

PPSSSH-20 – 5 Clerke Place (Private) Kurnell 2231

DA20/0247

ASSESSMENT REPORT APPENDICES

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DRAFT DEFERRED CONDITIONS OF CONSENT
Development Application No. 20/0247

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

For Deferred Commencement consents issued between 25 March 2020 and 25 March 2022 the required information must be submitted within 5 years of the date of issue of this development consent (Environmental Planning and Assessment Act Section 4.53(6)).

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

Deferred Commencement Conditions

(UNI1012)To enable the submission of further information to clarify or resolve specific aspects of the proposed development this Development Consent is issued as a "Deferred Commencement" Consent under the provisions of Section 4.16(3) of the Environmental Planning and Assessment Act as amended. The Consent does not operate until the applicant satisfies the Council as to the following matters.

For Deferred Commencement consents issued between 25 March 2020 and 25 March 2022 the required information must be submitted within 5 years of the date of issue of this development consent (Environmental Planning and Assessment Act Section 4.53(6)).

Note- Under the provisions of Clause 95A(5) of the Environmental Planning and Assessment Regulation 2000 upon submission of the required information, Council must advise in writing whether or not it is satisfied as to the relevant matters.

1. Deferred Commencement Conditions(UNI1012)

I) Building Information Certificate

Prior to the commencement of this development consent, a Building Information Certificate must be obtained from Sutherland Shire Council for all the unapproved building and fit out works (including but not limited to; the vats, blind pits, grates, whirly birds) within the tenancy of Unit 3 No.5 Clerke Place Kurnell.

II) Air Quality & Odour Management Plan

Prior to the commencement of this development consent, an Odour and Air Quality Management Plan must be prepared by a suitably qualified and experienced air quality specialist in accordance with the below. The Plan must then be submitted and be to the satisfaction of Sutherland Shire Council.

A. Minimising Odour and other Air pollutants

- a. Prior to the operation of the plant the proponent must install and/or operate a stack at the premises that is serviced by an adequate ventilation system to collect and exhaust odorous air emissions from the premises tanks and any other air pollutants associated with the operation of plant on the premises. The stack must include the following design features to avoid building and stack downwash respectively:
 - i) The stack discharge point must be at least 3 metres above the highest point of the building on which it is located (or of nearby buildings).
 - ii) The discharging gases must have a vertical upwards velocity at full rate of operation of a minimum 15 metres per second.
- b. The waste management facility must be designed and/or operated in a manner that will prevent or minimise fugitive emissions and odours from leaving the building.
- c. Odours and air pollutants emitted must satisfy all relevant NEPM and NSW EPA air quality standards.

B. Odour and Air Quality Management Plan

- a. To manage and minimise any odour and air pollution impacts on the surrounding commercial and residential receptors, an Air Quality and Odour Management Plan (the Plan) must be developed and maintained for the premises.
- b. A Key aim of the Plan must be to ensure that odour and air pollutant emissions generated from the premises satisfy all relevant NEPM and NSW EPA air quality standards.
- c. The Plan must be developed by a suitably qualified and experienced person.
- d. The Plan must provide, but not be limited to, the following details:
 - i) A description of all potential air pollution and odour emitting activities and associated air pollutants at the premises.
 - ii) Plan(s) illustrating the potential;
 - Odour emission points from the premises

- Air pollutant emission points - for Particulates PM2.5 and PM10, NOx, CO, CO2, SO2, VOCs.
- e. An odour and air quality complaint management procedure, including record keeping, investigations and communications.
 - f. The odour and air quality control measures to be initially implemented at the premises upon gaining approval and commencing operations.
 - g. The contingency odour and air quality control measures to mitigate potential odour and air pollutant impacts in the community if required.
 - h. For each of the above identified contingency odour and air pollutant control measures, provide the following:
 - i) 'Triggers' for implementing the control measure, such as complaints regarding odours and dusts / particulates.
 - ii) The timing required to install and/or implement the control measure.
 - iii) Any intermediate measures required during the installation phase of the control measure.
 - iv) Define who is responsible for implementing and maintaining the control measure.
 - v) How the effectiveness of all implemented control measures at the premises will be assessed.
 - vi) The timeframe and procedure for the ongoing review of the Plan.

This Plan must be submitted and be to the satisfaction of Sutherland Shire Council for this Deferred Commencement Consent to be satisfied.

III) Stack Design

Prior to the commencement of this development consent, the architectural plans must be updated and redesigned, as well as further information be submitted to demonstrate that the stack satisfies the requirements of the NSW EPA, as detailed in (a):

- a. The proponent must install and/or operate a stack at the premises that is serviced by an adequate ventilation system to collect and exhaust odorous air emissions from the premises tanks and any other air pollutants associated with the operation of plant on the premises. The stack must include the following design features to avoid building and stack downwash respectively:
 - i) The stack discharge point must be at least 3 metres above the highest point of the building on which it is located (or of nearby buildings).

- ii) The discharging gases must have a vertical upwards velocity at full rate of operation of a minimum 15 metres per second.

Details listed above must be included in documentation submitted to satisfy the Deferred Commencement Development consent.

Upon satisfaction of the details required above, Council shall issue an approval consistent with the Conditions in Part 2, and any conditions reasonably arising from consideration of the details submitted to satisfy the deferred commencement.

2. Deferred Commencement Plans and Documents (UNI2003)

The development must be undertaken substantially in accordance with the details and specifications set out on the following plans except where they are the subject of the deferred commencement condition/s:

<i>Plan number</i>	<i>Reference</i>	<i>Prepared by</i>	<i>Date</i>
Drawing No.18_13 Sheet 01	Site Plan	JMH Living Design	26 October 2020
Drawing No.18_13 Sheet 02	Unit 3 Floor Plans	JMH Living Design	26 October 2020
Drawing No.18_13 Sheet 03	Unit 3 Elevations and Sections	JMH Living Design	26 October 2020
Operational Plan of Management		Wynne Planning	October 2020
Noise Impact Assessment Report (reference: 191138_NIA_Rev2)		Benbow Consultancy	December 2019
Waste Management Report (reference: 191138_WMP_Rev4)		Benbow Consultancy	October 2020
Environmental Management Plan (reference: 191138_EMP_Rev3)		Benbow Consultancy	October 2020
Air Quality and Odour Management plan			Yet to be submitted as part of Deferred Commencement Consent.

and any details on the application form and on any supporting information received with the application except as amended by the following conditions.

Note: The following must be submitted to Sutherland Shire Council prior to the commencement of any building or subdivision work. (### Roff to delete if no subdivision)

- i) A Construction Certificate. (### delete and renumber if subdivision only)
- ii) Notification of the appointment of a Principal Certifying Authority and a letter of acceptance from that Principal Certifying Authority. (### delete and renumber if subdivision only)
- iii) Notification of the commencement of building and/or subdivision works with a minimum of 2 days' notice of such commencement.

(### delete below if no subdivision applicable)

Under Section 6.5 of the Environmental Planning and Assessment Act 1979, please note that Sutherland Shire Council must be appointed as the Principal Certifying Authority for all subdivision works.

3. Integrated Development Approval - Requirements of the NSW Environment Protection Authority (UNI2025)

A. General Terms of Approval from NSW Environment Protection Authority

The development must be undertaken in accordance with all General Terms of Approval (GTA) from the NSW Environment Protection Authority (EPA) issued under Section 4.46 of the Environmental Planning and Assessment Act 1979:

1. Prior to the operation of the plant the proponent must install and/or operate a stack at the premises that is serviced by an adequate ventilation system to collect and exhaust odorous air emissions from the premises tanks. The stack must include the following design features to avoid building and stack downwash respectively:
 - a. The stack discharge point must be at least 3 metres above the highest point of the building on which it is located (or of nearby buildings).
 - b. The discharging gases must have a vertical upwards velocity at full rate of operation of a minimum 15 metres per second.
2. The premises processing building must be designed and/or operated in a manner that will prevent or minimise fugitive odour emissions from leaving the building.
3. An Odour Management Plan (the Plan) must be developed and maintained for the premises to manage premises odour emissions and impacts on the surrounding community. This includes both residential and commercial receptors. The Plan must be developed by a suitably qualified and experienced person.

The Plan must provide, but not be limited to, the following details:

- a. A description of all potential odour emitting activities at the premises.
- b. Plan(s) illustrating the potential odour emission points from the premises.
- c. The odour complaint management procedure, including record keeping, investigations and communications.
- d. The odour control measures to be initially implemented at the premises upon gaining approval and commencing operations.
- e. The contingency odour control measures to mitigate potential odour impacts in the community if required.
- f. For each of the above identified contingency odour control measures, provide the following:
 - i) 'Triggers' for implementing the control measure, such as odour complaints.
 - ii) The timing required to install and/or implement the control measure.
 - iii) Any intermediate measures required during the installation phase of the control

measure.

- iv) Define who is responsible for implementing and maintaining the control measure.
 - g. How the effectiveness of all implemented control measures at the premises will be assessed.
 - h. The timeframe and procedure for the ongoing review of the Plan.
- 4. All waste storage and processing activities must occur within the building at all times.
 - 5. All container cleaning and ancillary processes must be carried out within the building and wholly within bunded areas at all times.
 - 6. All liquid and/or non-liquid waste destined for off-site transport must be assessed and classified in accordance with the Environment Protection Authority's Waste Classification guidelines as in force from time to time before transporting the waste from the Premises.
 - 7. The licensee must ensure that all liquid materials including chemicals, fuels, oils and waste materials are stored under cover in a designated impervious bund that contains 110% of the volume of the largest container contained within the bund.
 - 8. The licensee must ensure that the bunded area (floor and walls) are impervious to the liquid(s) handled or stored in the bunded area. The bunded area(s) must also comply with the following requirements:
 - a. The bund floor must be graded to a blind sump located within the bunded area to facilitate removal of liquids;
 - b. The bund must not contain drain valves;
 - c. All pipe work must go over bund walls, not through them;
 - d. Hose couplings for filling/emptying containers/tanks must be located within the bunded area; and
 - e. Stormwater must be diverted away from the bunded area.

A copy of the GTA and any further requirements are attached to this development consent. These requirements must be incorporated in the application for a Construction Certificate and where required by the GTAs, relevant approvals must be obtained prior to the release of the Construction Certificate.

4. Sydney Water Trade Waste Agreement (UNI9001)

A. Design and Before Commencement or Issue of an Occupation Certificate

The material bunded storage areas which are connected to the blind pits and grease trap must be designed to meet the requirements and acceptance standards for a Sydney Water Trade Waste Agreement. Pre-treatment equipment must be designed, sized and installed to meet the site-specific requirements of Sydney Water.

An “Application for connection to discharge trade wastewater” must be completed and submitted to Sydney Water through the ‘Sydney Water Tap in’ service available on the Sydney Water website: <https://www.sydneywater.com.au/tapin/index.htm>

Prior to the operation or issue of an Occupation Certificate, a signed consent relating to a Sydney Water Trade Waste Agreement must be obtained from Sydney Water in accordance with the above and submitted to Sutherland Shire Council, Manager Environmental Science.

B. Ongoing

Onsite operations must be undertaken in accordance with the following, but not limited to, Sydney Water requirements at all times:

- Consent to Discharge Industrial Trade Waste Water
- Industrial Customers - Acceptance Standards
- Sydney Water Monitoring and Measurement Requirements

All works that have the potential to impact on the stormwater system must be undertaken within bunded areas at all times. Processing or waste water must not be discharged or allowed to enter the stormwater at any time. Records must be kept to verify the maintenance of the trade waste equipment including the grease trap, pipework and pits, and made available on request from Sutherland Shire Council, Sydney Water or the NSW Environment Protection Authority (EPA).

5. Environment Protection Licence

A. Before Commencement and Issue of Occupation Certificate

The applicant must apply for and be issued with an Environment Protection Licence from the NSW Environment Protection Authority for the Waste Management Facility, in accordance with the requirements of Chapter 3 of the *Protection of the Environment Operations Act 1997*.

The Environment Protection Licence must be submitted to the satisfaction of Sutherland Shire Council, Manager Environmental Science prior to commencement of operations and the issue of any Occupation Certificate.

B. Ongoing

Onsite operations and activities must be conducted in accordance with the requirements of the Environment Protection Licence required by ‘A’ above, as subsequently varied and approved, as required by the NSW Environment Protection Authority.

6. Site Management (ENG2020)

A. Before Commencement of Works including Demolition

Appropriate environmental site management measures must be in place and incorporate the following throughout demolition and construction:

- i) Safe access to and from the site during construction and demolition, as required.
- ii) Safety and security of the site, road and footpath area including details of proposed fencing, hoarding and lighting, if required.
- iii) Method of loading and unloading excavation machines, building materials and so on.
- iv) How and where, construction materials and any waste materials will be stored and managed.
- v) Methods to prevent material being tracked off the site onto surrounding roadways, reserves and waterways.
- vi) Erosion, sediment and dust control measures.
- vii) All trees and their protection zones on and around the site identified for retention are to be protected according to Australian Standard AS 4970 - 2009 Protection of Trees on Development Sites using the methods outlined in that Standard, as relevant to the proposed development.

B. During Works

The site management measures set out in the above must remain in place and be maintained throughout the period of works and until the site works are complete.

7. Prevention of Air Pollution (ENV5005)

A. Ongoing

The waste management facility, building, plant, equipment and fittings installed therein must be operated in accordance with the requirements of the Environment Protection Licence and the Odour and Air Quality Management Plan to meet the requirements of:

- i) Protection of the Environment Operations Act 1997
- ii) Protection of the Environment Operations (Clean Air) Regulation 2010
- iii) AS 1668 - Part 2 - 2012
- iv) AS 3666.1 - 2011
- v) AS 3666.2 - 2011
- vi) AS 3666.3 - 2011
- vii) Public Health Act - 2010
- viii) Public Health Act (Microbial Control) Regulation 2012.

8. Storage of Fats, Oils, Combustible Liquids, Hazardous and Toxic Materials (ENV5010)

To ensure the storage and processing of fats, oils, combustible liquids, hazardous and toxic materials are not a threat to the environment:

A. Design

In areas where the vats of fats and oils, combustible liquids, hazardous and toxic materials are to be stored bund walls and floors must be constructed of an impervious material and be of sufficient size to contain 110% of the volume of the largest tank on the site plus the volume displaced by any additional tanks within the bunded area.

The bunded zones include;

- i) Primary Containment Area - the raw material storage and processing storage area with a bund of 1040mm in height,
- ii) Secondary Containment Area - treated product warehouse with a bund of 590mm height,
- iii) Loading Zone Containment Area - the loading zone is to have 30mm bund height with a blind pit to prevent contamination during loading & unloading of bulk oil products.

Provide details of the emergency shutoff system & procedure when transferring of fats and oils in the Operational Management Plan (as prepared by Wynne Planning dated October 2020) during unloading or loading.

B. Before Construction

Details of the design satisfying 'A.' above must accompany the documentation forming part of the application for a Construction Certificate.

C. Ongoing

- (i) Storage of raw products, processed fats, oils, blended products, putrescible waste products and waste water must be maintained within the appropriate bunded areas in accordance with the requirements of the "Environmental Management Plan, Unit 3/5 Clerke Place, Kurnell" by Benbow Environmental, 28 October 2020 [191138-02_EMP Rev3].
- (ii) During cleaning activities, waste water must be appropriately collected and managed in accordance with the requirements of "Waste Management Report for Proposed Foodgrade Oil Treatment" by Benbow Environmental, 27 October 2020 [191138_WMP_Rev4] and the "Environmental Management Plan, Unit 3/5 Clerke Place, Kurnell" by Benbow Environmental, 28 October 2020 [191138-02_EMP Rev3].
- (iii) All trucks servicing the site must do so by being wholly contained within the bunded loading/unloading area of the premises, with the door closed during loading and unloading.
- (iv) The interior of the premises must be kept clean and regularly maintained to prevent any oily residues from being tracked outside of the building.

- (v) All fats, oils, combustible liquids, hazardous and toxic materials must be stored in accordance with SafeWork NSW requirements. All tanks, drums and containers of toxic and hazardous materials in excess of 20L must be stored in a bunded area.

Where appropriate to the operation of the site, the construction of bunds must comply with the requirements of:

AS 1940 : 2004 for flammable and combustible liquids

AS 3780 : 1994 for corrosive substances

AS 2714: 1993 for organic peroxides

AS 4326 : 1995 for oxidising agents

AS/NZS 4452 : 1997 for toxic substances.

The bunded storage areas shall be maintained in such condition to ensure that all any spill or leak is retained within the bund. The operator must also maintain a current register of Material Safety Data Sheets for each hazardous substances and ensure that it is readily accessible to all employees.

- (vi) An appropriate spill kit /absorbent material must be available on the premises at all times in appropriate quantities.

The operator must ensure that the spill kit equipment is located in an easily accessible location, at potential high-risk spill locations.

9. Operational Environmental Management Plan (OEMP)

A. Design

The following report "Environmental Management Plan, Unit 3/5 Clerke Place, Kurnell" by Benbow Environmental, 28 October 2020 [191138-02_EMP Rev3], must be amended as follows:

- (i) The title of the plan must be changed to 'Operational Environmental Management Plan'
- (ii) Any reference to 'Environmental Management Plan' (EMP) must be changed to 'Operational Environmental Management Plan'.
- (iii) Specific details outlining emergency shut-down mechanisms and procedures must be detailed within the 'Incidents and Emergencies' section of the Operational Environmental Management Plan, and elsewhere as within the plan as necessary.

B. Before Occupation Certificate

The amended Operational Environmental Management Plan, required by "A" above, must be submitted to the satisfaction of Sutherland Shire Council prior to commencement or issue of an Occupation Certificate.

C. Ongoing

The controls and mitigation measures outlined within the following plan;

“Environmental Management Plan, Unit 3/5 Clerke Place, Kurnell” by Benbow Environmental, 28 October 2020 [191138-02_EMP Rev3], as amended in accordance with ‘A’ above and regularly updated and must be implemented and adhered to at all times for the approved use, unless otherwise varied by conditions of this development consent.

The Operational Environmental Management Plan referred to in ‘A’ above, must be regularly reviewed and revised as required by Section 5.3 ‘OEMP Review’ of the plan and as necessary.

A current copy of the OEMP must be made available at the request of Sutherland Shire Council or any other regulatory authority, such as the NSW Environment Protection Authority

10. Air Quality and Odour Management Plan

This Air Quality and Odour Management Plan must be submitted to the satisfaction of Sutherland Shire Council as per Deferred Commencement Consent Condition No.2.

A. Ongoing

The waste management facility must operation in accordance with the controls and mitigation measures outlined within the following plan;

“Air Quality and Odour Management Plan”, must be implemented and adhered to at all times for the approved use, unless otherwise varied by conditions of this development consent.

The Air Quality and Odour Management Plan must be regularly reviewed and revised as stipulated within the plan and as necessary.

A current copy of the ‘Air Quality and Odour Management Plan’ must be made available at the request of Sutherland Shire Council or any other regulatory authority, such as the NSW Environment Protection Authority.

11. Potential Contaminated Land - Unexpected Finds

A. During Works

If unexpected soil and/or groundwater contamination is encountered during any works; all work must cease and the situation must be promptly evaluated by an appropriately qualified and experienced environmental consultant. The contaminated soil and/or groundwater must then be managed under the supervision of the environmental consultant, in accordance with relevant NSW Environment Protection Authority (EPA) guidelines.

In all cases, the environmental consultant must be certified by one of the following certification schemes:

- EIANZ ‘Certified Environmental Practitioner - Site Contamination’ scheme (CEnvP SC).

- Soil Science Australia 'Certified Professional Soil Scientist - Contaminated Site Assessment & Management' scheme (SSA CPSS CSAM).

B. Prior to recommencement of works

If unexpected contaminated soil and/or groundwater is treated and/or managed onsite; the supervising environmental consultant must verify that the situation was appropriately addressed in accordance with relevant NSW EPA guidelines.

The verification documentation must be provided to the satisfaction of the Principal Certifying Authority and Sutherland Shire Council, Manager Environmental Science, prior to the recommencement of any works.

12. Concrete Cap Management Plan

A. Ongoing

Site operations must be conducted in accordance with the requirements of the 'Concrete Cap Management Plan, 5 Clerke Place, Kurnell' by Hayes Environmental Consulting, 18 October 2013 [MP147 AF], which includes procedures to maintain the long-term integrity of the onsite concrete cap.

13. Garbage, Recycling and Waste Storage Area (HLT3015)

A. Design

The garbage and recycling storage area must have:

- i) A smooth impervious floor that is graded to a floor waste. All waste water must be collected in the blind pit for disposal to the licensed waste contractor. The waste area must be suitably bunded to prevent any contamination of the stormwater system.
- ii) A tap and hose to facilitate the regular cleaning of the bins.
- iii) Any putrescible waste bins, other associated garbage bins and any intermediate bulk containers (IBC) must be designed to prevent the escape of any liquid and must be fitted with a lid to prevent the entry of vermin.

B. Before Construction

Details of compliance with 'A' above must form part of the documentation accompanying the application for a Construction Certificate.

C. Before Occupation

The works must be completed prior to the issue of any Occupation Certificate.

D. Ongoing

All waste and recycling bins must be stored wholly internal to the tenancy, within the approved waste storage area. The bins must only be placed outside of the premises the evening before collection day and returned to the storage area as soon as possible after collection.

14. External Lighting - (Amenity) (HLT3025)

To ensure that any lighting on the site does not cause a nuisance to neighbours or motorists on nearby roads:

A. Design

All lighting must be designed in accordance with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

B. Ongoing

All lighting must be operated and maintained in accordance with the Standard above.

15. Noise Control - Design of Plant and Equipment (Continual Operation) (HLT4020)

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and / or refrigeration systems:

A. Design

All plant and equipment must be designed and / or located so that the noise emitted does not exceed the 'Project Specific Noise Level' when measured at the most affected point on or within any residential property boundary in accordance with the requirements of the "Noise Impact Assessment, Unit 3/5 Clerke Place, Kurnell" by Benbow Environmental, 4 December 2019 [91138_NIA_Rev2]. December 2019.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

B. Before Commencement or Issue of an Occupation Certificate

Prior to the commencement or issue of an Occupation Certificate, certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out in accordance with 'A' above.

C. Ongoing

All plant and equipment must be operated and maintained in accordance with the 'A' above and the requirements of the 'Operational Mitigation Measures' provided in the "Noise Impact Assessment" by Benbow Environmental, 4 December 2019 [91138_NIA_Rev2].

During operation, in particular but not limited to, all doors of the premises must remain closed.

16. BCA Assessment Report - Upgrade of Existing Building

A. Before Construction

The alteration to the existing building authorised by this Development Consent is subject to the implementation of the following fire safety upgrade works considered necessary in accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000:-

- a) The roller door installed to the exterior of the emergency exit is to be removed.
- b) Emergency lighting is to be installed to comply with EP4.1 of the BCA.
- c) Clear width path of travel is to satisfy DP4 of the BCA.
- d) An automatic fire detection and alarm system is to be installed in accordance with AS 1670.1-2018.
- e) Fire alarm monitoring is to be installed in accordance with AS 1670.3-2018.
- f) Signage is to be provided by (or on) the entrance door to Unit 3 advising Fire Brigade personnel that foam should be used to fight a fat or oil fire instead of water, the sign is to be permanently and securely mounted and of appropriate construction to be suitable for the environment in which it is located. Laminated signs are not acceptable. The lettering is to be in capitals, no less than 50 mm in height and in a colour contrasting with the background stating:
"SUITABLE EXTINGUISHING AGENT FOR FAT AND OIL FIRES: ALCOHOL RESISTANT FOAM"

Additionally, a hydrant block plan is to be provided at the entry showing the location of the closest external hydrants which are to be used by the fire brigade to supply water to the fire applicator.

- g) Protection from openings is to satisfy CP2 and CP8 of the BCA.

In issuing the required Construction Certificate, the Certifier must ensure that all recommended upgrade works are documented and accompany the application for a Construction Certificate.

17. Sydney Water Requirements & Section 73 Compliance Certificate (for Dual Occs) (ORD4040)

A. Before Any Works

Prior to the commencement of any works on site, including demolition or excavation, the plans approved as part of the Construction Certificate must also be approved by Sydney Water. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Customers will receive an approval receipt which must be included in the Construction Certificate documentation.

Please refer to the web site www.sydneywater.com.au.

B. Before Occupation

Prior to the issue of an Occupation Certificate, a Compliance Certificate under Section 73 of the Sydney Water Act, 1994, must be submitted to Council by the Principal Certifying Authority. Sydney Water may require the construction of works and/or the payment of developer charges. This assessment will determine the availability of water and sewer services, which may require extension, adjustment or connection to the mains.

Sydney Water Advice on Compliance Certificates:

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator. Please make early contact with the Coordinator, since building of water / sewer extensions can be time-consuming and may impact on other services as well as building, driveway or landscaping design.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

18. Noise Control and Permitted Hours for Building and Demolition Work (ORD5005)**A. General**

To manage noise impacts upon the surrounding properties and occupants, demolition, excavation, or construction activities must be managed in accordance with the NSW Department of Environment and Climate Change (now Environment Protection Authority). Interim Construction Noise Guideline (ICNG) 2009 and Australian Standard 2436 - 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

B. During Works

To minimise the noise impact on the surrounding environment, all building and demolition work must be carried out only between the hours of 7.00am and 6.00pm Monday to Friday inclusive, 8.00am and 3.00pm Saturdays. No work is permitted on Sundays and Public Holidays.

19. Car (ORD7015) Parking Areas (ORD7015)**A. Ongoing**

To ensure that the car parking area satisfies the demands of the development:

- i) Parking must be made available on an unrestricted basis and free of charge at all times for employee and visitor vehicles
- ii) Any parking nominated as visitor parking or common property must be continually available as common property.

20. Industrial Activities Outside the Building (ORD7030)**A. Ongoing**

To protect the amenity of the surrounding environment there must be no industrial activities, storage or depositing of any goods or maintenance to any machinery conducted external to the building. There is to be no washing or hosing down of vehicles external to the building.

21. Loading and Unloading (ORD7035)

A. Ongoing

All loading and unloading of vehicles must be carried out within the site and not from the public roadway.

All service/delivery vehicles must enter and leave the site in a forward direction.

Any trucks attending the tenancy must remain inside the building with all doors closed during loading and unloading to prevent nuisance from noise or odour to the neighbouring premises.

The largest vehicle that can service this development must be a MRV (as defined in Australian Standard AS2890.2:2018).

22. Waste Management Facility Operation

To minimise the impact of the development on the surrounding environment:

A. Ongoing

i) Plan of Management

The waste management facility must operate in accordance with;

- The Operational Plan of Management as prepared by Wynne Planning dated October 2020,
- The Noise Impact Assessment Report (reference: 191138_NIA_Rev2) prepared by Benbow consultancy dated December 2019,
- The Waste Management Report (reference: 191138_WMP_Rev4) as prepared by Benbow consultancy dated October 2020,
- The Environmental Management Plan (reference: 191138_EMP_Rev3) as prepared by Benbow consultancy dated October 2020.
- Air Quality and Odour Management Plan - Yet to be submitted as part of Deferred Commencement Consent.

A full copy of all current development consents, including approved plans and supplementary consultant reports for the operation of the premises, any registers and any required Management Plans must be kept on the premises and made available for inspection immediately upon request of Sutherland Shire Council or any other regulatory authority, such as the NSW Environment Protection Authority.

ii) Hours of Operation

The trading hours of the premises are approved for Monday to Sunday 24 hours per day.

Under Section 4.17(10B) of the Environmental Planning and Assessment Act 1979, Council may review the 24 hour operation, upon receipt of a complaint.

iii) Staff

A maximum of 3 staff are approved to occupy the premises at any one time.

END OF CONDITIONS

Sutherland Shire Development Control Plan 2015

The proposal has been assessed for compliance with SSDCP 2015. A compliance table with a summary of the applicable development controls is contained below.

Sutherland Shire Development Control Plan 2015		
Chapter 36 Roads, Vehicular Access, Traffic, Parking and Bicycles		
Clause	Proposal	Compliance
Table 1 <i>Industrial Premises</i> <ul style="list-style-type: none"> 1 space per 100m² with a minimum of 2 spaces for each industrial unit, Any ancillary office component shall provide 1 space per 30m² of gross floor area. 	Industrial area of 531.2m ² , and office area of 159.25m ² . $531.2\text{m}^2 / 100\text{m}^2 = 5.3 \text{ spaces}$ $159.25\text{m}^2 / 30\text{m}^2 = 5.3 \text{ spaces}$ Total of 10.6 (11) spaces required. All car parking space at the site are in common property. DA18/1366 approved on 12 June 2019 Strata Title allocated parking spaces. Unit No.3 was allocated 6 spaces. However the Strata Plan for the allocation of parking spaces has not been registered with NSW LRS.	No 5 parking spaces deficient. Variation acceptable given Plan of Management.
Chapter 37 Late Night Trading		
Clause 3.2.1 <i>Low Activity Area</i> (Base Hours): Monday to Sunday – 6am to 10pm <i>Low Activity Area</i> (Extended Hours): 24hrs	24 hours 7 days a week. Plan of Management submitted.	Yes

Unit 3 fails to achieve the minimum required car parking spaces of 11, based on the floor area of the tenancy. However, given the proposed operation with a maximum of 2 staff on site at any one time the deficiency is considered acceptable.

Unit 3 is seeking to operate 24 hours 7 days a week. The base hours of operation for the site in the Low Activity Area is 6am to 10pm. 24 hour operation may be permitted as extended hours and subject to a Plan of Management (POM) which has been submitted with this application. This POM details that the Vats are only in operation when a staff member is present and will generally only operate between 1pm to 5pm.



Gavin Ho - 9710 0696
File Ref: PAD19/0042

29 October 2019

Wynyardz Pty Ltd
P O Box 2192
TAREN POINT NSW 2229

Dear Sir/Madam

Pre-Application Discussion No. PAD19/0042

Proposal: Proposed use of an industrial unit as a food grade oil warehouse.

Property: 5 Clerke Place (Private), Kurnell

The Pre-Application (PAD) process is intended to assist in this goal and I appreciate you taking the time to attend.

The PAD held on 9 September 2019 regarding the above development proposal was attended by Carolyn Howell (Team Leader), Gavin Ho (Development Assessment Officer) and Leanne Mariani (Environmental Scientist) who attended the meeting on behalf of Council and Zois Nassis and Effie Nassis (Tenant) and Lyndall Wynne and Anthony McCosker (Wynne Planning - consultant) on behalf of the applicant.

The purpose of this letter is to provide a summary of the issues discussed at the meeting and provide information that will assist you complete a development application (DA). Council cannot provide you with certainty on the determination of the proposal until a DA has been lodged and assessed.

As discussed at the time of the PAD meeting on 9 September 2019, it was requested by the Applicant that Council wait on the submission of a Risk Assessment Report before completing the PAD letter. The Applicant submitted the Risk Assessment Report on 11 October 2019 and Council subsequently finalised this letter.

Your DA will need to be supported by a Statement of Environmental Effects that addresses; all relevant Environmental Planning Instruments, the Planning Secretary's Environmental Assessment Requirements and the NSW Environmental Protection Authority's Requirements, and planning controls contained in Council's Development Control Plan 2015.

The Site and Proposal:

The site is located at 5 Clerke Place Kurnell and is recognised as Unit 3 in Lot 8 DP 270440. It is an internal lot with access off a private road of Clerke Place which then connects to Sir Joseph Banks Drive to the east and the Captain Cook Drive intersection located approximately 80m to the north.

The site has an overall area of approximately 19,270m² and is relatively flat falling from north to south by approximately 1m. The site of 5 Clerke Place is occupied by an Industrial Development complex consisting of 19 units throughout five two-storey buildings.

The proposed development of a Food Grade Oil Warehouse relates to the industrial Unit 3 at 5 Clerke Place Kurnell. The quantity of Used and New Cooking Oils proposed result in the development being classified as Designated Development. Information submitted with this PAD has demonstrated that the Applicant recognises the requirements of Designated Development as the Planning Secretary's Environmental Assessment Requirements (SEARs) and the NSW Environmental Protection Authority's Requirements have been submitted.

The property is within Zone IN1 General Industrial under the provisions of Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015). The proposed development for a Food Grade Oil Warehouse, with the quantities of Used Cooking Oils is classified as a Waste Management Facility. This is a permissible form of development within this zone.

SSLEP2015 identifies the site is mapped as being bushfire prone, class 4 acid sulphate soils, environmentally sensitive land (biodiversity and groundwater) and affected by the Coastal Management SEPP. These specific characteristics of the site will need to be taken into consideration when preparing your DA.

Comments on the Proposal:

The following comments are provided in respect to the information presented.

1. Hazardous & Offensive Development

A requirement of the SEAR's is to conduct preliminary risk screening to determine if the proposed development is Potentially Hazardous or Offensive Development. As discussed at the time of the PAD meeting it was unclear if the proposed development would fall within this classification as no requirements of the SEAR's had yet been addressed. However, it was expressed that this would be a crucial factor to determine if the application can progress. This is due to *Hazardous Industry* being classified as *Heavy Industry*, which is prohibited with the IN1 General Industrial Zone.

A Risk Assessment Report prepared by Sherpa Consulting was submitted on 11 October 2019. This report identified that risk screening had been undertaken for the purpose to ascertain if the proposed development would be classified as Potentially Hazardous or Offensive Development. The submitted report concluded that the proposal is not classified as 'potentially hazardous' under SEPP 33 and a Preliminary Hazard Analysis is not required.

Therefore, on this conclusion the proposed development may be classified as a *Waste Management Facility* and is permitted with consent within the IN1 General Industry zone.

2. SEARs & NSW EPA Requirements

Any future development application must address the SEARs (issued 6 March 2018) and NSW EPA requirements in an Environmental Impact Statement prepared by a suitably qualified person.

The EIS must be prepared in accordance with Schedule 2 of the *Environmental Planning Assessment Regulations 2000*.

If the Designated Development application is not lodged with an EIS within two years from the date of issue of the SEARs, you will be required to consult with the Planning Secretary in relation to any further requirements for lodgement.

3. Plan of Management

A Plan of Management will be required to be submitted with details on the operation of the business, staff numbers, quantities of New Cooking Oils and Used Cooking Oils, safety procedures, and waste management practices. Other considerations may be necessary given the type of the development. Reference to Chapter 37 of SSDCP2015 may outline some of these considerations.

4. Parking

The Statement of Environmental Effects correctly identifies that parking on the site is unallocated between the 19 units. The required parking rates for the unit are 1 space per 100m² plus 1 space per 30m² for any ancillary office. However, it is noted that DA18/1366 approved the strata subdivision of the 19 units with allocated parking spaces. The subject unit 3, had been allocated a total of 6 parking spaces under this development approval. At the time of this letter, the development has not yet been strata subdivided.

Council's Development Assessment Engineers have advised that a traffic report must be submitted with a future development application to detail the number of spaces required for the proposed use and the size of trucks accessing the site and their frequency.

5. BCA Compliance

Any future development application must include a BCA assessment report as well as a fire engineering report. The fire engineering report must be prepared by an accredited C10 fire engineer to assess and provide recommendations on whether the fire safety measures are suitable for fighting a fire at the premises considering the nature and quantity of materials stored.

Conclusion:

Council supports quality, well considered development and the comments provided are intended to help you work toward this outcome.

The Risk Assessment Report prepared by Sherpa Consulting was submitted on 11 October 2019 has concluded that the proposed development is not classified as 'potentially hazardous' under SEPP 33 and a Preliminary Hazard Analysis is not required. Therefore, on this conclusion the proposed development may be classified as a *Waste Management Facility* and permitted with consent within the IN1 General Industry zone.

The SEARs and the NSW EPA requirements must be satisfied as part of the submission of any future designated development application. Once their criteria has been addressed, a more in-depth assessment of the proposed development can be undertaken.

It is important to note that the information provided in this letter is based on the planning instruments applicable at the time of writing. You should make yourself aware of any subsequent changes to legislation or local planning controls before lodging your development application.

Council strongly recommends that you distribute this letter to all professionals within your design team including architects, engineers, waste management and environmental consultants.

For detailed information about how to prepare and lodge a development application, please refer to the "Development" section of Council's website (www.sutherlandshire.nsw.gov.au). A "DA Guide" is available and an online tool called "Development Enquirer", which searches the applicable planning instruments for the planning controls relevant to your site and development.

Development applications can only be lodged through the NSW Planning Portal. When you are ready you will be required to set up a one-off registration in the Portal – go to www.planningportal.nsw.gov.au/user/login

Please contact Council if you believe any of the above information to be incorrect or if you need clarification of the advice provided. Your initial point of contact should be Gavin Ho (9710 0696) as this is Council's development assessment officer who will most likely be responsible for the assessment of your DA.

Yours faithfully



Carine Elias
Acting Manager – Major Development Assessment



AMENDMENTS

A.....26.10.2020
MAKE AMENDMENTS TO
ARCHITECTURALS AS REQUIRED BY
COUNCIL.

PROJECT STATUS
DEVELOPMENT
APPLICATION

Date: 26.10.2020	
Drawing No: 18_13	Amend:
Sheet No: 01	Sheet Size: A3
Scale: As indicated	
Drawn: JPH	Checked: IMH

The whole works to be in accordance with the National Construction Code of Australia, all relevant Australian Standards and all other governing authorities concerned.

All dimensions to be in millimetres unless otherwise stated.
Use written dimensions in preference to scaled dimensions.

The builder to check all dimensions on site prior to the commencement of work.

No responsibility will be accepted by JMH Living Design for builder's details, methods, setout or design contradictions, or council variations and conditions.

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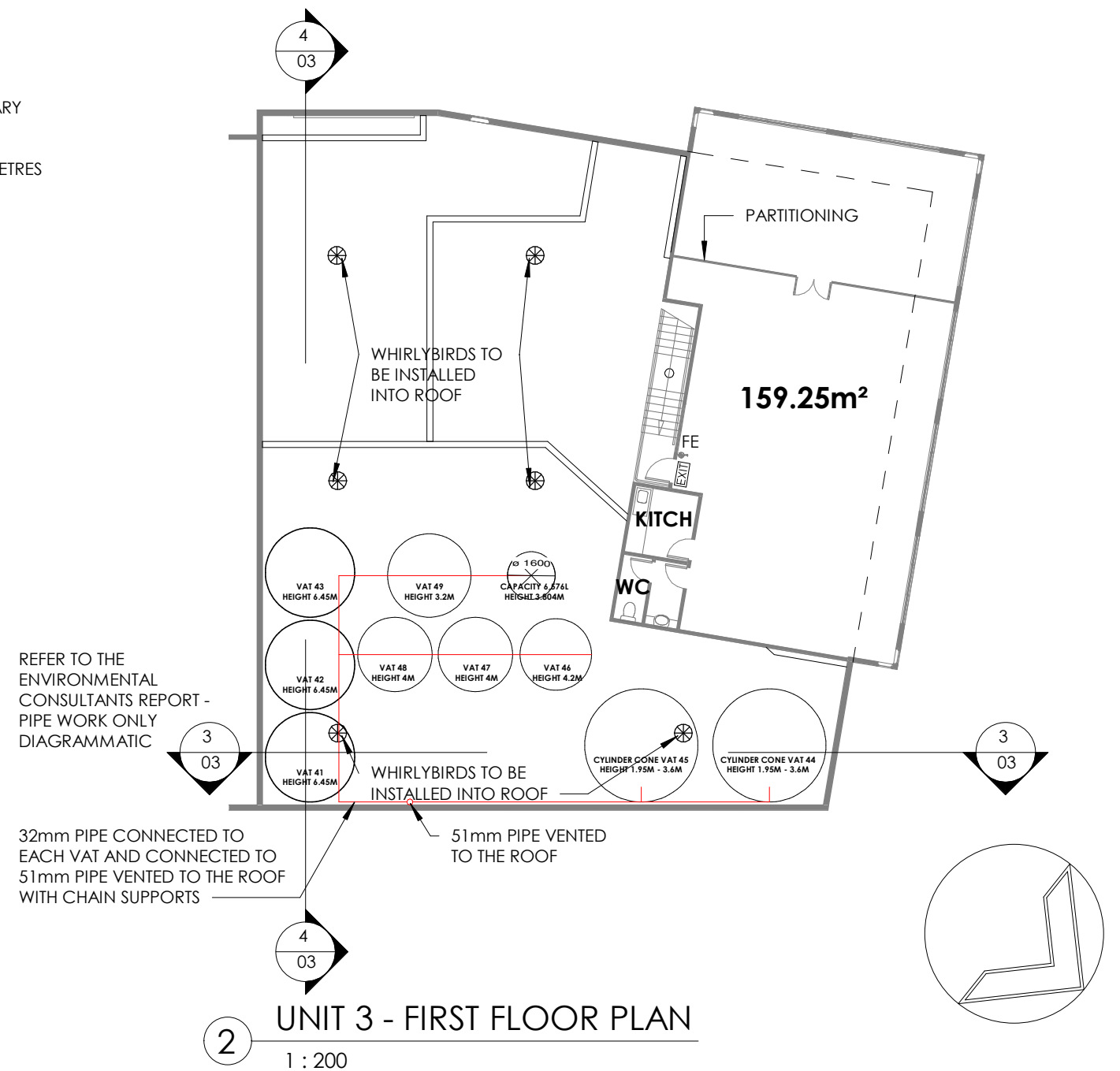
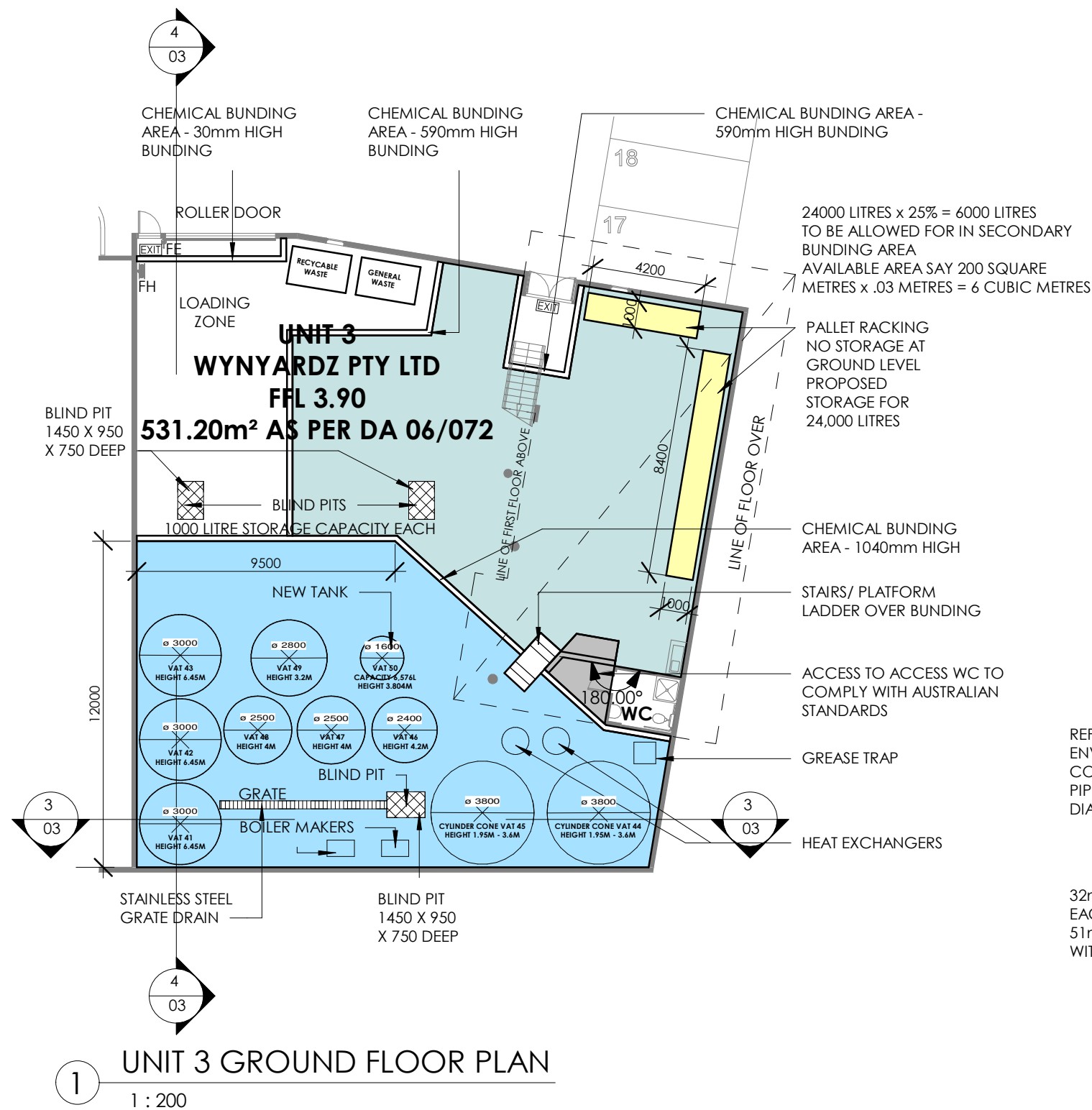
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Caringbah, NSW 1495

Industry Member of:



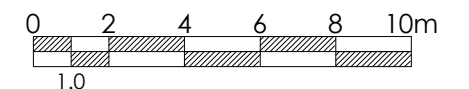
W www.bdaa.com.au





LEGEND

FE FIRE EXTINGUISHER
FH FIRE HOSE REEL
FFL FINISHED FLOOR LEVEL
EXIT EXIT SIGN AT CEILING



AMENDMENTS

CUSTOMER
WYNYARDZ PTY LTD

A.....26.10.2020
MAKE AMENDMENTS TO
ARCHITECTURALS AS REQUIRED BY
COUNCIL.

DRAWING TITLE
UNIT 3 - FLOOR PLANS

PROJECT STATUS
**DEVELOPMENT
APPLICATION**

PROJECT
**PROPOSED CHANGE OF USE
FOR WAREHOUSE
DISTRIBUTION OILS AND FATS
IN BULK PACKAGING**
ADDRESS
5 CLERKE PLACE, KURNELL

Date: 26.10.2020
Drawing No: 18_13
Sheet No: 02
Scale: As indicated
Drawn: JPH & LB
Checked: JMH

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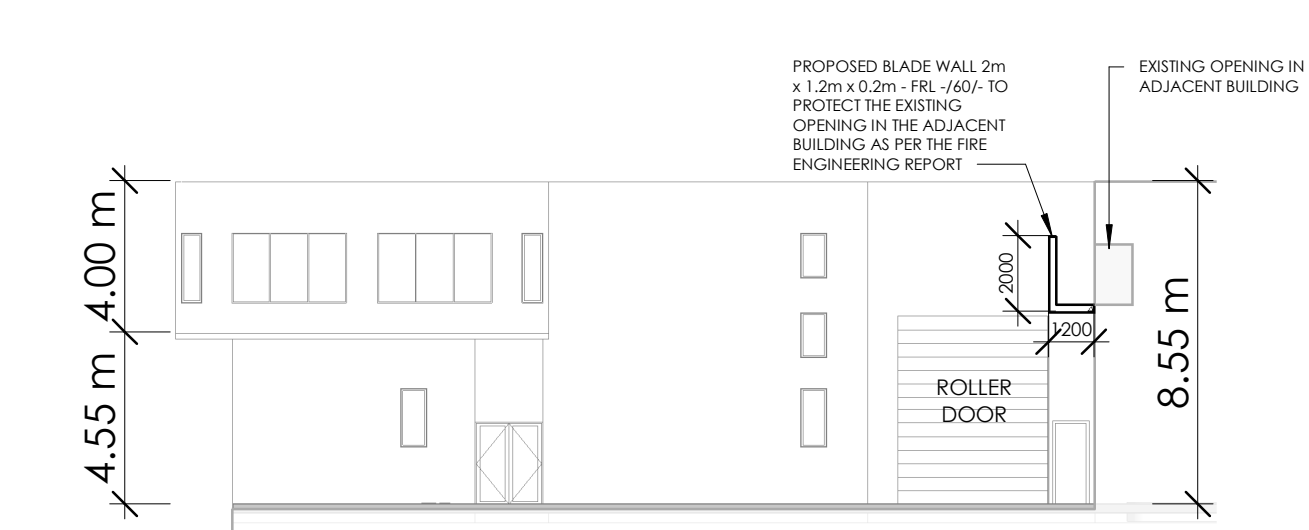
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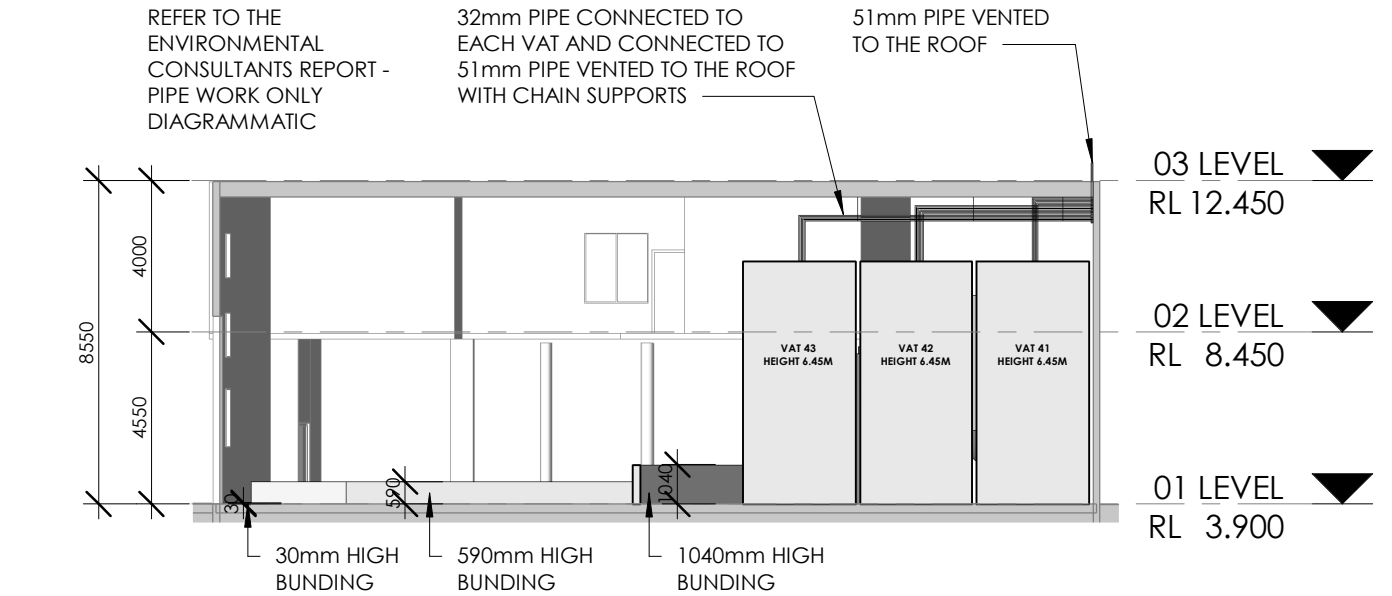
JMH Living Design
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John Hatch - Principal
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Web: www.jmlivingdesign.com.au
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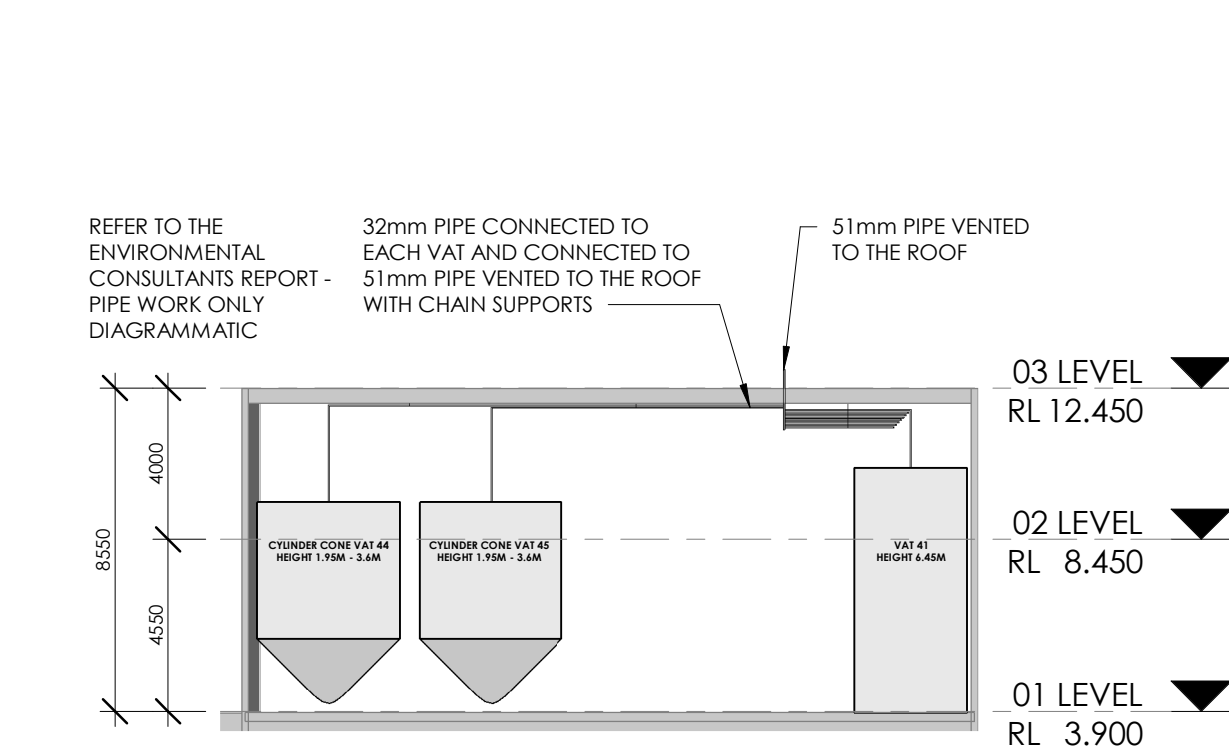
Company:
jmh
living design
26/10/2020 11:19:55 AM



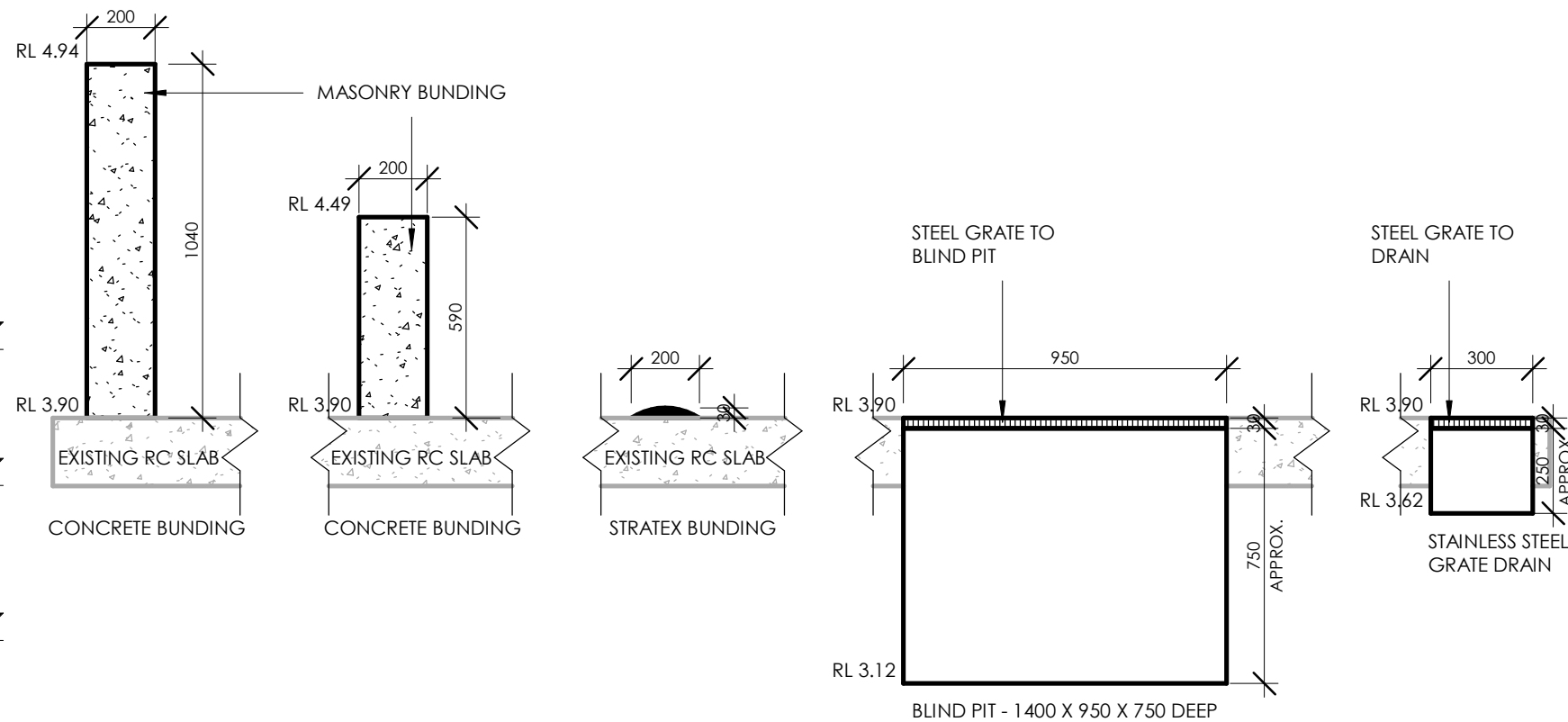
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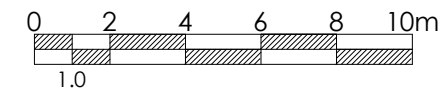
4 SECTION 1
1 : 200



3 SECTION 2
1 : 200



2 BUNDING, BLIND PIT & GRATE SECTIONS
1 : 20



AMENDMENTS

CLIENT
WYNYARDZ PTY LTD

A.....26.10.2020
MAKE AMENDMENTS TO
ARCHITECTURALS AS REQUIRED BY
COUNCIL.

DRAWING TITLE

UNIT 3 - ELEVATION &
SECTIONS

PROJECT STATUS

DEVELOPMENT
APPLICATION

PROJECT

PROPOSED CHANGE OF USE
FOR WAREHOUSE
DISTRIBUTION OILS AND FATS
IN BULK PACKAGING
ADDRESS
5 CLERKE PLACE, KURNELL

Date:	26.10.2020
Drawing No:	18_13
Amend:	
Sheet No:	03
Sheet Size:	A3
Scale:	As indicated
Drawn:	LB
Checked:	JMH

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