

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under the Environmental Planning and Assessment Act 1979
Section 92, and State Environmental Planning Policy No. 34 -
Major Employment Generating Industrial Development

development application

applicant name Boral Resources (NSW) Pty Ltd
application date 9 April 1996
applicant address Greystanes Road
South Wentworthville NSW 2145
land Burrows Road South, St Peters
Lots 1 and 2 DP 441113 and Vol. 4898
Fol. 159.

determination

made on 6.9.96
determination Consent granted to option "A" of the
proposal subject to conditions
shown in the attached Schedule A.

consent commences from 10.9.96
consent lapses on 10.9.2001if works
have not commenced by this date.

reasons for conditions To ensure the impact of development is
managed in a satisfactory manner.

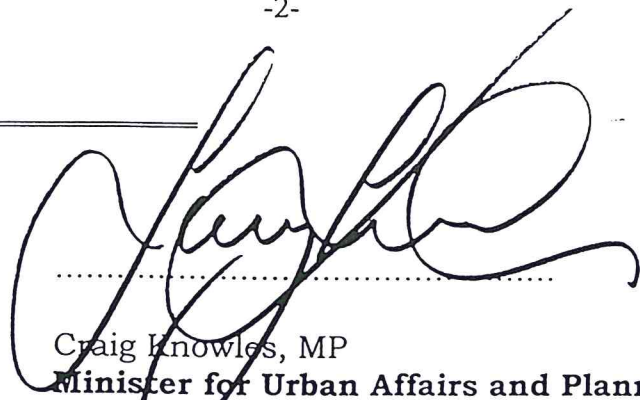
right of appeal If you are dissatisfied with this decision,
section 97 of the Environmental Planning
and Assessment Act 1979 gives you the
right to appeal to the Land and
Environment Court within 12 months after
the date on which you receive this notice.

Signed

signature

name

date



Craig Knowles, MP
Minister for Urban Affairs and Planning
Minister for Housing

6.9.96

SCHEDULE A

Conditions Of Consent
Boral Concrete Batching Plant, Asphalt Plant And
Associated Materials Handling Facility
Burrows Road South, St Peters -
Lots 1 & 2 DP 441113 And Vol 4898 Fol 159

DEFINITIONS

A reference in this Schedule to:

- (a) the consent authority means the Minister for Urban Affairs and Planning;
- (b) the applicant, means Boral Resources (NSW) Pty Ltd and their agents and successors;
- (c) the EPA means the Environment Protection Authority;
- (d) the RTA means the Roads and Traffic Authority;
- (e) LAWC means the Department of Land and Water Conservation;
- (f) FAC means the Federal Airports Corporation;
- (g) the Council means Marrickville Council;
- (h) Director, Technical Services means the Director of Technical Services at Marrickville Council;
- (i) Director, Development and Environmental Services means Director, Development and Environmental Services at Marrickville Council;
- (j) Director-General means the Director-General of the Department of Urban Affairs and Planning;
- (k) SRA means the State Rail Authority; and
- (l) Approval means approval in writing.

GENERAL

1. This consent is granted under section 91(1) of the Environmental Planning and Assessment Act, 1979 for the development of a concrete batching plant, an asphalt plant and associated materials handling facilities at Burrows Road South, St Peters.

2. The development shall be carried out:
 - (i) as described as option "A" in the Environmental Impact Statement (EIS) and supplementary material prepared by SA Smits and Associates Pty Ltd, dated April and June 1996; and
 - (ii) in accordance with the conditions of consent set out below in this document.
3. In the event of any inconsistency between the conditions of consent and the documents referred to in Condition 2 above, the conditions of this consent prevail.
4. The applicant shall ensure that all contractors engaged to carry out work on the site are served with a copy of the conditions of this consent prior to commencement of work on the site.
5. The applicant shall consolidate into one lot and under one title all separate lots to which the development application applies. This shall be registered at the Land Titles Office prior to the release of the building approval.

CONSTRUCTION AND MAINTENANCE

6. Construction shall not commence unless the Director, Development and Environmental Services has approved the incorporation of noise attenuation measures complying with Australian Standard 2021-1994 in relation to interior design sound levels, as part of the building application. The Director, Development and Environmental Services shall not approve this unless the building application is accompanied by certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021-1004.
7. No lighting shall be installed on the site unless the Director, Development and Environmental Services has approved that its design, location and shielding ensures that no hazard is caused to the aircraft using Sydney Kingsford Smith airport and no injury is caused to the amenity of the surrounding area by light overspill. The Director, Development and Environmental Services shall not approve this unless he sights approval of such lighting proposals from the FAC.
8. Operations shall not commence unless the proposed upgrading of the rail siding has been carried out to the extent set-out for Option A in the EIS. Council (or its delegate) shall only approve occupation or commencement of operations if it is satisfied that the works to the rail siding are consistent with those set out for Option A in the EIS.
9. The applicant shall ensure that the rail siding and ancillary works are maintained to a standard which facilitates their use for materials handling and transport to Council's satisfaction at all times.

ROADS, TRAFFIC AND PARKING

10. The applicant shall meet the cost of improvements to the signalised intersection at the corner of Canal Road and Burrows Road south to the satisfaction of the Director, Technical Services and the Roads and Traffic Authority to achieve a satisfactory level of service during the Morning and Afternoon Peaks. These contributions shall be paid to the RTA upon the written request of the RTA and be accompanied by a verified schedule of costs. Details of the proposed improvements shall be submitted to Council with the Building application.
11. The applicant shall meet the full cost of any works required to be carried out by Council, L.A.W.C., Sydney Water or the RTA in connection with drainage, crossing, alterations to kerb and guttering, footpaths and roads that may be needed as a result of the development in addition to any such works specified in other conditions.
12. The applicant shall provide and maintain off-street car and truck parking spaces to cater for peak parking demands in accordance with Marrickville Council's standards prior to commencement of the use of the site.
13. All parking spaces and turning areas shall be used exclusively for parking and not for storage or any other purpose.
14. All loading and unloading associated with the development shall be carried out wholly within the property.
15. All vehicles entering and leaving the development shall do so in a forward direction.
16. All vehicles associated with the development shall be accommodated wholly within the property and not be parked on the adjoining roads or footpaths.
17. All vehicles carrying materials to or from the site shall have their loads covered with tarpaulins or similar covers at all times so that no material is discharged onto public roads.
18. The applicant shall construct heavy duty concrete vehicle crossings at the vehicular access locations to the development.

LANDSCAPING

19. The Development shall not commence operations unless a detailed Landscape Plan in accordance with Marrickville Development Control Plan No 1 - Landscaping, has first been approved by the Director, Technical Services. The Plan must pay particular attention to the landscaping of the 10m strip of land adjacent to the Alexandra Canal affected by a foreshore building line and the incorporation of screen planting along the sites north-western boundary. The plans shall also include the following landscape details:

- (i) landscape treatments such as fence, retaining walls, paving, lawn planting, outdoor, furnishings, edging details;
 - (ii) planting schedule and revegetation plan detailing location, container sizes and botanical names of all trees, shrubs and ground covers incorporating wherever possible a variety of species endemic to the area;
 - (iii) site, street and other close proximity trees shall be accurately located on the site/landscape plan and shall be identified as being either retained, trimmed, transplanted or removed;
 - (iv) areas of cut and fill
20. The landscaping of the site shall be completed before the development commences operation and shall be maintained at all times in accordance with the approved plan or any variation to that plan which the Director, Technical Services, may approve.

REMEDIATION

21. No work or construction shall be carried out on site until the EPA approves the Environmental Auditors validation of any remediation carried out on the site. The final remediation validation report, together with the certification by an approved Environmental Auditor for Contaminated Sites shall be submitted to the Director, Development and Environmental Services prior to release of building approval.

HYDROLOGY

22. Construction shall not commence on site unless the Director, Technical Services has approved measures to ensure all roof and surface stormwater from the site of the proposed development and any catchment external to the site that presently drains into the site, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and discarded to a Sydney Water controlled stormwater drainage system. The Director, Technical Services shall not grant this approval unless a copy of the written approval of Sydney Water for the proposed drainage system is submitted in conjunction with the Building Application.
23. Construction shall not commence unless the Director, Technical Services has approved plans in conjunction with the building application. These plans shall detail the existing and proposed site drainage network including plans and longitudinal sections of pipeline, the location of pins, pipe invert and pit surface levels, junction details, size and class of pipes, trench conditions and details of surface flow paths together with hydrologic and hydraulic calculations that details the drainage network and the capacities of the various surface flow regimes. Where flows are in excess of 100 litres/second then a hydraulic grade line analysis will be required before the Director, Technical Services may give approval.

24. Construction shall not commence unless the Director, Technical Services has approved plans in conjunction with the building application detailing surface levels, which shall be controlled over the existing and/or proposed drainage easement or across the site of development to create a major storm event overland flow path system to cater for the 100 year ARI event. Any overland flow from external catchments shall be anticipated and incorporated in the major event surface flow drainage system. Details of the way overland flows shall be discharged shall be included in the plan.
25. An easement for drainage in favour of and at no cost to Council, shall be created over the full length and width of the major storm event surface flow paths within the site of development. A dealing number for registration of the easement shall be obtained from the Land Titles Office prior to the occupation of the site and the Council informed in writing.
26. Buildings, plant and equipment including material storage areas shall be set at a minimum height of 500mm above the 1% Annual Exceedance Probability (AEP) flood event for Alexandra Canal. Details of existing and proposed site levels and means of providing 500mm freeboard above the 1% AEP flood event shall be submitted to Council with the Building Application. Variations below 500mm shall only be with the written agreement of the Director, Technical Services.
27. Construction shall not commence unless the Director, Technical Services has approved a sediment control plan in conjunction with the Building Approval. The plan shall specify sediment control measures to be established and maintained in proper working order to prevent sediment discharge from the construction site.

DEMOLITION AND CONSTRUCTION

28. All demolition, construction and associated work necessary for the carrying out the development shall be restricted to between the hours of 6 am to 10 pm Mondays to Saturdays, excluding Sundays and Public Holidays. All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, shall only have access to the site during these hours. All construction vehicles bringing materials to and from the site shall be loaded and unloaded wholly within the property. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development shall be deposited on the public road, footpath, public place or Council owned property without Council's approval. The applicant shall ensure that all contractors associated with the development are fully aware of these requirements.

PLANT OPERATION

29. Garbage and any trade waste shall be stored in a location approved by the Council and be disposed of in an approved manner. All liquid wastes, (other than stormwater) shall be discharged to the sewer in accordance with the

requirements of the Sydney Water Corporation . In this regard, satisfactory arrangements for the disposal of trade wastes should be made with Sydney Water Corporation prior to commencement of operations.

30. Details of the 'wash down stand area' and the truck washing facility shall be submitted to Council with the building application. All vehicles associated with the development shall be cleaned in the wash down area with particular attention to the wheels prior to leaving the site.
31. All wash down areas, the truck washing facility and all other areas likely to be contaminated shall be isolated from the stormwater drainage system to the satisfaction of the Director, Technical Services, the Environment Protection Authority and Sydney Water Corporation. Details of the requirements of these authorities including any Trade Wastewater agreements which are required by Sydney Water, shall be submitted to the Director, Technical Services in conjunction with the building application.
32. The refuelling area shall be covered, bunded, and drained to the sewer with Sydney Water approval, in accordance with the Environment Protection Authority Guidelines - Surface Water Management on Service Station Forecourts.
33. All materials associated with the operation of the proposal shall be stored in suitably constructed and enclosed containers or similar facilities on the premises in a neat and tidy manner and at all times to Council's satisfaction. Details of the storage containers/facilities shall be submitted with the building application.

PUBLIC UTILITIES

34. The cost of any augmentation of any public utility services (not being a service provided by Council) required as a result of the development shall be borne by the provider or the applicant.

SECTION 94

35. Pursuant to Section 94 of the Environmental Planning and Assessment Act and Marrickville Contributions Plan 1993, the applicant shall make a monetary contribution of \$50,077.80 towards the implementation of a traffic management scheme for Sub-Arterial roads. The contribution shall be in cash or an unendorsed bank cheque and shall be forwarded to Council before approved building plans and specifications are released.

ENVIRONMENTAL MANAGEMENT AND MONITORING

36. The Applicant shall prepare an Environmental Management and Monitoring Plan. Construction may not commence unless the plan has been approved by the Director-General, following approval by Sydney Water, Council, the EPA and the Department of Land and Water Conservation. The Plan shall show how odour, dust, noise and water impacts will be measured, monitored, managed and

mitigated and it shall be prepared in consultation with the EPA, LAWC, Sydney Water and Council. The Plan is to include (but not be limited to) the following:

(i) Odour

The management of odour inside and outside the site boundary, including a staged response program to mitigate any nuisance.

(ii) Dust

The management of dust impacts, including the impacts of construction works and operation of the development.

The presentation of background dust data for the period from notification of consent to commencement of construction/demolition is to be included as a baseline measure in any dust management plan.

(iii) Noise

The management of any vibration transmitted to a place of another land user; any sound level at any point on the boundary of the site greater than the levels specified in Australian Standard 1055-1989; any "offensive noise" as defined in the Noise Control Act 1975.

(iv) Water

The management of polluted waters including the details of the pollution control systems, silt arrestors and separator pits intended to collect and dispose of any polluted water.

The management of stormwater collection and discharge from the asphalt plant holding tanks and concrete plant including details of first flush tanks from the designated 'dirty' area.

The requirements of any Trade Waste Agreement with Sydney Water.

A maintenance programme for cleaning oil skimmer pits, stormwater pits and traps.

Any other environmental management or pollution control matter raised by Council, Sydney Water, the Department of Land and Water Conservation or the EPA during the consultation process.

EMERGENCY PROCEDURES

37. Operation shall not commence on the site until a Plan for the management of people, plant, equipment and materials in the event of fire, flood or explosion including evacuation procedures has been approved by the WorkCover Authority and a copy of this approval forwarded to the Director, Development and Environmental Services

SIGNAGE

38. Details of all site signage including:

- (i) street signage at the Burrows Road south frontage; and
- (ii) internal road signage

shall be submitted for the approval of the Director, Technical Services in conjunction with the Building Application.

RAIL QUARRY PRODUCT DELIVERY

39. The applicant shall use rail freight for quarry product delivery to the extent set out for Option A in the EIS wherever reasonably practicable. The applicant shall submit to Council quarterly reports on rail quarry product delivery tonnage and road quarry product delivery tonnage indicating how rail has been used during that quarter.

The report should include justification where rail has not been used to the extent set out for Option A in the EIS. Justification can include and take into account relevant environmental, logistical, social or economic circumstances and factors.

40. Council may require at the applicant's expense, an independent audit of rail use for quarry product delivery if it considers that the report has not justified that rail use has been used wherever reasonably practicable.

41. The first report to Council shall be submitted 6 months after commencement of operations of the development.

The applicant is further advised that the following points have been raised by Council or agencies, and should be taken into account under appropriate statutes and regulation during construction and operation of the proposal.

A Building Application shall be submitted to Council in the prescribed manner, including plans and specifications to comply with the provisions of the Building Code of Australia.

Details of all finished surface materials, including colour and texture to be used in construction shall be submitted to Council's satisfaction prior to the release of the stamped approved building plans.

A detailed plan showing the height, colour and material of all fencing within the development shall be submitted to the Council's satisfaction prior to release of the stamped approved building plans.

Approval is required under Section 68 of the Local Government Act 1993 to demolish the existing structures on the subject site. The applicant shall ensure all relevant approvals and permits should be obtained before commencement of demolition.

Any person/organisation undertaking demolition should obtain all necessary permits and should comply with all of the requirements of Council, the WorkCover Authority and Environment Protection Authority prior to the commencement of demolition works and during demolition works.

The demolition of existing buildings/improvements on the site shall be carried out in accordance with the following and any other requirements or permits:

- (a) The requirements of Australian Standard AS 2601-1991 with specific reference to health and safety of the public, health and safety of site personnel, protection of adjoining buildings, and protection of the immediate environment.
- (b) The Worksafe Code of Practice for Removal of Asbestos and the requirements of the WorkCover Authority and the Environment Protection Authority.
- (c) All building materials arising from the demolition being disposed of in an approved manner in accordance with the requirements of the Environment Protection Authority.
- (d) Sanitary drainage, stormwater drainage, water, electricity and telecommunications being disconnected in accordance with the requirements of the responsible authorities.

The applicant shall meet the statutory requirements of all public authorities having statutory responsibilities in respect of the development, and shall negotiate with all authorities having an interest in the proposed development with a view to meeting any requirements related to the proposed development.

The applicant shall obtain and comply with all necessary approvals and licenses for the development, including (but not restricted to) approvals or licenses from Sydney Water, the EPA, LAWC and the FAC. Any relevant information shall be submitted to the EPA to form the basis of approvals and to comply with the relevant provisions of the Clean Waters Act, the Clean Air Act and the Noise Act.

The applicant shall comply with the requirements of the RTA and Council regarding the use and any routes of 'B-Double' trucks.