shall be extended to become a circular driveway for access by trucks and cars. The driveway shall be one way with the main entry from the eastern side and exit from the western driveway. The driveway shall act as a waiting bay for trucks until the warehouse is free for the next delivery. The driveway shall be constructed of concrete.
- iii) The parking area shall be designed to include a concrete kerb (minimum 150mm) adjoining the landscaped area to protect the landscaped area from the movement of vehicles and trucks.
- iv) Swept path diagrams are to be prepared to ensure that a 17m long truck is able to manoeuvre easily within this space and if it is too tight the car parking spaces may have to be relocated towards the northern section of the site to achieve compliance and a compliant turning circle for all vehicles and trucks accessing this section of the site.
- v) The design shall distinguish the driveway from the adjoining car parking, landscaping and any pedestrian accessways.
- vi) The fence along the southern side of the car parking area shall be deleted and replaced with a series of bollards that can be located on the edge of the landscaped area to provide safety from vehicles and trucks but also allow access by persons in an emergency through to the gatehouse.

Documentary evidence as requested or the above information must be submitted within thirty six (**36 months**) of the granting of this deferred commencement consent. Commencement of the approval cannot commence until written

approval of the submitted information has been given by Council and the appropriate fee to be paid.

When conditions in Schedule A above are satisfied, development consent will be issued subject to the following conditions:

SCHEDULE B – GENERAL DEVELOPMENT CONDITIONS

Section B Development Details

1. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

The following architectural plans prepared by Robert Lee Architects			
Description	Reference No.	Date	Revision
Information Sheet	DA-00	20/12/2019	Issue C
Site Plan	DA-1A	20/12/2019	Issue C
Roof Plan	DA-2A	11/12/2019	Issue B
Floor Plan	DA-3A	3/07/2020	Issue D
Sorting Shed Floor Plan	DA-4A	11/12/2019	Issue B
Sorting Shed SE, W & E Elevations	DA-5A	11/12/2019	Issue C
Sorting Shed NE Elevation & Section 1-1, 2-2	DA-6A	11/12/2019	Issue C
Gatehouse Ground Floor & First Floor	DA-7A	11/12/2019	Issue B
Gatehouse NW & SE Elevations	DA-8A	11/12/2019	Issue B
Gatehouse NE & SW Elevations & Section 3-3	DA-9A	11/12/2019	Issue B
Site & Context Analysis	DA-10A	20/12/2019	Issue C
Sediment & Erosion Control Plan/Site Management Plan	DA-11A	20/12/2019	Issue C
Sediment Control Plans	SY180154-01-0011 SY180154-01-0012 SY180154-01-0013	16/4/2020 16/4/2020 16/4/2020	Revision B
241 Wheel wash Design with Conveyor	unreferenced	28 April 2020	Revision A
Concept Landscape Plan	DA-12A	20/12/2019	Issue C

Survey Plan prepared by Harrison Friedmann and Associates Pty Ltd	65492 DT	27/09/2019	N/a
Site servicing Report prepared by Warren Smith and Partners dated August 2019.			

2. **Standard Hours of operation** - The standard hours of operation are from **6am to 5.30pm**, Monday to Saturday with no works occurring on site or vehicles and trucks accessing the site on Sundays and Public Holidays.
3. **Extended hours of operation (Trial condition) –**
 - 3.1 Notwithstanding Condition No.2 above, the use may operate with extended hours of operation between **5.30pm to 6am, Monday to Saturday (with Saturday operations ceasing at 5.30pm)** for a trial period of twelve (12) months from the day the operation begins commencement. The Applicant is to formally notify Council when the Trial period commences. A maximum of twelve (12) truck movements (6 in and 6 out) are permitted for the after hours operation.
 - 3.2 Following the trial period, the Applicant will have to submit an application to continue with the extended hours on a permanent basis or further seek extension of the trial period. Council may allow the use to continue to operate for the hours specified in (a) above, or require the use to operate in accordance with the approved standard hours only.
 - 3.3 The purpose of the trial condition is to allow ongoing assessment of the extended hours of operation in relation to neighbourhood amenity, public safety and operational performance and allow management to demonstrate successful practices in relation to the above.
 - 3.4 The review of the extended hours of operation in (a) above by Council will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, any substantiated complaints received and any views expressed during public consultation or from other stakeholders including the Police.

SEPARATE APPROVALS REQUIRED BY OTHER LEGISLATION

4. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993 –** Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below. This approval is to be obtained from RMS.

An application is required to be lodged and approved prior to the commencement

of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website www.georgesriver.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

5. **Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993** - In the event that the excavation associated with the basement car park is to be supported by the use of below ground (cable) anchors that are constructed under Council or RMS roadways/footways, an application must be lodged with Council or RMS under Section 68 of the Local Government Act 1993 and the Roads Act 1993 for approval, prior to commencement of those works.

The following details must be submitted:

- a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council;
- b) The applicant has indemnified council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
- c) Documentary evidence of such insurance cover to the value of \$20 million;
- d) The applicant must register a non-terminating bank guarantee in favour of

Council. An amount will be determined when the application is lodged;

- e) The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- f) In the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

6. **Road Opening Permit** - A Road Opening Permit must be obtained from Council for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

REQUIREMENTS OF CONCURRENCE, INTEGRATED AND OTHER GOVERNMENT AUTHORITIES

7. **Environmental Protection Authority (EPA)** – The EPA has issued General Terms of Approval (GTA's) which form part of this consent and are included as **Attachment 1**. The GTA's form part of this consent and will need to be complied with at all times.

Note: A separate application shall be submitted to the Environmental Protection Authority to obtain a licence to operate the proposed use at the site.

8. **Natural Resource Access Regulator (NRAR)** – The NRAR has issued General Terms Approval (GTA's) in respect to water use and management which form part of this consent and are included as **Attachment 2**. The GTA's form part of this approval and will need to be complied with at all times.

The attached GTAs issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

9. **Fire and Rescue NSW (FRNSW) requirements** – The development needs to be designed and constructed to ensure it satisfies and complies with FRNSW guidelines and provisions in the following manner:

- a. The development shall comply with the advice and considerations contained within FRNSW's Fire Safety Guideline – *Fire safety in waste facilities* be addressed. Advice and recommendations contained within the guideline have been developed to enable FRNSW to adequately manage an incident at such

facilities.

- b. The development shall comply with the advice and considerations contained within FRNSW's Fire Safety Guideline – *Emergency Vehicle Access* be addressed. This is required such that FRNSW are able to safely access all parts of the site where an incident may occur.
- c. Appropriate and adequate provisions are to be made for the containment of contaminated fire water run-off based on the worst credible fire scenario for the site. Any system(s) provided is to be automatic in nature and should not rely upon on-site staff or emergency services personnel to access or activate provided systems or valves in the event of fire.
- d. If the development proposes to incorporate a fire engineered solution (FES), whether a building design having a performance solution in accordance with the *National Construction Code* (NCC) or other infrastructure where building codes are not applicable, FRNSW should be engaged in the fire engineering brief (FEB) consultation process at the preliminary design phase, post approval of the development application. FRNSW also recommend that clauses E1.10 and E2.3 be addressed where a FES is required.
- e. An emergency plan for the waste facility in accordance with AS 3745–2010 *Planning for emergencies in facilities* be prepared for the development. An external consultant shall be engaged to provide specialist advice and services in relation fire safety planning and developing an emergency plan.
- f. The Emergency Plan shall include fire and life safety measures for the development which are to be reassessed for adequacy in the event that either; significant changes are made to the site configuration, processing capacity is increased or there are changes to either the accepted waste streams or a significant increase in streams that are combustible in nature.

Details of compliance with all parts of this condition shall be submitted to the PCA prior to the issuing of a Construction Certificate.

- 10. **Ausgrid** – The design must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for Construction works near existing electrical assets. The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances.
- 11. **Transport for NSW (TfNSW) requirements** – the following conditions are required to be met;
 - (a) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance

requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004, AS2890.6-2009 and AS 2890.2 – 2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

- (b) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- (c) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

12. **Sydney Water Servicing – A Section 73 Compliance Certificate under the Sydney Water Act 1994** must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

13. **Building Plan Approval (Sydney Water)** - The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

14. **Trade Wastewater Requirements** – A Trade Waste Agreement with Sydney Water may be required. If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

15. **Backflow Prevention Requirements** - Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:
<http://www.sydneywater.com.au/Plumbing/BackflowPrevention/>

16. **Water efficiency measures** – water efficiency measures shall be implemented where possible. The following Sydney Water efficiency measures are recommended to be adopted;

Install water efficiency fixtures to help increase your water efficiency, refer to WELS - Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>

- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <http://www.sydneywater.com.au/Water4Life/InYourBusiness/RWTCalculator.cfm>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

17. **Contingency Plan Recommendations** - Under Sydney Water's customer contract Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

For further information please visit the Sydney Water website at: <http://www.sydneywater.com.au/OurSystemsandOperations/TradeWaste/> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

18. **Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).
19. **Electricity Supply to Development** – The electricity supply to the development must be underground.

20. **Ausgrid - Clearances to electricity mains** - If any part of the proposed structure, within 5m of a street frontage, is higher than 3m above footway level, Ausgrid is to be consulted to determine if satisfactory clearances to any existing overhead High Voltage mains will be affected. If so, arrangements are to be made, at your cost, with Ausgrid for any necessary modification to the electrical network in question. For details visit www.ausgrid.com.au or call 131365.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

21. **Wheel wash** – the wheel wash design shall be in accordance with the 241 wheel wash with conveyor plans (detailed in Condition No.1) and in accordance with the details and design created by Enviroconcepts which accompany the application.

22. **Dust suppression** – The coolfog fogging system shall be integrated into the Construction Certificate Plans in accordance with the design details provided with the application and as per the documentation prepared by Access Environmental Systems and dated 2 November 2017.

23. **Signage** - A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument or that satisfy any conditions of consent.

24. **Operational Plan of Management** - An operation Management plan will need to be prepared and submitted to Council and the PCA and will need to outline the following processes and procedures:

- The Materials handling process for each waste stream;
- Process for trucks entering the site, being weighed, inspected and the procedure to process waste;
- Treatment of leachate, fires, spills and receiving any toxic, hazardous or offensive waste;
- General operational requirements (hours of operation, work attire requirements, rules for lunch breaks, conducting meetings);
- Procedure for use of the waiting bay and access to this area by trucks;
- Emergency procedures; and
- Addressing and dealing with complaints (development of a complaints register and how complaints are to be addressed).

25. **Site Management Plan (Major Development)** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- (a) *location of protective site fencing;*
- (b) *location of site storage areas/sheds/equipment;*
- (c) *location of building materials for construction, e.g. stockpiles;*

- (d) provisions for public safety;
- (e) dust control measures;
- (f) method used to provide site access location and materials used;
- (g) details of methods of disposal of demolition materials;
- (h) method used to provide protective measures for tree preservation;
- (i) provisions for temporary sanitary facilities;
- (j) location and size of waste containers/skip bins;
- (k) details of proposed sediment and erosion control measures;
- (l) method used to provide construction noise and vibration management; and
- (m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

26. **Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:

- i. Non reflective and low glare materials and finishes including roofing shall be implemented as part of the design. Reflective surfaces on the external wall of a proposed building are to be no greater than 20%. Materials and finishes shall be consistent with the colour palette of the surrounding industrial developments and be in keeping with the character of development in the immediate vicinity of the site.
- ii. Access into the western portion of the site shall be one-way in and one way out. The main entry shall be on the eastern part of the site and will be an “entry only” access point. This point of access shall be signposted accordingly.
- iii. Vehicles and trucks shall exit this part of the site from the driveway access along the far western side of the site. This will be an “exit only” point and shall be signposted accordingly.
- iv. All the driveways within the development shall be designed and constructed in plain concrete.
- v. A built-in bench is to be provided along the south-eastern side of the outdoor rest area.
- vi. Sensor lighting shall be included adjoining the gatehouse and car parking area and around the perimeter of the sorting shed to ensure better safety at night.

- vii. The main access gates are to be designed to be sliding or inward opening gates along all three (3) access points to the facility. Gates shall not open towards the public roadway.
- viii. Standard business identification signage will be required which shall show the address and name of the facility to be included at the front of the site as a sign on the front gate or within the landscaped area. The parking area shall also be sign posted and all access points shall be sign posted to indicate points of entry and exit. Signage shall be non-illuminated and shall cover a maximum area of 1m by 1m in height for each sign.
- ix. The section of the outdoor rest area in front of the gatehouse shall be setback a minimum of 7.6m from the front boundary and the area in front of this space (within the front setback) shall comprise of deep soil landscaped area include a minimum of two (2) canopy trees achieving minimum heights of 6m and lower level shrubs to assist with screening and softening the appearance of the development.
- x. The front and side boundary fencing shall have a maximum height of 2.5m and shall be a palisade/tubular/picket style open form design.
- xi. The proposed sliding hangar style doors shall be replaced with a standard automated door system which will ensure that doors remain closed whilst trucks are unloading waste and it is being stored and processed.
- xii. The design of the carparking area shall comply with:
 - a. Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution)
 - b. Environment Protection Authority's Managing Urban Stormwater: Treatment techniques

27. **Acoustic Requirements** - The Construction Certificate plans shall demonstrate compliance with the recommendations of the Acoustic Report prepared by Spectrum Acoustics and dated October 2020.

28. **BCA** - The Construction Certificate plans shall demonstrate compliance with the recommendations of the BCA report prepared by Concise Certification and dated 8 October 2019.

29. **Soil and water** - The Construction Certificate plans shall demonstrate compliance with the recommendations of the Soil and Water Report prepared by Baker Ryan Stewart and dated April 2020.

30. **Geotechnical Report** – The findings and recommendations of the Geotechnical Report prepared by EI Australia and dated 5 March 2020 shall be implemented as part of the Construction Certificate.

31. **Parking and Traffic** – Any recommendations and findings of the Traffic and Parking Impact Assessment prepared by McLaren and dated 12 December 2019 shall form part of the Construction Certificate. In addition the following measures shall be included as part of the Operational Plan of Management and endorsed as part of the functioning of the facility;

- A maximum of 46 truck movements (23 in and 23 out) are permitted during the standard operating hours (6am to 5.30pm) shall occur.
- A maximum of 12 truck movements (6 in and 6 out) are permitted for the after-hours operation (5.30pm to 6am) subject to the trial period.
- No trucks shall access residential streets and are not to turn right on Vanessa Street.
- Trucks are not to be parked on The Crescent or adjoining residential streets.

32. **Air Quality** – The findings and recommendations of the Air quality impact assessment prepared by EMM Consultants and dated December 2019 shall be implemented as part of the Construction Certificate documentation.

33. **Compliance with submitted Arborist Report** – The recommendations outlined in the Arborist's Report titled Arboricultural Impact Assessment prepared by Tree Survey, dated 20 December, 2019 must be implemented throughout the relevant stages of site set up, demolition, excavation construction and landscaping. Details of tree protection measures to be implemented must be detailed and lodged with the Construction Certificate application for approval and shall be in accordance with Section 4 - Australian Standard AS 4970-2009: Protection of trees on development sites.

The tree/s to be retained and protected are listed in the table below.

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 - 2009 Fencing distance from trunk
<i>Eucalyptus amplifolia</i> x 3 (not within Arborist Report)	Adjacent site, west front corner	5.0 metres
Tree 1 – <i>Eucalyptus sideroxylon</i>	Fronting street, close to boundary	6 metres
Tree 2 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 3 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.2 metres

Tree 5 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	3.6 metres
Tree 6 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 19 – <i>Eucalyptus sideroxylon</i>	Within Lot 2, north east corner	4.2 metres
Tree 23 – <i>Eucalyptus Spp</i>	Within Lot 2, north fence line	3.0 metres
Tree 24 & 25 – <i>Casuarina glauca</i>	Within Lot 2, north fence line	3.6 metres
Tree 26 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	7.2 metres
Tree 27 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	6.6 metres
Tree 28 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	4.8 metres
Tree 29 – <i>Eucalyptus botryoides</i>	Within Lot 2, north fence line	7.2 metres
Tree 30 – <i>Eucalyptus saligna</i>	Within Lot 2, north fence line	6 metres
Trees 23 through to tree 30 must be protected in the one collective tree protection zone to be isolated from any impacts.		

34. **Tree Protection and Retention** - The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 - 2009	Fencing distance from trunk
<i>Eucalyptus amplifolia</i> x 3 (not within Arborist Report)	Adjacent site, west front corner	5.0 metres	
Tree 1 – <i>Eucalyptus sideroxylon</i>	Fronting street, close to boundary	6 metres	

Tree 2 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 3 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.2 metres
Tree 5 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	3.6 metres
Tree 6 – <i>Casuarina glauca</i>	Within Lot 2, eastern fence line	4.8 metres
Tree 19 – <i>Eucalyptus sideroxylon</i>	Within Lot 2, north east corner	4.2 metres
Tree 23 – <i>Eucalyptus Spp</i>	Within Lot 2, north fence line	3.0 metres
Tree 24 & 25 – <i>Casuarina glauca</i>	Within Lot 2, north fence line	3.6 metres
Tree 26 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	7.2 metres
Tree 27 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	6.6 metres
Tree 28 – <i>Eucalyptus grandis</i>	Within Lot 2, north fence line	4.8 metres
Tree 29 – <i>Eucalyptus botryoides</i>	Within Lot 2, north fence line	7.2 metres
Tree 30 – <i>Eucalyptus saligna</i>	Within Lot 2, north fence line	6 metres
Trees 23 through to tree 30 must be protected in the one collective tree protection zone to be isolated from any impacts, as per Arborist Report, schedule of works table 1, Hold point 2, page 16.		

- a) The client shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA.
- b) A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at three (3) stages being, before works, during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

The following tree protection measures shall be adopted;

- c) The schedule of works table 1, Hold points 1 -6, page 16, within the Arborist

report provided by Tree Survey must be utilised and signed off at key milestone stages to form compliance and forwarded to the nominated PCA, prior to the issue of an OC.

- d) For the purposes of stormwater excavations and pipe laying, the excavations must only be completed using "Air spade" or "Hydro vac" type of no-destructive excavations within the TPZ of any tree listed for retention within these Conditions of Consent and under the guidance of the engaged AQF 5 Arborist.
- e) All trees on Council property, subject site and adjacent sites, to be retained must be protected before site set up and maintained during demolition, excavation and construction of the site.
- f) Although trees may be on adjacent sites, the tree protection fencing must be placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.
- g) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- h) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation.
- i) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- j) In accordance with AS 4970-2009 *Protection of trees on development sites*, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence out from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.
- k) The tree protection fencing must be kept in place during demolition, excavation and construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.
- l) The Tree Protection Zone of each tree, to be protected, shall be watered

thoroughly and regularly to minimise the effects of construction works.

- m) No building products, preparation of building products, storage of materials, stockpiling, site sheds or services shall be installed within the TPZ of the trees to be retained.

Excavation works near tree to be retained.

The following measures shall be followed when works are located within proximity of existing trees that are to be retained:

- n) Excavations around the trees to be retained on site or the adjoining properties shall be supervised by the AQF 5 Project Arborist to ensure that the root system will not adversely be affected.
- o) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the AQF 5 Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- p) Tree Protection Zones around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.
- q) Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

Tree Removal & Replacement – the following measures will need to be adopted in respect to tree removal and replacement;

- a) Tree removal

In accordance with Georges River Tree Management Policy 2019, a 2:1 Policy is to be implemented. For every one (1) tree to be removed, two (2) trees shall be planted on the subject site to compensate for the loss of each tree.

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
Tree 4 – <i>Eucalyptus sideroxylon</i>	X1	Within Lot 2, eastern side fence
Tree 7 – <i>Eucalyptus sideroxylon</i>	X1	Within Lot 2, eastern corner fence line

Trees 8 & 9 – <i>Casuarina glauca</i>	X2	Within Lot 2 – Eastern fence line
Tree 10 – <i>Eucalyptus Spp</i>	X1	Along north east fence line
Trees 11 – 15 – <i>Casuarina glauca</i>	X5	Along north east fence line
Tree 16 – <i>Eucalyptus sideroxylon</i>	X1	Along north east fence line
Trees 17 & 18 – <i>Casuarina glauca</i>	X2	Along north east fence line
Tree 20 – <i>Eucalyptus sideroxylon</i>	X1	Along north east fence line
Tree 21 – <i>Eucalyptus moluccana</i>	X1	North east corner
Tree 22 – <i>Casuarina glauca</i>	X1	Rear of site, north fence line

General Tree Removal Requirements

- a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
- b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

Street Tree Removal / Replacement by Council – The following provisions need to be satisfied and implemented;

- a) Three (3) street trees of species to be determined must be provided in the road reserve fronting the site.
- b) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.
- c) The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the

area.

d) The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

Fee Type – Tree planting on public land	Number of trees	Amount per tree
Administration Fee, tree planting and maintenance	X3	\$452.00
Cost of tree removal		na
Cost of Stump Grinding		na

Summary	
Number of trees removed from site	X16
Number of trees required as per offset scheme (2:1 ratio)	X32
Number of trees planted within the site to be reflected upon the landscape plan and planted prior to OC, as per these Conditions of Consent, forming compliance.	X32
Number of trees the applicant shall pay for and Council to plant upon Councils street verge	X3

35. **Stormwater System - Required design changes**

Drawing Reference	Drawing Date	Revision	Drawing Description	Author
Job No. 4986000 Drawing C-20	12/12/2019	J	Stormwater Drainage Plan	Warren Smith & Partners

The following changes are required to be made and shown on the detailed Hydraulic Plans to accompany the **Application for the Construction Certificate**:

- Outlet pipelines from surface inlet pits and grated trench drains are to be 150mm (min.) diameter.

- The proposed '4x PSORB 460mm STORMFILTERS' facility for the treatment of stormwater is to be fully detailed, and able to treat the flow from a 1 in 3 month ARI storm event with capacity to capture pollutants during a 1 in 20 year ARI event.

36. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- (a) All stormwater shall drain by gravity to the easement to drain water in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

37. **On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

38. **Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted with the Construction Certificate application.

Evidence from professional engineer that specialises in hydraulic engineering that all design requirements have been adhered to shall be submitted with the Construction Certificate application.

39. **Support for Easement Pipes** – the following structural and construction methods will need to be implemented;

- (a) All footings within 2.0 metres of the drainage easement shall be designed in such a manner that they are supported by foundations set at a minimum of 300mm below pipe invert levels or founded on sound rock.
- (b) Alternatively, the footings of the building or any structure shall be designed not to affect the zone of influence taken from the invert of any pipe.
- (c) The walls of any dwelling, pool or structure adjoining the easement shall be designed to withstand all forces should the easement be excavated to existing pipe invert levels.
- (d) No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.

Evidence from an appropriately qualified person that this design requirement has been met shall accompany the application for the Construction Certificate.

40. **Stormwater – Energy Dissipating Structure** - An outfall apron or energy dissipating structure at the point of discharge and fully contained to the easement to drain water is to be provided.

Details shall be shown on the Stormwater Plan submitted for approval with the Construction Certificate application.

41. **Stormwater Drainage Plan Details** - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Policy.

42. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

(a) Longitudinal and cross sections with gradients for access onto the proposed development designed in accordance with AS/NZS2890.1-2004.

43. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that shows:

Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.

Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).

The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

44. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

45. **Mechanical Plant** – The proposed design and location of the mechanical ventilation system, plant and equipment will need to be provided to the Certifier. All plant and equipment shall be appropriately treated and sound proofed. It is recommended that prior to the Construction Certificate (CC) being issued a detailed acoustic assessment be conducted once the exact location of the equipment is confirmed.

46. **BCA Compliance** – The development shall comply with the provisions and regulations of the BCA/NCC and be implemented as part of the Construction Certificate and the Certifier shall ensure compliance is achieved.

47. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate.

The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifying Authority (PCA) and provided to Council with the construction certificate plans and documents.

48. **Development Engineering – Alignment Levels** - An Application under Section 138 of the Roads Act 1993 shall be submitted to Council's Engineer for the issue of levels for the new kerb and gutter, footpath design and alignment levels for the full frontage of the site in Noble Street. These kerb and alignment levels shall be issued **prior to the issue of the Construction Certificate**.

Constructing a vehicular crossing, kerb, gutter and/or footpath requires separate approval under Section 138 of the Roads Act 1993, **prior to the issue of the Construction Certificate**.

49. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.

50. **NBN Connection** - Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

- (i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and
- (ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

(Note real estate development project has the meanings given in section 372Q of the Telecommunications Act).

51. **Fire requirements** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the

location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

52. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

Payments for General Fees must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit 30m frontage x \$1236.00 The Crescent Street frontage	\$37,080.00
Inspection Fee for refund of Damage Deposit (two inspections) \$371.00 per inspection	\$742.00
DEVELOPMENT CONTRIBUTIONS	
Hurstville Section 94A Development Contributions Plan 2012 -	\$9,900
Total Development Contributions (this excludes General Fees – damage deposit and inspections)	\$9,900.00

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan.

Indexation

The above contributions will be adjusted after 1 May 2020, at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The development contribution that is required to be paid in accordance with this condition of this consent must be paid before the issue of the first Occupation Certificate in respect of any building to which this consent relates, except as noted below in accordance with the Ministerial Direction issued 25 June 2020.

If no Construction Certificate in respect of the erection of any building to which the consent relates has been issued before or on 25 September 2022, the monetary contribution must be paid before the issue of the [first] Construction Certificate after that date for any such building.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

53. **Damage Deposit - Major Works** In order to insure against damage to Council property the following is required:

- a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$37,080.00**
- b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee (for two inspections) to enable assessment of any damage and repairs where required: **\$742.00**.

54. **Parking and Layout** - The design of the development shall comply with the following requirements with details demonstrating this submitted to the satisfaction of the Principal Certifying Authority prior to the release of a Construction Certificate;

- The layout of the proposed car parking and loading areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle

lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.

- Bicycle parking associated with the subject development shall be in accordance with AS 2890.3 (Bicycle Parking Facilities).
- Driveway access is to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking. Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.
- Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*.
- All vehicles shall enter and exit the premises in a forward direction.

55. **Construction materials** - Any proposed new cladding shall be constructed of fire resistant materials which comply with the requirements of the National Construction Code (NCC) 2019 Volume (1) One Building Code of Australia (BCA). Details of the proposed materials and finishes shall be to the satisfaction of the Principal Certifier.

56. **Mechanical ventilation** – Any proposed mechanical ventilation system will need to satisfy Council's requirements and those stipulated by the National Construction Code and AS1668.2-2002. Details of the proposed Mechanical Ventilation system shall be provided to the Certifier and shall be sensitively located to minimise visual appearance of these ancillary structures and in a way to minimise any noise or visual impacts from adjoining properties.

57. **Geotechnical Reports** - The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. This is to be submitted to the satisfaction of the Principal Certifying Authority **before the issue of the Construction Certificate** and is to include:

- (a) Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
- (b) Dilapidation Reports on the adjoining properties prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the adjoining properties and any external paths, grounds etc. This must be submitted to the Certifying Authority and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) Rock breaking techniques. Rock excavation is to be carried out with tools

such as rock saws which reduce vibration to adjoining buildings and associated structures.

(e) Sides of the excavation are to be pried prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites.

58. **Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. **The report shall be submitted with the Construction Certificate application.**

59. **Slip Resistance** – All pedestrian surfaces in areas such as foyers, public corridors, common areas and stairs as well as floor surfaces in the wet rooms in the development must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

60. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

61. **Development Engineering - Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- (b) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- (c) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- (d) A longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed garage/parking level. The civil/traffic engineer shall provide specific written certification on the plans that:

- i. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- ii. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

62. **Construction Traffic Management Plan (CTMP)** - A Construction Traffic Management Plan is to be prepared detailing:

- (a) Construction vehicle routes;
- (b) Anticipated number of trucks per day;
- (c) Hours of construction activity;
- (d) Access arrangements; and
- (e) Proposed traffic measures to minimise impacts of construction vehicles must be submitted for the approval of Council.

The CTMP shall be sent to Georges River Council email to mail@georgesriver.nsw.gov.au Attention: Traffic Section - Construction Traffic Management Plan for DA2018/0366.

63. **Waste Storage** - The plans shall include details of the waste storage area as referenced below to the satisfaction of the Principal Certifying Authority prior to the release of a Construction Certificate.

- The waste storage area shall not be visible from the street.
- The waste storage area shall be located within the lot/building in accordance with the approved plans.

64. **Vehicle/truck Wash Bays and the wheel wash**- Plans and specifications of the vehicle/truck washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

65. **Industrial Premises – Wet Areas and Trade Waste Systems** - Details and specification of wet areas must be submitted with the Construction Certificate application for approval.

All wet-rubbing, engine degreasing or vehicle washing is to be conducted in a vehicle wash bay connected to the sewer. This area is to be bunded to prevent wastewater entering the stormwater system.

66. **Industrial Premises - Air Quality Report** - An air quality report prepared by a professional Engineer specialising in air quality must be submitted with the Construction Certificate application for approval providing:

- (a) Details of the type of control equipment, if any, that are necessary to prevent an odour nuisance (as defined under [The Protection of the Environment Operations Act 1997](#) arising from the operation of the premises; and
- (b) Certification that the proposed control equipment will be adequate to prevent an odour nuisance arising from the operation of the premises.

67. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

68. **Archaeological Discovery During construction works**

- (a) Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the [Heritage Act 1977](#).
- (b) Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the [National Parks and Wildlife Act 1974](#).
- (c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;
- (d) If the discovery is on Council's land, Council must be informed.

69. **Access for Persons with a Disability** - Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

70. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (including a Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

71. **Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times to the satisfaction of the Principal Certifying Authority.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

72. **Written comments from Fire and Rescue NSW** - Prior to the issue of a Construction Certificate the applicant may be required, under Clause 144 of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the location of water storage tanks, construction of booster pump and valve rooms and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION AND EXCAVATION)

73. **Drainage easement** – If the development will affect an existing drainage easement, drainage reserve or stormwater drainage system benefiting Council the following is applicable;

- (a) Council drainage easement(s) drainage reserve(s) or stormwater system either pass through or are adjacent to the site. No building or other structure must be placed over the drainage easement or stormwater system or within the zone of influence taken from the invert of any pipe.
- (b) The applicant must determine the exact location, size and level details of the potentially affected stormwater drainage systems and without causing any damage to the public system ensure its protection. The owner, principal contractor or owner builder must not obstruct or otherwise remove, disconnect or render inoperable the Stormwater Drainage System.
- (c) Works such as fences must not obstruct the natural stormwater flowpath or alter the flowpath in such a way as to direct or concentrate stormwater on to

neighbouring properties.

- (d) Where the relocation or reconstruction of Council's drainage system is approved then all work carried out on Council's assets will revert to the ownership, care, control or management of Council. Therefore, upon handover to Council, the asset must comply with Council's Construction of drainage and associated works specification.
- (e) The applicant must meet all costs associated with such works.

Note: This condition does not set aside the need to obtain relevant approvals under the [Roads Act 1993](#) or [Local Government Act 1993](#) for works within Roads and other public places.

74. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

75. **Building – Hoarding Application** - Prior to demolition of the buildings on the site or the commencement of work above ground level a separate application for the erection of an A class (fence type) or a B class hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/roadway where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- (b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- (c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the

full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party;

76. **Building - Structural Engineers Details - Supporting excavations and adjoining land** - Prior to the commencement of work in connection with the excavation of the site associated with the carparking area, structural engineer's details relating to the method of supporting the excavation must be submitted.
77. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Certifier for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the Certifier.
78. **Registered Surveyor's Report - During Development Work** - A report will be submitted to the Certifier at each of the following applicable stages of construction:
 - (a) Set out before commencing excavation.
 - (b) Floor slabs or foundation wall, before formwork or commencing brickwork, the development is to be clear of the easement.
 - (c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - (d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey will be provided at each subsequent storey.
 - (e) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
 - (f) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey will indicate the reduced level of the main ridge.

Work will not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.
79. **Dilapidation Report on Public Land** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site. The report must include the following:
 - (i) Photographs showing the existing condition of the road pavement fronting

- the site;
- (ii) Photographs showing the existing condition of the kerb and gutter fronting the site;
- (iii) Photographs showing the existing condition of the footpath pavement fronting the site;
- (iv) Photographs showing the existing condition of any retaining walls within the footway or road;
- (v) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site; and
- (vi) The full name and signature of the structural engineer.

The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the Certifier and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

- 80. **Site Stormwater Discharge Pipe across the Footpath –** If the stormwater connections are to the street gutter are to discharge via a silt arrestor pit within the site and are to have a minimum 1% fall to the street gutter. The connections are to be made to Council's requirements and are to be spaced a minimum 100mm at the street gutter and shall not connect against the flow in the street.
- 81. **Pre-Construction Dilapidation Report -** A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access no sooner than 14 days between 8.00am-6.00pm.

82. **Demolition and Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Principal Certifier prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011 unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the Demolition Code of Practice (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

83. **Demolition Notification Requirements** - The developer/builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

84. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and

footway areas is to be at the applicant's expense.

85. **Erosion and Sedimentation Control** - Erosion and sediment controls must be provided to in accordance with the approved Site Management Plan.

Removal or disturbance of vegetation and top soil is confined to within 3 m of the approved building area (no trees to be removed without approval). All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.

All clean water run-off is diverted around cleared or exposed areas.

Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.

Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway. Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#) is to be met.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

86. **Site sign – Soil and Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

87. **Utility Services** - The applicant shall undertake and bear all costs associated with the liaison, approval and relocation of any utility services. All correspondence and approvals between the Applicant and utility authorities shall be provided to the Council in conjunction with engineering documentation for the stormwater drainage works.

88. **Drainage Works** - Construction inspections shall be required by Council's Asset Engineer for the Council stormwater drainage works on public roads at the following hold points: -

- Upon excavation of trenches shown on the approved drainage drawings.
- Upon installation of pipes and other drainage structures.
- Upon backfilling of excavated areas and prior to the construction of the final pavement surface.

An inspection fee is applicable for each visit, and at least 24 hours' notice will be required for the inspections.

DURING CONSTRUCTION

89. **Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to the easement to drain water.
90. **Discovery of Additional Information** - Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable if any information is discovered during demolition or construction work that has the potential to alter previous conclusions about site contamination.
91. **Hazardous or Intractable Waste – Removal and Disposal** - Hazardous or intractable waste arising from the demolition or construction process shall be removed and disposed of in accordance with the requirements of SafeWork NSW and the NSW Environment Protection Authority and with the provision of:
 - a) Work Health and Safety Act 2011 (NSW) (as amended);
 - b) Work Health and Safety Regulation 2011 (as amended);
 - c) Protection Of the Environment Operations Act 1997 (NSW) (as amended); and
 - d) Protection of the Environment Operations (Waste) Regulation 2014 (as amended)

92. **Contaminated Land – Site Validation Report (for contaminants found during demolition or construction)**

Any contaminants found during demolition or construction that requires the management of contamination, a Site Validation Report prepared by the certified Contaminated Land Consultant in accordance with the State Environmental Planning Policy No. 55 – Remediation of Land must be submitted to the Principle Certifying Authority and Council if Council is not the Principle Certifying Authority. Council must accept and acknowledge the receipt of the Site Validation Report prior to the issue of any Occupation Certificate.

The Site Validation Report must include:

- i. A notice of completion of remediation works;
- ii. Details of site management requirements (if any); and
- iii. clear statement on the suitability of the proposed site use.

Council will require a Site Audit Statement prior to accepting the report where:

- the site requires an Environmental Monitoring Program,
- Council is not satisfied with the report provided, and/or

- Council believes the complexity of the contamination requires an independent review.

93. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

94. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

95. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

96. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and/or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt. Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the Principal Certifier, and Council, where Council is not the Principal Certifier.

97. **Site contamination – Discovery of Additional information** – If any new information is discovered during demolition or construction (unexpected finds) that has the potential to alter previous conclusions about site contamination, all works must cease the site made secure and the Council and the Principal Certifying Authority (if Council is not the PCA) must be notified as soon as practicable and appropriate action taken, reporting and approvals obtained.

98. **Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment

boundary, except where indicated on approved plans or approved by Council.

99. **Registered Surveyors Report - During Development Work** - A report must be submitted to the Principal Certifier at each of the following applicable stages of construction:

- (i) Set out before commencing excavation;
- (ii) Floor slabs or foundation wall, before formwork or commencing brickwork;
- (iii) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans;
- (iv) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey;
- (v) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries;
- (vi) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge of all structures.

Work must not proceed beyond each stage until the Principal Certifier is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

100. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

101. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Noise Impact Assessment prepared by Spectrum Acoustics and dated October 2020.

102. **Plan of management** - Prior to the issue of any Occupation Certificate, the

Applicant must prepare and submit to Council a plan of management which includes but not limited to specifications of the following:

- How complaints and concerns regarding the site will be recorded and managed;
- Details of a 24/7 site manager and contact information.
- Any other details specified by conditions and of relevance to the day to day operation and functioning of the facility.

103. **Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
 - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*

- d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*

- a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
- b) *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*
 - i. *any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
 - ii. *legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

104. **Maintenance Schedule – Stormwater Filter and General On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

This schedule will include a manufacturer's endorsed maintenance program for the Stormwater '4 x PSORB 460mm STORMFILTERS' to be installed immediately upstream of the On-Site Detention facility.

105. **Vehicular crossing & Frontage work – Major development**

The following road frontage works shall be constructed in accordance with the specifications issued under the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division:

- (a) Construct a 1.5 metre wide footpath for the full length of the frontage of the site in The Crescent in accordance with Council's Specifications for footpaths.
- (b) Construct the driveway crossing in accordance with Council's specifications for vehicular crossings.
- (c) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

106. Stormwater & Ancillary Works – Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993

To apply for approval under Section 138 of the [Roads Act 1993](#) and/or Section 68 Local Government Act 1993:

- (a) Complete the 'Stormwater Drainage Application Form' which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2018/****) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

107. **Post Construction Dilapidation report** – At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the five adjoining premises.

The report is to be prepared at the expense of the applicant and submitted to the Principal Certifier prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the Principal Certifier, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the Principal Certifier prior to the issue of any Occupation Certificate.

108. **Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

109. **Completion of Major Works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Driveways and vehicular crossings within the road related area;
- (b) Removal of redundant driveways and vehicular crossings;
- (c) New footpaths within the road related area;
- (d) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (e) New or reinstated kerb and guttering within the road related area; and
- (f) New or reinstated road surface pavement within the road.
- (g) Construction of the easement to drain water at the rear.

Council's Assets and Infrastructure Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.]

110. Stormwater drainage works – Works As Executed

Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater, including the multi-filter stormwater treatment and pollutant capture device;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;
- (e) Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

Council must advise in writing that they are satisfied with the construction of the pipeline and associated infrastructure in the easement to drain water prior to the issue of an Occupation Certificate.

111. Works as Executed and Certification of Stormwater works - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details:

- (a) The location of any detention basin/tank;
- (b) Volume of storage available in any detention areas;
- (c) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all

stormwater pipes;

- (d) The orifice size/s.
- (e) Easement connection and associated works

112. **Requirements prior to the issue of the Occupation Certificate** - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works, including the multi-filter stormwater treatment and pollutant capture device, shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- (c) Construct any new vehicle crossings required.
- (d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- (e) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.
- (g) The construction of the pipeline and associated infrastructure in the easement to drain water shall be completed in accordance with the conditions and specifications of the Section 138 Activity Approval.

113. **Acoustic Compliance** - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled "*Acoustic Noise and Vibration near Railway Lines for Proposed Development at No. 14-16 George St, Mortdale*" prepared by Acoustic Noise and Vibration Solutions Pty Ltd dated 15 May 2019.

114. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the Principal Certifier prior to

the issue of the Occupation Certificate.

115. **Completion of Landscape Works** – The following provisions will need to be satisfied;

- a) All landscape works, the planting of thirty two (32) new trees and the fee payment for three (3) new street trees must be completed before the issue of the Final Occupation Certificate and to the satisfaction of Councils Tree Management Officers.
- b) A certificate of compliance for the planting of all trees and shrubs proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.
- c) A final certificate of compliance letter, once all building and landscape works have been completed, from the engaged AQF 5 Consulting Arborist, that tree protection measures have been installed and maintained for the entirety of the project and report on the condition of the trees that as part of this Consent, were to be protected and retained.

Tree Replacement within subject site

- d) A minimum of Thirty-two (32) x 45 litre size trees, which will attain a minimum mature height of nine (9) metres, shall be planted within the property. The trees are to conform to AS2303 – 2018, *Tree stock for landscape use*.
- e) Tree species selected shall be from Georges River Councils Tree Management Policy, April 2019. Appendix 1 – Tree Planting.
- f) If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.
- g) A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

116. **Parking, driveways and all access areas design** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

117. **Vehicular Crossing & Frontage Work** – The following vehicular crossing and

road frontage works will be required to facilitate access to and from the proposed development site:

- (a) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
- (b) Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
- (c) Construct a 1.2 metre wide footpath for the full length of the frontage of the site (if it is damaged) in accordance with Council's Specifications applying at the time construction approval is sought.
- (d) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

118. **Completion of major road related works** - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (h) Driveways and vehicular crossings within the road related area;
- (i) Removal of redundant driveways and vehicular crossings;
- (j) New footpaths within the road related area and all associated paving;
- (k) Relocation of any existing above ground utility services;
- (l) Relocation/provision of street signs;
- (m) New or replacement street trees;
- (n) New footway verges, if a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street;
- (o) New or reinstated kerb and guttering within the road related area;
- (p) New or reinstated road surface pavement within the road;

- (q) New or replaced street trees;
- (r) The proposed artwork located along the western elevation of the building; and
- (s) If applicable Stormwater pipes, pits and connections to public stormwater systems within the road related area.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.

119. **Dilapidation Report on Public Land** - Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site. The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (i) Photographs showing the condition of the road pavement fronting the site;
- (ii) Photographs showing the condition of the kerb and gutter fronting the site;
- (iii) Photographs showing the condition of the footway including footpath pavement fronting the site;
- (iv) Photographs showing the condition of retaining walls within the footway or road;
- (v) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (vi) The full name and signature of the professional engineer.

The report must be provided to the Principal Certifier and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether or not to refund the damage deposit.

120. **Stormwater drainage works – Works As Executed** - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) That the works have been constructed in accordance with the approved construction certificate design and will provide the detention storage volume and attenuation in accordance with the calculations complied with DA conditions.;
- (d) Pipe invert levels and surface levels to Australian Height Datum;

Council must advise in writing that they are satisfied with the Works-As-Executed

prior to the issue of an Occupation Certificate.

121. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the *Environmental Planning and Assessment Regulation 2000*, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state that:

- (i) the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so;
- (ii) as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

122. **Structural Certificates** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifier prior issue of the Occupation Certificate.

123. **Certification - Air handling systems (including water cooling system, hot water systems and warm water systems)** - Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:

- (a) Public Health Act 2010 (as amended);
- (b) Public Health Regulation 2012 (as amended); and
- (c) AS/NZS 3666.1:2011 Air-handling and water systems of buildings -Microbial control -Design, installation and commissioning.

OPERATIONAL CONDITIONS (ONGOING)

124. **Emergency Spill Response Management Plan** - An Emergency Spill Response Management Plan shall be prepared and submitted to Council within three months of the issuing of the Occupation Certificate. The Plan shall include the following:

- list of chemicals and maximum quantities to be stored at the site;
- identification of potentially hazardous situations;
- procedure for incident reporting;
- details of spill stations and signage;
- containment and clean-up facilities and procedures; and
- the roles of all staff in the Plan and details of staff training.

125. **Material Handling Process** – The development shall operate in accordance with the proposed materials handling systems and procedures as included as part of the application and for the following materials:

- Green Waste and Timber received by Council on 3 August 2020;
- Rigid Plastics received by Council on 18 May 2020;
- Plasterboard received by Council on 18 May 2020;
- Paper and Cardboard received by Council on 18 May 2020;
- Ferrous and Non-Ferrous Metals received by Council on 18 May 2020; and
- Brick and Concrete received by Council on 18 May 2020.

126. **Loading and unloading** - all loading and unloading of any goods, materials or waste is to take place wholly within the site and the storage and processing of all waste is to occur within the warehouse building (storage shed).

127. **Loading and unloading** – No loading or unloading shall be carried out across parking spaces, landscaped areas, pedestrian aisles, or over the OSD.

128. **Truck movements** – Parking, access and reversing of trucks onto local roads in particular Tallawalla Road is prohibited. Trucks are prohibited in turning right into Vanessa Street.

129. **Hazardous and Offensive waste** - No asbestos, liquid waste, hazardous waste or radioactive waste, as defined in the Protection of Environment Operations Act (POEO) or the guidelines would be accepted at the facility. All of the materials brought onto the site would be taken from the site as products or as rejects for disposal at an EPA licensed landfill. Odorous materials will not be received. There would be no materials land-filled or otherwise disposed anywhere within the site as a result of this proposal. No green waste is to be accepted or handled at the premises

130. **Parking and access** - Queuing along The Crescent or any public road is not permitted.

131. **Truck access/parking/waiting** – Trucks waiting within the waiting bay (western section of the site) shall have their engines turned off and not remain idle.

132. **Truck types** - 19m long heavy vehicles of any configuration or larger are not permitted to enter or access the site.

133. **Fire Incident Management Report** – the recommendations and procedures highlighted in this report prepared by EMM and dated January 2020 shall be implemented in the operational plan of management and adhered to at all times.

134. **Truck movements** – A maximum of 46 truck movements (23 in and 23 out) are permitted during 6am to 5.30pm and a maximum of 12 truck movements (6 in and 6 out) are permitted from 5.30pm to 6am (subject to the trial period).

135. **After hours (night time) operation (5.30pm – 6am)** – the following provisions shall be adhered to at all times;

- Only deliveries of waste to be stored are permitted during this time and no processing and/or separation of any waste is to occur.
- All waste delivered to the site shall be stored inside the sorting shed. No storage of waste outside the industrial warehouse is permitted.
- No mechanical or electrical equipment is to be used at this time.
- Activities at this time are limited to trucks entering and leaving the premises, use of the weighbridge, delivery, storage, tip and spread of waste.

136. **Procedures during standard operating hours (6am to 5.30pm)** – the following procedures shall be adhered to at all times;

- The Trommel and any other large equipment is not permitted to be utilised between 6am and 7am the facility shall largely be used for “set up” and operations between this hour are limited and restricted to delivery, tip and spread, general “set up”, office operations, storage of skip bins.
- No waste at any time shall be stored outside the Industrial sorting shed.
- Skip bins are only permitted to be stored within the shed and if required behind the industrial warehouse building along the north-eastern side of the site. There shall be no storage of skip bins or any equipment along the western side of the site.
- The Trommel and any other mechanical and/or electrical equipment is to be turned off by 5.30pm.

137. **Parking spaces** - The proposed accessible space shall be redesigned to include a shared zone and dimensions and design is to comply with Council's provisions and AS2890 and AS1428. The space shall be appropriately signposted.

The accessible parking space needs to be properly delineated and the share zone hatched and include a bollard to be installed as per AS2890.6

138. **Motorbike parking** - The site shall include two parking bays that shall be dedicated for motor bike parking and shall be signposted accordingly.

139. **Acoustic Report - General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the [Protection of the Environment Operations Act 1997](#) (as amended) and [Regulations](#).

140. **Acoustics** - An Acoustic Report shall be prepared by a suitably qualified acoustic consultant demonstrating that the operation of the premises and plant equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration by more than 5dB. The source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's [NSW Industrial Noise Policy](#).

141. **Maintenance of Landscaping** – The proposed approved landscape plan and features shall be maintained in the long term in the following ways:

- All thirty two (32) new trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying plants and other operations required to maintain healthy trees, plants and turfed areas.
- All trees and plants forming part of the approved landscaping in must be maintained in perpetuity. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

142. **Dust Management** - The recommendations within the Dust Management Plan prepared by EMM Consulting and dated January 2020 shall be implemented on a daily basis once the facility is in operation.

143. **Misting and dust suppression** – the proposed Coolfog fogging system shall be designed and included within the Construction Certificate plans in accordance with the requirements included with the application and stipulated by Access Environmental Systems.

144. **Final Acoustic Report – Verification of Noise report** - Within three (3) months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report (submitted by Spectrum Acoustics titled Noise Impact Assessment and dated October 2020 are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the [Protection of the Environment Operation Act 1997](#) (as amended).

145. **Activities and storage of goods outside buildings** - There shall be no activities including storing or depositing of any goods or maintenance to any

machinery external to the building. No skip bins shall be stored along the western side of the site.

146. **Industrial Premises – Storage of Waste Oil** - Waste oil shall be stored in a covered and bunded area prior to offsite recycling/disposal. Copies of receipts for the recycling of oil shall be kept onsite and made available to Council officers on request.
147. **Industrial Premises – Spill Clean-up** - Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.
148. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
149. **Fire report** - The recommendations included in the Fire Incident Management Report prepared by EMM Consulting and dated January 2020 shall be implemented as part of the facility's day to day operations.
150. **Use of Structure** - The industrial warehouse building and gatehouse are not to be used for human habitation or for any commercial or industrial purpose.
151. **Bunding, Liquids (chemical, paint solvent)** - All liquids onsite are to be stored within a bunded area. The size of the area is to be bunded and shall be calculated as follows (as a minimum):
 - (a) in the case of tanks, 110% of the volume of the largest sized tank.
 - (b) in the case of small containers and drums, 25% of the total volume of liquid to be stored, with a minimum of 400L capacity.The bund is to be roofed and constructed of a material, which is impervious to the liquid being stored. After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.
152. **Bunding Work Areas** - All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

153. **Storage and handling of flammable and combustible liquids** - The storage and handling of flammable and combustible liquids must be in accordance with AS1940-2004 - *The storage and handling of flammable and combustible liquids* (as amended).
154. **Storage of Hazardous or Toxic Material** – No potentially hazardous, offensive or toxic material is to be stored or processed on site.

To ensure hazardous and toxic materials do not become a threat to the environment they must be stored in a bunded area constructed and maintained in accordance with AS 1940-2004 - *The storage and handling of flammable and combustible liquids (as amended)* and with SafeWork NSW requirements (contactable on 13 10 50).
155. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: *Control of the obtrusive effects of outdoor lighting*.
156. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
157. **Safety** - All communal entrances for the building will be capable of being secured. Entry doors are to be self-closing and signs are to be displayed requesting that building occupants not wedge doors open.
158. **Security** - If any security screens/grilles are installed, they are to be openable from within the building.
159. **Building identification** - The numbering is to be constructed from durable materials and shall not be obscured by vegetation and consistent with the signage of the adjoining building.
160. **Entering & Exiting of vehicles** - All vehicles shall enter and exit the site in a forward direction.
161. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
 - a) Within 12 months after the date on which the fire safety certificate was received.

- b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
- d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

162. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

163. **Waste facilities** - Occupational Health and Safety issues such as slippery floors in waste rooms and the weight of the waste and recycling receptacles will need to be monitored. Cleaners must monitor the bin storage area and all spills need to be attended to immediately by cleaners.

164. **Activities and Storage of Goods Outside Buildings** - There will be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

165. **Disability Discrimination Act** - The applicant is responsible to ensure compliance with this and other anti-discrimination legislation.

166. **Industrial Premises – Spill Clean-up** - Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill, and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up spills shall be disposed of to an appropriately licensed waste facility.

167. **Dust/Sediment Control** - All operations and activities occurring at the premises must be carried out in a manner that prevents pollution, as defined in the [Protection of the Environment Operations Act 1997](#).

168. **Dust/Sediment Control** - All vehicles entering and exiting the premises must do so in a manner that prevents pollution as defined in the [Protection of the Environment Operations Act 1997](#).

169. **Noise Control** - Idling and reversing of trucks must be minimised where possible, to reduce the likelihood of noise disturbance and offensive noise, as per the [Protection of the Environment Operations Act 1997](#) (as amended).

- 170. **Noise Control** - Restricted activities conducted at the premises between the hours of 5:30pm and 7:00am, Monday to Saturday must be undertaken inside the processing shed with the doors shut to minimise noise disturbance.
- 171. **Noise Control** - Use of the premises must be carried out in compliance with the General Terms of Approval, issued by the Environment Protection Authority, Notice No 1593894.
- 172. **Compliance with the plan of management** - The plan of management prepared and submitted to Council in Condition 12.41 for the premises shall be strictly enforced by the site manager.
- 173. **Intensity of car park lighting** - Prior to occupation, the intensity of lighting around the site is to be designed to allow for progressive adjustment of light.
- 174. **Allocation of Car Parking Spaces** - A total of thirteen (13) car parking spaces are to be provided for visitors and workers. A minimum of one (1) of these spaces is to be an accessible space shall be provided and designed to comply with the minimum requirements for such a space. It shall also be signposted accordingly.

All other parking spaces shall be numbered accordingly.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

- 175. **Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 176. **Appointment of a Principal Certifier** - The erection of a building must not commence until the applicant has:
 - i) appointed a Principal Certifier for the building work; and
 - ii) if relevant, advised the Principal Certifier that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- i) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- ii) notify the Principal Certifier of the details of any such appointment; and

- iii) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

177. **Notification of critical Stage Inspections** - No later than two (2) days before the building work commences, the Principal Certifier must notify:

- a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

178. **Notice of Commencement** - The applicant must give at least two (2) days notice to the Council and the Principal Certifier of their intention to commence the erection of a building.

179. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Principal Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

180. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the Principal Certifier at least 48 hours before each required inspection needs to be carried out. Where Georges River Council has been appointed as the Principal Certifier, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

181. **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue the Occupation Certificate.

182. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

183. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the [Sydney Water Act 1994](#) must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

PREScribed CONDITIONS

184. **Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
185. **Clause 98 – Building Code of Australia & Home Building Act 1989** Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
186. **Clause 98A – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the Principal Certifier and the Principal Contractor.
187. **Clause 98B – Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.
188. **Clause 98E - Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
189. **Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

NOTES/ADVICES

190. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

191. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

192. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

193. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au

194. **Principal Certifier** - Should the Council be appointed as the Principal Certifier in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justify the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

195. **Accompanying Information** - Should the Council be appointed as the Principal Certifier, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Fire-fighting services and equipment including hydrant systems and booster assembly location, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems, sound & warning systems and the location of the fire control centre.
- Emergency lighting and exit signs throughout, including communal open space areas, lobby/foyer and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress grades, provision of handrails, travel distance and the discharge from fire isolated exits.
- The protection of openings, entry to basement areas.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- The location and construction of an electricity substation, including the location and smoke separation of electrical distribution boards.
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.
- Stretcher facility and emergency lift installation.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifier with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifier prior to issue of the Construction Certificate.

196. **Building – Referral to FR NSW** - Prior to the issue of an Occupation Certificate the applicant may be required, under Clause 152A of the Environmental Planning & Assessment Regulation, 2000 to seek written comment from FR NSW about the construction and location of any hydrant/booster system, developed to meet the performance requirements of the Building Code of Australia.
197. **Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifier, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion

of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifier.

188. **Noise** - Noise related conditions - Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nlg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) publish by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
- (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
- (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).
- (d) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au/index.php).
- (e) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au).
- (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).

199. **Acoustical Engineer Contacts & Reference Material** - Further information including lists of Acoustic Engineers can be obtained from:

- (a) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au)
- (b) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au)
- (c) NSW Industrial Noise Policy - Office of Environment & Heritage (www.environment.nsw.gov.au)

186. **Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

187. **Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity

augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.

188. **Disability Discrimination Act** - This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The applicant is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which refers to AS1428.1-Design for Access and Mobility.

189. **Council as PCA - Total Conformity with BCA - Accompanying Information** - Should the Council be appointed as the Principal Certifier, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- a) Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- b) Fire-fighting services and equipment including hydrant systems and booster assembly location, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems, sound and warning systems.
- c) Emergency lighting and exit signs throughout, including communal open space areas, lobby/foyer and basement areas.
- d) Construction of all fire doors including warning and operational signage to required exit and exit door areas.
- e) Egress travel distances to exits and the discharge from fire isolated exits including the swing of exit doors.
- f) The spandrel protection of openings in external walls
- g) The protection of paths of travel from a fire isolated exit when passing within 6m of an opening within the external wall of the building.
- h) Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- i) The location and construction of an electricity substation, including the location and smoke separation of electrical distribution boards.
- j) Sound transmission and insulation details.
- k) Window schedule is to include the protection of openable windows.

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifier with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifier prior to issue of the Construction Certificate.

190. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

191. **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

(i) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with Stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new storm water drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

Note: A minimum of four weeks should be allowed for assessment.

192. **Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justify the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
193. **Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifying Authority.

END OF CONDITIONS

ATTACHMENT 1 – GTA’s Environmental Protection Authority

ATTACHMENT 2 – GTA’s Natural Resource Access Regulator