

27 September, 2012

The Director General
Department of Planning
23-33 Bridge Street
Sydney, 2000

Attention Ms Christine Chapman - Environmental Planning Officer, Major Development Assessment

S. 75W Modification- Minor Amendment to Development Consent – DA 30/98 – Botany Industrial Park. – Revision to Conditions

We refer to the abovementioned Development Consent No. DA 30/98 issued by the Minister for Urban Affairs and Planning in respect of the Botany Industrial Park (BIP) in September 1998. We hereby make application to the Minister for Planning for minor amendment to certain conditions within that consent pursuant to S. 75W of the Environmental Planning and Assessment Act, 1979.

The minor modification involves the excision of a small area of land from the BIP in favour of a recently issued Development Approval for that land to allow its subdivision into smaller industrial lots.

The modification is relatively minor in effect, affecting only a small area of the BIP leaving the original consent substantially the same as was originally granted.

We note that the owners consent letters for this modification are currently being sourced and will be forwarded the Department under separate cover.

1. Introduction

This letter is a request for a modification to the Botany Industrial Park development consent (DA No. 30/98) issued by the Minister for Urban Affairs and Planning in 1998. The modification is sought to permit the excision of land from the BIP, such that the excised land is no longer subject to the conditions of consent, restrictive covenants, and any responsibilities to the Special Purpose Company (SPC) and its members.

2. Background

The Botany Industrial Park is a large industrial complex located at 16 – 20 Denison Street Matraville, in the City of Botany Bay. The BIP was home to Imperial Chemical Industries of Australia and New Zealand. In 1997 the BIP was subdivided from Lots 1 and 2 DP6308153 and Lots 3 and 4 DP206413 into 9 Lots following the divestment and restructures of Imperial Chemical Industries Plc Group to form Orica Ltd, Huntsman Chemical Company of Australia Pty Ltd and Qenos. These Lots are presented in Appendix 1 along with a copy of the Consent (DA No. 30/98).

As part of the conditional consent, a Special Purpose Company (SPC) comprising the three organisations on the BIP was formed. The SPC was to develop and implement a range of agreements and frameworks to ensure effective management of risks associated with the integrated heavy manufacturing nature of the BIP. These included, among others, the establishment of Safety Management Systems, Fire Safety Studies, Site Emergency Plans, Cumulative Risk Assessments, Noise Reduction Program and Stormwater Management. The subdivision did not create public road access to all lots within the BIP. Instead an internal private road network provided for access to all lots.

To enforce this arrangement and management protocol the Ministers Consent (DA No. 30/98) requires that:

- Schedule 2, Condition 4: Provides that any new owner of a lot must become and remain a member of the Special Purpose Company and must comply with the Constitution and Rules of the Special Purpose Company;
- Schedule 2 Condition 4: A covenant must be placed on the Certificate of Title of each new lot, requiring the owners of the lot to comply with the Ministers Consent.
- Schedule 2 Condition 7: The SPC must ensure internal pedestrian and vehicular access is provided to all lots in the BIP.

On the 12th November 2009, through Application No: 06_0197 (Part 3A Approval for the Car Park Remediation), the Minister for Planning approved (inter alia), pursuant to Section 75J of the Environmental Planning and Assessment Act 1979, the separation of certain land areas within the BIP into separate land titles and other areas to be separated from existing titles and consolidated with others. That approval facilitated consolidation of land holdings by individual owners within the BIP and included changes to the lot boundaries for the land the subject of this proposed excision from the BIP.

Orica has determined that part of this land is surplus to its needs, and given its location at the edge of the BIP, presents itself as an opportunity for industrial reuse by others. This proposal has been agreed by BIP partners and on that basis a review of the proposal to excise and dispose of land from the BIP was the subject of discussions with the Department of Planning in mid 2010. At those meetings it was determined that the necessary prerequisite to the excision of land from the BIP would be the issuance of a new development Approval by Botany Bay City Council for an industrial subdivision. With the benefit of that Consent and the support of Botany Bay City Council, Orica could then make a submission to exclude that new industrial subdivision from the BIP and remove the requirements of Consent No. 30/98, insofar as it relates to that land.

Accordingly, in December 2010, Orica submitted to the City of Botany Bay Council an application (Development Application No. 2010/486/01) to subdivide a portion of three existing Lots, Part Lot 10 and part Lot 11 DP1039919) and an existing internal road (Part Lot 9 DP1016112) into 22 new Lots and associated public roads. The City of Botany Bay Council is identified as the determining authority under Clause 5, part 20, Schedule 3 State

Environmental Planning Policy (Major Development) 2005. The proposed subdivision Lots and current Lot description is identified in Table 2-1. The subdivision plan is presented in Appendix 2. This application for subdivision was approved by the Land and Environment Court of NSW by agreement with City of Botany Bay Council on 31 August 2012. It is the land the subject of that development consent for industrial subdivision that Orica now seeks to excise from the BIP by way of this modification application.

Table 2-1: proposed subdivision Lots and current Lot descriptions

Proposed new Lot	Current Lot description
Lot 1	Part Lot 10 DP1039919 Part Lot 11 DP1039919
Lot 2	Part Lot 10 DP1039919 Part Lot 11 DP1039919
Lot 3	Part Lot 11 DP1039919
Lot 4	
Lot 5	
Lot 6	
Lot 7	
Lot 8	
Lot 9	
Lot 10	
Lot 11	Part Lot 11 DP1039919 Part Lot 9 DP1016112
Lot 12	
Lot 13	
Lot 14	
Lot 15	Part Lot 9 DP1016112 Part Lot 11 DP1039919
Lot 16	
Lot 17 Lot 18	Part Lot 11 DP1039919
Lot 19	Part Lot 11 DP1039919 Lot 1 DP1016112
Lot 20 Lot 21 Lot 22	Part Lot 11 DP1039919
New Road 1	Part Lot 11 DP1039919 Part Lot 9 DP1016112
New Road 2	Part Lot 11 DP1039919

The planning framework relevant to the application is presented in Section 3 of the Statement of Environmental Effects (SEE), dated 20 December 2010, which supported DA No. 2010/486/01. Section 3 of the SEE considers the proposal to be permissible and consistent with the following applicable State Environmental Planning Policies and Development Control Plans:

- *State Environmental Planning Policy (Major Development) 2005*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *Subdivision Development Control Plan*

- *Industrial Development Control Plan*
- *Contaminated Land Development Control Plan*
- *Off-Street Parking Development Control Plan.*

The SEE also concludes that the “proposed subdivision is considered appropriate and acceptable in an environmental planning context. The proposal will facilitate the future development of a currently under-utilised industrially zoned land employment-generating industrial and / or port related uses”.

Consent to that Application (No. 2010/486/01) has now been issued, allowing future industrial development pursuant to Major Projects SEPP (The Three Ports SEPP) zoning IN1 . The future development of these Lots would be managed through separate development applications.

Accordingly we now seek to modify the Ministers 1998 Consent by removing the requirements for these new lots to be part of the Special Purpose Company and removal of the relevant covenant.

3. Environmental Assessment

In issuing the Development Consent Council has undertaken an assessment of all potential environmental impacts. These are summarised below.

3.1. Hazards and risks

The results of the Risk Review as prepared by Sherpa Consulting Pty Ltd dated 19 October 2010 and supplemented by a further report dated 15 May 2012, conclude that the proposed subdivision is compatible with industrial land uses. However the Preliminary Risk Analysis indicates that development of proposed Lots 18 and 19 not be permitted while the Qenos ethylene oxide storage vessels continue to operate. Orica has also agreed with Huntsman to limit development on Lot 16 such that use of the southern portion of that lot will be limited to passive storage with the construction of occupiable buildings being excluded. Condition 9(e) of development consent DA10/486 deals with this matter and provides:

“No development which involves activities within the 90 metre separation distances from the propylene oxide and ethylene storage vessels should be permitted on Lots 18 and 19 until these vessels permanently cease to operate. Part of Lot 16 May only be used for the parking of vehicles or storage of containers, plant and equipment (subject to council approval) until these vessels permanently cease to operate.”

This condition was the subject of consultation with the Department’s Major Hazard Unit and found by it to be satisfactory prior to the consent being granted.

3.2. Traffic and transport

Traffic prepared a Traffic Impact Assessment on 29 November 2010. The assessment concluded that the proposed subdivision is supportable on traffic planning grounds and the

traffic impacts can be readily accommodated. Traffix has subsequently conducted Linsig modelling to support such conclusions.

3.3. Contaminated land

The most significant concern with contamination arose from the Car Park Waste Encapsulation (CPWE) area. As the Department would be aware, the CPWE Remediation was approved in 2009 under Part 3A of the *Environmental Planning & Assessment Act 1979* (Approval No. 06_0197). The CPWE has been remediated and a site auditor statement on the validation of the CPWE is expected to be completed in late 2012. Nothing in the CPWE Approval restricts the excision of Lots from the BIP.

A Site Audit Statement prepared by a suitably qualified Auditor has been submitted to, and accepted by, Council in respect of the balance of the site, confirming its suitability for the intended uses pursuant to zoning IN1.

3.4. Ecology and landscaping

The proposed subdivision will require the removal of individual items beyond the mounded vegetated buffer, within the flat industrial land, plus a small area on the buffer in the location of the former CPWE. Existing plantings along the vegetated mound will be protected through the imposition of a restriction on the title. Street tree planting is proposed for the internal road system. The western boundary of the site is to be fenced off from the adjoining BIP and a three metre wide planting strip is proposed inside the fence line. These species shall be locally occurring natives.

3.5. Soils and water

Bulk earthworks, road works and service installations shall be required as part of the proposed subdivision. To suitably control the potential impacts associated with these works, the application of management measures outlined in the document *Managing Urban Stormwater Soils and Construction (Landcom 2004)* shall occur. These include installation and maintenance of sediment and perimeter fencing, sediment basins, temporary stabilisations and designs to meet relevant flood events.

3.6. Air quality

Potential adverse impacts on air quality may be associated with the construction phase. To manage these potential impacts management measures shall include designated and secured access and egress points, site speed limits, dust minimisation for exposed surfaces and stockpiles, stop works protocols and stabilisation of long term stockpiles.

3.7. Noise and vibration

Without controls, construction noise may have an adverse impact on the surrounding acoustic environment. To manage these impact construction works will be occur during standard construction hours, the potentially affected receivers will be notified prior to the commencement of the works, appropriate plant will be selected and maintained, non tonal beepers on plant will be fitted where possible, trucks will travel via major roads to and from the site.

3.8. Waste management

Waste streams and types are likely to include approximately 1000m³ of spoil, limited demolition waste from hardstand areas, general waste (littler), green waste, human waste

and maintenance waste such as wash-water. To manage these materials all wastes will be classified and disposed of in accordance with the *NSW Waste Classification Guidelines (2009)* and disposed of to a waste facility licenced under the *Protection of the Environment Operations Act 1997*.

4. Proposal

As discussed in Section 2, the proposed subdivision will house a range of industrial developments in the future and that these developments would require separate planning approval from Botany Council as the relevant approval authority. The value and risks associated with any of these developments would be assessed as part of each development application.

Following approval of DA No. 2010/486/01, the subdivided Lots remain subject to the controls imposed by DA No. 30/98. In accordance with Condition 4 of DA No. 30/98 this would require the new owners or occupiers of the Lots to join the SPC and be subject to all the associated obligations such as integration with Site Safety Management System, Fire Safety Study and Pollution Reduction System. These obligations were designed to effectively manage risk associated with an integrated heavy industrial setting. The land proposed to be excised from the BIP is zoned for light industrial uses only, with heavy industries completely prohibited in the IN1 zone. Considering the future Lots will not be capable of housing chemical manufacturing facilities like those already on the BIP and that the Risk Review (Sherpa Consulting, 19 October 2010) identified the risk level as satisfactory for the proposed nature of the development, continuation of these requirements under the SPC is no longer required or of any value in reducing risk.

The zoning is reinforced by condition 9(d) of development consent DA10/486 which provides:

“Any proposed development of individual lots is to be for industrial uses only, as identified in the IN1 Zone and are to be subject to:

- (i) A risk assessment to demonstrate that the development will neither impose significant risks (arising from the activity) to the surrounding land uses nor be exposed to significant risk from the operations of BIP*
- (ii) A Transport Risk Assessment”*

This condition was the subject of consultation with the Department’s Major Hazard Unit and found by it to be satisfactory prior to the consent being granted.

Based on earlier discussions held with the Department of Planning, it was agreed that the most efficient and effective way to rationalise the series of approvals applicable to the land is to excise the lots contained in DA 2010/486/01 from the BIP subdivision DA No. 30/98. This would also permit the Lots to be managed as a standard industrial complex without being subject to the conditions, rules and obligations of the BIP subdivision and the SPC which are no longer of relevance to the excised land. Orica proposes that this would be an

administrative change only as the risks associated with the construction and subdivision have been fully addressed in DA No. 2010/486/01 and found to be satisfactory.

5. Details of Modification proposed

To facilitate the excise of the Lots from DA No. 30/98, the following amendments are sought:

Schedule 2:

Following Condition 16, Insert new condition 16 as follows:

On and from the date on which this consent was modified pursuant to modification application number [insert number] dated [insert date] this consent does not apply to that part of the land which comprises Lots 1-22 (as described in DA 2010/486/01) being the land outlined in red on the plan attached as annexure A to this consent.

In addition we also seek the support of the Minister for Planning to release the Covenant referred to in Schedule 2 Condition 5 in respect of the newly approved 22 lots.

6. Substantially the same development

The development as modified in accordance with this application will be substantially the same as the development for which consent was originally granted. The original consent was designed to facilitate subdivision of the site while at the same time dealing with safety and other risks associated with the use of the land for heavy industrial purposes. As discussed above, the risks which applied to the whole of the BIP at the time of the original consent no longer apply to the land sought to be excised from the BIP by way of this modification application. The land which remains subject to those risks (being the vast majority of the BIP lands) will remain governed by Development Consent 30/98 and the owners of that land will remain members of the Special Purpose Company necessary for those land uses to continue to operate in a safe and effective manner.

7. Conclusion


In 2010, Orica agreed with the Department of Planning that an area of the Botany Industrial Park could be excised from the requirements of the Ministers Consent No. 30/98 subject to a Development Consent being issued by the City of Botany Bay for a new industrial subdivision. Accordingly, Orica submitted to the City of Botany Bay Council an Application (DA No. 2010/486/01) to subdivide three existing Lots (Part Lot 10 and part Lot 11 DP1039919) and an existing internal road (Part Lot 9 DP1016112) into 20 (later amended to 22) new Lots and associated public roads.

The SEE supporting DA No. 2010/486/01 concludes that the “proposed subdivision is considered appropriate and acceptable in an environmental planning context. The proposal will facilitate the future development of a currently under-utilised industrially zoned land employment-generating industrial and / or port related uses”. That Consent has now been issued following Councils assessment.

This letter is a request for a modification to the BIP DA No. 30/98 to permit the excision of a those 22 Lots from the BIP, the conditions of the consent and any responsibilities to the SPC and its members. The proposed modification would be the most effective way to:

- Consolidate the effect of the two prior approvals and
- release any new owners / operators of Lots 1-22 from the requirements designed to effectively manage risk associated with an integrated heavy industrial setting, without subjecting those Lots to any increased risk.

Should you have any queries in relation to the proposal please contact me

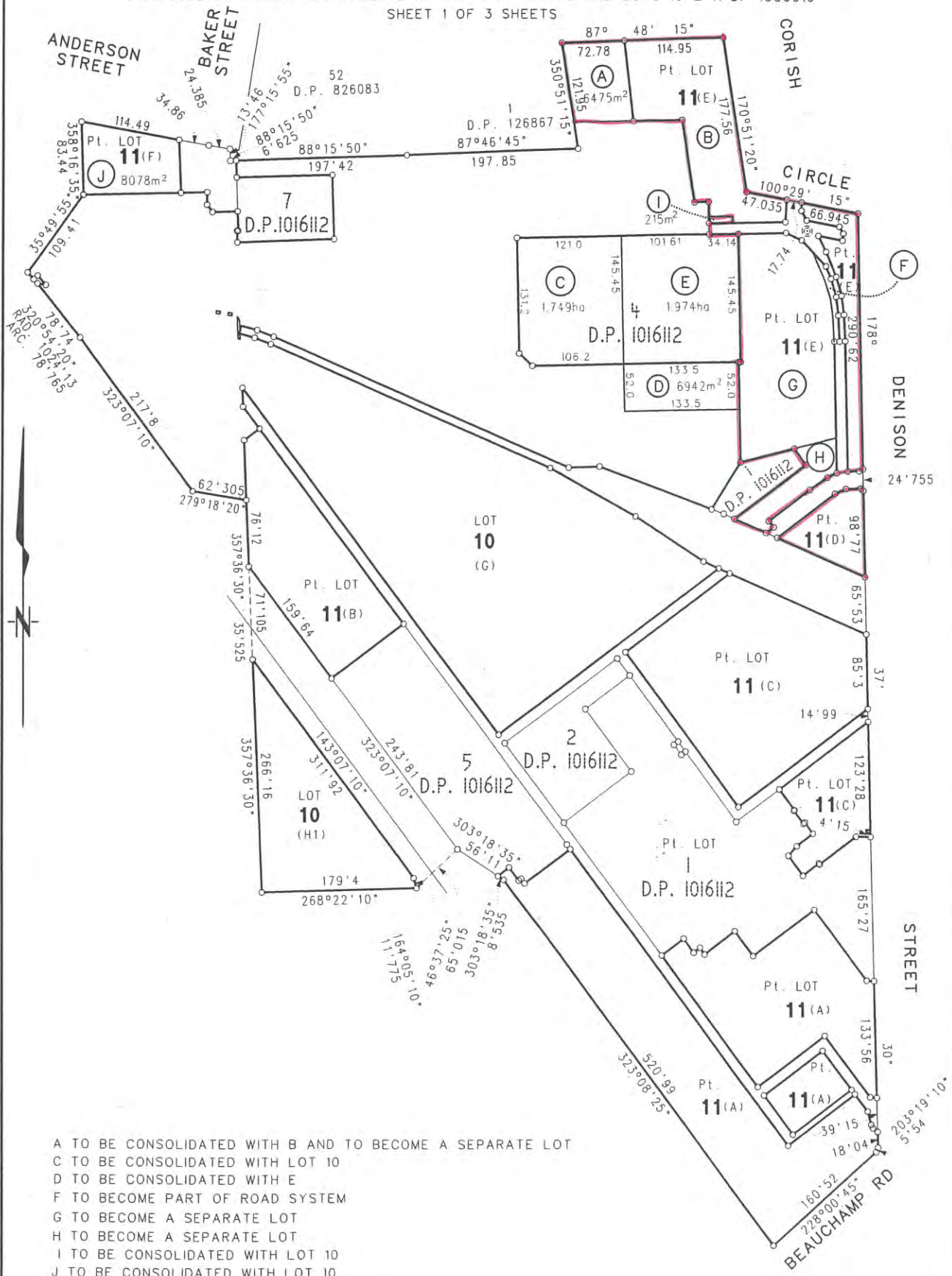
A handwritten signature in black ink, appearing to read "Graeme Richardson".

Graeme Richardson
General Manager
Botany Transformation Projects
Orica Australia Pty Ltd.



Appendix 1. The existing Botany Industrial Park Cadastral Plan and DA Consent No. 30/98

PLAN SHOWING LOT CHANGES IN
 PROPOSED BOUNDARY ADJUSTMENTS OF LOT 4 DP 1016112 AND LOTS 10 & 11 DP 1039919
 SHEET 1 OF 3 SHEETS



- A TO BE CONSOLIDATED WITH B AND TO BECOME A SEPARATE LOT
- C TO BE CONSOLIDATED WITH LOT 10
- D TO BE CONSOLIDATED WITH E
- F TO BECOME PART OF ROAD SYSTEM
- G TO BECOME A SEPARATE LOT
- H TO BECOME A SEPARATE LOT
- I TO BE CONSOLIDATED WITH LOT 10
- J TO BE CONSOLIDATED WITH LOT 10

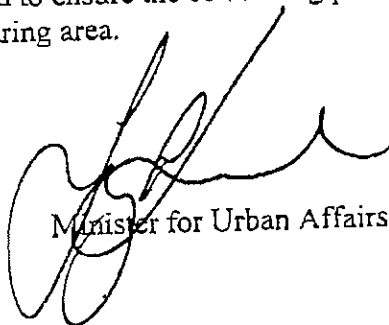
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
DETERMINATION OF A DEVELOPMENT APPLICATION
PURSUANT TO SECTION 80(1)(a) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

I, the Minister for Urban Affairs and Planning, in pursuance of section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, determine the development application referred to in Schedule 1 by granting consent to that application subject to conditions set out in Schedule 2 (file R98/00168).

The reasons for the imposition of conditions are to ensure the continuing management of the existing total industrial complex on the subject land such that potential hazards do not pose an unacceptable risk to the adjoining neighbourhood; to ensure that conditions of consent for existing plants on the subject land are maintained or modified to reflect the new property boundaries created by the subdivision; and to ensure the continuing protection of the environment and amenity of the neighbouring area.

Sydney,

16/12/1998.



Minister for Urban Affairs and Planning

SCHEDULE 1

Application made by

Orica Limited

To

Minister for Urban Affairs and Planning

In respect of land being

Lots 1 and 2, DP 608153 and lots 3 and 4, DP 206413, known as 16-20 Beauchamp Road, Matraville

For the following development

Subdivision of the subject land into 9 lots

Development Application

The Development Application (DA) No. 30/98 lodged with the Department of Urban Affairs and Planning on 18 September 1998, accompanied by a Statement of Environmental Effects, dated 11 September 1998, prepared by Woodward-Clyde Pty Ltd.

ABBREVIATIONS AND INTERPRETATION

Minister	Minister for Urban Affairs and Planning
Director-General	Director-General of Urban Affairs and Planning
Department.....	Department of Urban Affairs and Planning
Council	Council of the City of Botany Bay
Applicant/Orica	Orica Limited and its successors in title
DA	Development Application
Act	Environmental Planning and Assessment Act, 1979
Regulation	Environmental Planning and Assessment Regulation, 1994
LEP	Local Environmental Plan
SEE	Statement of Environmental Effects
Subject Land	Land to be subdivided, being lots 1 and 2, DP 608153 and lots 3 and 4, DP 206413, currently owned by Orica
SPC	Special Purpose Company
BIP.....	Botany Industrial Park (ie. the subdivided Subject Land)
RTA	Roads and Traffic Authority
EPA.....	Environment Protection Authority

SCHEDULE 2

CONDITIONS OF DEVELOPMENT CONSENT

1. The subdivision shall be carried out in accordance with the Statement of Environmental Effects (SEE), dated 11 September, 1998, and Drawing No. B87210 (Rev 6), submitted with Development Application No. 30/98 (subject to final survey).
2. A Special Purpose Company (SPC) shall be established to the satisfaction of the Director-General. The function of the SPC shall be maintained throughout the life of this consent in accordance with the SEE and these conditions of consent.
3. The SPC shall be responsible for the management of the Botany Industrial Park (BIP) in accordance with its Constitution and Rules. These rules will deal with, but not be limited to, the matters listed in schedule 3 to this consent.
4. The owner and any lessee or occupier of a lot created in the subdivision shall become and shall remain a member of the SPC and shall comply with the Constitution and Rules of the SPC, including those related to matters referred to in Condition 3. A covenant shall be placed, and remain on the Certificate of Title of each new lot created, requiring the owners of all lots to comply with this Consent.

The present occupiers of Lot 6 (BOC Gases Australia Ltd) and Lot 7 (Air Liquide Australia) are not required to become members of the SPC nor are they bound by this consent. However, a future change of occupancy or of use of these lots will bind future owners or occupiers to all conditions of this consent.

5. The owner/occupier of each new lot created by the proposed subdivision shall provide to the SPC, on an annual basis, a report on the environmental performance and compliance with all conditions of consent of each plant on the new lots. The SPC shall collate these reports to provide an overview report for the BIP to the Director-General, the EPA and Council. This report shall be supplied annually on the anniversary of this consent.

6. From the date of this consent, the SPC shall submit an annual report to the satisfaction of the Director-General. This report shall detail the implementation of responsibilities identified in Schedule 3 of this consent, as well as any other matter that may require further investigation. The SPC shall comply with all reasonable requirements arising from the Director-General's consideration of this report.
7. The SPC shall ensure internal pedestrian and vehicular access to all lots in the BIP.
8. Adequate car parking and vehicle manoeuvring areas shall be provided for each new lot created, to the satisfaction of the Council.
9. No new access points are to be created to any public roads without the approval of the Council and the RTA.
10. The operators of existing plants on the new lots shall obtain/renew all licences necessary for the continued operation of the plants. Prior to the sale and or leasing of any lot created by this consent, the respective buyer/lessee must consult all relevant agencies with respect to licence requirements.
11. Compliance with the requirements of any EPA licence or approval relating to premises within the BIP, or to activities on those premises, shall not be detrimentally affected by the granting of consent to this application.
12. The applicant shall, within ninety (90) days of the date of this consent, apply for modification of existing conditions of consent, as specified in schedule 4 to this consent, in accordance with section 96 of the Act. Within 60 days of this consent, the Applicant shall inform the Director-General of any other existing consents which, due to the granting of this consent, are rendered invalid or are altered in such a way as to change the original intention of that consent.
13. No loading or unloading of vehicles shall occur on the Right of Carriageway, being lot 9 in the proposed subdivision, without the written approval of the Director-General.
14. No parking or queuing of vehicles shall occur on the Right of Carriageway, being lot 9 of the proposed subdivision.
15. The Applicant shall comply with all the reasonable requirements of the Director-General in respect of the implementation of measures arising from this development consent. Further, the Applicant shall bring to the attention of the Director-General any matter that may require further investigation and the issuing of instructions from the Director-General. The Applicant shall implement those instructions to the satisfaction of the Director-General within such time as the Director-General may specify.
16. The Applicant shall meet reasonable requirements of all public authorities having statutory responsibilities in respect of the proposed development.

RIGHT OF APPEAL

If you are dissatisfied with this decision, section 97 of the Act gives you the right to appeal to the Land and Environment Court within 12 months of the date of receipt of this notice.

Note: (a) This consent operates from the date endorsed on the notice of determination of the development application (see section 93 of the Act); and

- (b) This consent lapses 5 years after the date from which it operates (see section 99 of the Act). The conditions of consent will however to be valid for the full operating life of the development.
- (c) All existing conditions of development and building consents relating to existing plants on the subject land remain in force until/unless they are expressly revoked or modified in accordance with the Act.

SCHEDULE 3

RESPONSIBILITIES OF THE SPC AND ITS MEMBERS

The Special Purpose Company (SPC) shall be responsible for, , inter alia, the overall coordination and implementation of the following aspects of the Botany Industrial Park (BIP) operations:

1. Site Safety Management Systems
 - (a) All facilities within the BIP shall develop and maintain a Safety Management System. The safety management systems shall be developed in accordance with the Department's Hazardous Industry Planning Advisory Paper No.9, *Safety Management*.
 - (b) The Safety Management Systems developed for the facilities must be consistent with the Site Safety Management System developed for the BIP. The existing Orica Safety Management System will initially form the basis of the safety management system for each operation within BIP.
 - (c) The Site Safety Management System may be modified to conform with the safety systems of any new owners/occupiers provided the new system meets the requirements and standards of the Orica system. Any revision of the site Safety Management System must be submitted to the Director-General for approval.

2. Site Fire Safety Study
 - (a) The SPC must maintain an up-to-date BIP Fire Safety Study. The Orica Site Fire Safety Study, as at November 1998, will form the basis for this study and be transferred to and maintained by SPC.
 - (b) Any member of SPC who proposes changes to its operation, site layout or procedures which potentially affect the fire safety and the Site Fire Safety Study shall review the impact on this Study and provide resources and information for updating it as required.
 - (c) Any revisions of the current Study will include the following:
 - i) An outline of all fire prevention, protection and fire fighting measures proposed, together with the affect on existing fire suppression systems.
 - ii) Details of the type, capacity and proposed location of all appliances on the site and the reasons for their suitability as proposed.
 - iii) Details of availability of fire fighting water, location of connections and rates of application, supported by full hydraulic calculations.
 - iv) An outline of essential services maintenance procedures.
 - (d) The revision shall take into account all aspects detailed in the Department's Hazardous Industry Planning Advisory Paper No.2, *Fire Safety Study Guidelines*, and also the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*.
 - (e) All members of SPC will be required to develop a Fire Safety Study for their own operations which must be consistent with the Site Fire Safety Study.

- (f) Any revision of the Site Fire Safety Study or plant Fire Safety Studies shall be submitted for the approval of the Director-General and the New South Wales Fire Brigades.
- (g) A comprehensive assessment of the BIP's capability to retain contaminated fire fighting water shall be reviewed by the SPC in accordance with the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The SPC shall ensure that all owners and occupiers are aware of the BIP's strategy for containment of contaminated firewater.

3. Site Emergency Plan

- (a) The SPC must maintain an up-to-date comprehensive Emergency Plan and detailed Emergency Procedures for the BIP. This Plan shall initially be based on the existing Orica Site Emergency Plan.
- (b) All owners and occupiers of lots within the BIP must have plant specific Emergency plans written in accordance with the Department's Hazardous Industry Planning Advisory Paper No.1, *Industry Emergency Planning Guidelines*. These plans shall be consistent with the overall Emergency Plan for the BIP.
- (c) Any member of SPC which proposes changes to its operation or layout which may affect the BIP Emergency Plan is required to provide the information and resources to update the Plan when the changes are implemented.
- (d) Any revision of the Site Emergency Plan shall be submitted to the Director-General for approval

4. Site Cumulative Risk Assessment

- (a) The SPC will maintain an updated Cumulative Risk Assessment for the BIP. The Assessment report shall include individual fatality, injury and irritation risk and societal risk using the most recently available population and meteorological data. This report and all documentation shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No 6: *Hazard Analysis Guidelines*.
- (b) Each member of SPC must provide the relevant information and resources to the SPC to ensure that the Assessment is reviewed and updated as necessary.
- (c) The Site Cumulative Risk Assessment report shall be maintained as a 'living document' and updated as modifications occur on the BIP. The updated report shall be submitted to the Director-General for approval on a three yearly basis.
- (d) All State significant development applications submitted to the Department for consideration containing a preliminary hazard analysis must include updated BIP Cumulative Risk Assessment results.

5. Site Noise Reduction Program

- (a) The SPC shall ensure that the reduction in overall noise from the BIP is consistent with the existing Orica Botany Site Noise Reduction Program as at November 1998.
- (b) Each SPC member must have a Noise Reduction Program in place which both meets the requirements of the EPA licence and is consistent with the Site Noise Reduction Program.
- (c) No modification shall be made to the Site Noise Reduction Program without the written approval of the EPA.

6. Stormwater Management

- (a) The SPC shall ensure that there is a Stormwater Improvement Plan in place for the BIP. The Stormwater Improvement Plan will be developed to meet the requirements of the Clean Waters Act 1970.
- (b) The Stormwater Improvement Plan will be updated annually and submitted to EPA for approval.

7. Approval of Development proposals

- (a) The SPC must ensure that there is a procedure in place for internal review by all SPC members of any Development Application, Construction Certificates or any application to modify any consent, approval or certificate prior to the lodgement of such an application with the relevant consent authority.
- (b) The SPC must ensure that adequate consideration of the application has been given with regard to the integrated operations of the site.

8. Management of Site Services and Infrastructure

- (a) SPC must ensure that the common site services and infrastructure are maintained to a standard consistent with the established Orica standards.

9. Community Consultation

- (a) The SPC shall establish a Community Consultative Committee and ensure that the first meeting is held within 6 months of the date of this consent. The Committee shall include at least two representatives from the SPC, four community representatives and Council. Representatives from relevant government agencies (including DUAP) may be invited to attend meetings of the Committee as required. The Director-General shall agree selection of the Chairperson.
- (b) The SPC shall, at its own expense:
 - (i) provide appropriate facilities for meetings of the Committee;
 - (ii) nominate a representative to attend all meetings of the Committee;
 - (iii) provide to the Committee regular information on the BIP;

- (iv) promptly provide to the Committee such other information as the Chairperson of the Committee may reasonably request concerning the environmental performance; and
 - (v) provide reasonable access for site inspections by the Committee.
10. Site Security and Controlled Access Management
- (a) The SPC shall ensure adequate security for the BIP. Access to the BIP shall be of a standard comparable with current site security.
11. Landscaping of the Site, regeneration, general improvement and maintenance
- (a) The SPC shall be responsible for maintaining the outer boundary landscaping for the BIP. Any landscape plans shall be to the satisfaction of the Council
12. Pollution Reduction System
- (a) Responsibility for any existing site pollution reduction programs shall be transferred to the SPC.
 - (b) Where appropriate, all owner/occupiers shall develop and implement plant pollution reduction programs consistent with the Site programs to the satisfaction of the EPA.
13. Site Contamination and Remediation
- (a) The SPC shall be responsible for ensuring that management of existing site contamination issues is not impeded.
 - (b) The SPC shall ensure that the EPA and DLWC are informed of any operation undertaken within the BIP which may impact on site contamination.

Note : In this Schedule "Site" refers to the overall area coordinated by the BIP as defined in this consent.

SCHEDULE 4

CONDITIONS OF DEVELOPMENT CONSENTS FOR EXISTING PLANTS THAT ARE REQUIRED TO BE MODIFIED GENERALLY AS SPECIFIED BELOW

POLYTHENE & ETHYLENE OXIDE, PT LOT 1 DP 584643 - APPROVED BY PEC 12.7.79

- (IX) (c) Noise levels emanating from the proposed uprated plants shall not exceed a night time limitation of 50 dBA in adjacent residential properties
- (W) (i) In the event of abnormal environmental conditions arising from the development hereby approved, the developer shall promptly take remedial action in order to minimise any inconvenience to the public at large

OLEFINES 2 STAGE 2 --PT LOT 1, D.P.584643 - APPROVED BY DIRECTOR OF PEC
7.1.80 (DA 79-A-184)

- (vi) In the event of abnormal environmental or safety conditions arising from the development hereby approved, the developer shall promptly advise the Police, the EPA, Botany Bay City Council, and any other statutory body that may be appropriate.
- (ix) The noise contribution from the proposed plant to the overall noise emission from the whole work complex, on land currently in the ownership of Orica Australia Pty Ltd, at the nearest residential area, shall not exceed a night time limitation of 40dB(A) and noise levels emanating from the whole work complex, including the proposed plants, shall not exceed a night time limitation of 50 dBA in adjacent residential properties.

SURFACTANTS, LOT 1 D.P. 608153 - APPROVED BY THE MINISTER 17.10.88 (DA 1789)

- (8) The premises and operations being conducted in such a manner as not to interfere with the amenity of the neighbourhood outside the boundaries of the whole complex currently owned by Orica Australia Pty Ltd, by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- (9) The occupier of the premises shall not cause, permit or allow the emission of any odour or odorous air impurity from the plant capable of detection outside the boundaries of the whole complex currently owned by Orica Australia Pty Ltd.
- (12) All loading and unloading in relation to the use of the premises shall take place wholly within the lot on which the plant is located.

ALKATUFF - LOT 1 DP 608153 - APPROVED BY THE MINISTER 5.2.90 (DA 2181)

- (11) The Applicant shall obtain the approval of the EPA and Botany Bay City Council with respect to the details of all stormwater collection and disposal from the lot on which the plant is located.
- (17) The premises and operations being conducted in such a manner as not to interfere with the amenity of the neighbourhood outside the boundaries of the whole complex

currently owned by Orica Australia Pty Ltd, by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise

- (20) All loading and unloading of vehicles in relation to the use, shall take place wholly within the lot on which the plant is located

SOLVENTS CLOSURE, LOT 1 DP 608153 - APPROVED BY THE MINISTER 20.12.90
(DA 2438)

- (3) The premises and operations shall be conducted in such a manner as not to interfere with the amenity of the neighbourhood outside the boundaries of the whole complex currently owned by Orica Australia Pty Ltd by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- (4) The occupier of the premises shall not cause, permit or allow the emission of any odour or odorous air impurity or other gas emission from this development such that it can be detected by odour from this development outside the property boundaries of the whole complex currently owned by Orica Australia Pty Ltd.
- (14) All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within the lot on which the plant is located.

FERRIC CHLORIDE LOT 1, DP 608153 - APPROVED BY THE MINISTER 23.12.92 (DA 2834)

- (4) The operation of the proposed plant shall be conducted as not to interfere with or materially affect the amenity of the neighbourhood outside the boundaries of whole complex currently owned by Orica Australia Pty Ltd, by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- (5) The operator of the proposed plant shall not cause, permit or allow the emission of any odour or odorous air impurity from this development such that it can be detected by odour outside the property boundaries of the whole complex currently owned by Orica Australia Pty Ltd.
- (12) All loading and unloading of vehicles in relation to the use of the proposed plant shall take place wholly within the lot on which the plant is located.
- (23) Within 1 working day of any incident or near incident with actual or potential significant impacts on people or the biophysical environment outside the lot on which the plant is located, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures.

ETHANE CONVERSION LOT 2 & PT. LOT 1 DP 608153 - APPROVED BY THE MINISTER 22.11.94 (DA 27/94)

- (4) Within 24 hours of any incident or near incident with actual or potential significant impacts on people or the biophysical environment outside the lot on which the plant is located, a report shall be supplied to the Director-General outlining the basic facts. A

further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures.

ALKATUFF PLANT UPGRADE, LOT 1 DP 608153 - APPROVED BY THE MINISTER
20.11.97 (DA 35/97)

- (5) Within 24 hours of any incident or near incident with actual or potential significant impacts on people or the biophysical environment outside the lot on which the plant is located, a report shall be supplied to the Director-General outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures.
- (11) The premises and operations shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood outside the boundaries of whole complex currently owned by Orica Australia Pty Ltd, by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- (12) The occupier of the premises shall not cause, permit or allow the emission of any odour or odorous air impurity from this development such that it can be detected outside the property boundaries of the whole complex currently owned by Orica Australia Pty Ltd.
- (18) The operation of all plant and equipment when assessed on any commercial/industrial premises adjacent to the lot on which the plant is located, shall not give rise to a sound pressure level that exceeds LA10 65dB(A) at any time.

ALKATHENE SWITCH ROOM, LOT 1, DP 608153 - APPROVED BY COUNCIL 10.7.97
(DA/BA 97/0662)

Part A (Planning Conditions)

- (2) The premises and operations shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood outside the boundaries of whole complex currently owned by Orica Australia Pty Ltd, by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise
- (3) The occupier of the premises shall not cause, permit or allow the emission of any odour or odorous air impurity from this development such that it can be detected outside the property boundaries of the whole complex currently owned by Orica Australia Pty Ltd.

ALKATHENE BLENDING SILO, LOT 1, DP 608153 - APPROVED BY COUNCIL 11.9.97
(DA/BA 97/0715)

Part A (Planning Conditions)

- (3) The occupier of the premises shall not cause, permit or allow the emission of any odour or odorous air impurity from this development such that it can be detected outside the property boundaries of the whole complex currently owned by Orica Australia Pty Ltd.

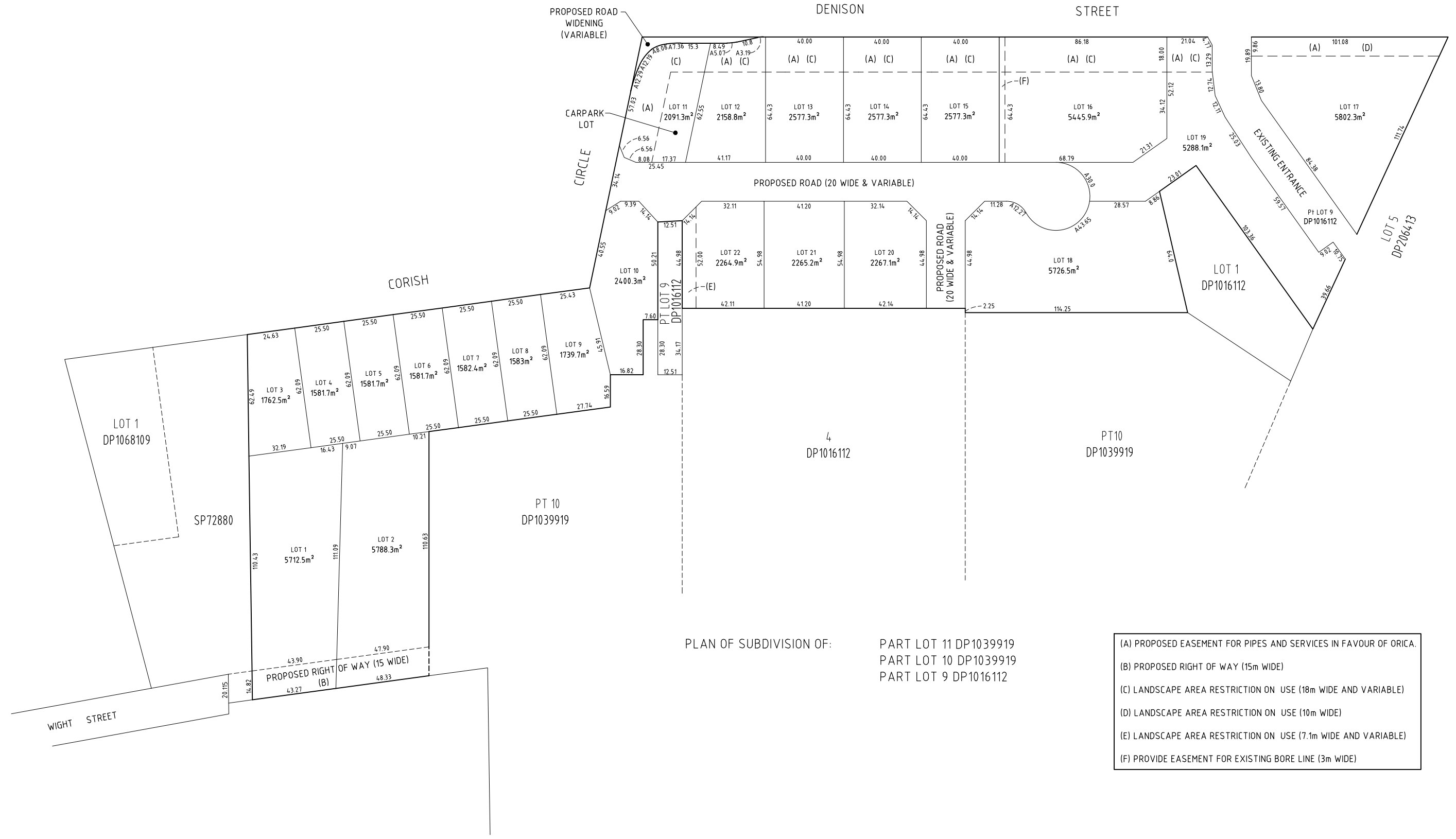
- (7) All loading and unloading of vehicles in relation to the use of the Holding Silo shall take place wholly within the lot on which the plant is located.
- (8(c)) The operation of all plant and equipment when assessed on any commercial/industrial premises adjacent to the lot on which the plant is located, shall not give rise to a sound pressure level that exceeds LA10 65dB(A).
- (10) The premises and operations shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood outside the boundaries of whole complex currently owned by Orica Australia Pty Ltd, by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

CHLOR-ALKALI PLANT, LOT 1, DP 608153 - APPROVED BY THE MINISTER 6.11.98
(DA 35/98)

- (9(a)) (Second bullet point)...Details of the type, capacity and proposed location upon the lot on which the plant is located, of all appliances and the reasons for their suitability as proposed.
- (10(a)) A comprehensive emergency plan and detailed emergency procedures for the proposed development. This plan should include detailed procedures for the safety of people in areas outside the whole complex currently owned by Orica Australia Pty Ltd. The plan shall be in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 1, *Industry Emergency Planning Guidelines*. Where there is an existing plant or site plan, the condition of consent will be considered to be satisfied by the updating of that plan.
- (12) Within 24 hours of any incident or near incident with actual or potential significant impacts on people or the biophysical environment outside the lot on which the plant is located, a report shall be supplied to the Director-General outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures.
- (16) Parking shall be provided within the lot on which the plant is located, for all vehicles associated with the operation and construction of the proposed development. This shall include vehicles transporting equipment, materials, contractors and workers. Under no circumstances shall vehicles transporting equipment or materials queue or park in neighbouring streets.
- (17) No more than one road tanker full of chlorine (13 tonnes) shall be parked within the lot on which the plant is located, at any given time. The total amount of time a full road tanker is present within the lot shall not exceed 4380 hours in any 12 month period. The tanker is to be parked in a dedicated area away from any main thoroughfare.
- (23) The Applicant shall submit for the approval of Director-General, evidence that the environmental management of the proposed facilities has been integrated into the existing Safety, Health and Environment Procedures for the whole complex currently owned by Orica Australia Pty Ltd.
- (29) All construction activities, likely to generate perceivable noise outside the boundaries of the lot on which the plant is located, shall be restricted to the hours 7.00am to 6.00pm, Monday to Friday, and 7.00am to 1.00pm, Saturday, unless otherwise agreed to in writing by the EPA.

- (32) The Applicant must ensure that the noise emission from the operation of all plant and equipment shall:
- (c) not give rise to a sound pressure level that exceeds L_{A10} 65dB(A) (when assessed on any commercial/industrial premises adjacent to the lot on which the plant is located,
- (37) The premises and operations shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood outside the boundaries of whole complex currently owned by Orica Australia Pty Ltd, by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.
- (38) The occupier of the premises shall not cause, permit or allow the emission of any odorous air impurity from the development such that it can be detected outside the property boundaries of the whole complex currently owned by Orica Australia Pty Ltd.
- (43) Any temporary structure erected on the southern or western side of the whole complex currently owned by Orica Australia Pty Ltd, shall be removed within 3 months of being completed. Further, the temporary parking area for the contractors shall cease being used within one month of the plant being completed.
- (47) (Second paragraph) This (Annual) report shall include a record of commercial traffic movements into and out of the lot on which the plant is located, annually from the date of commencement of operation. The report shall also include details of the hours spent by loaded chlorine road tankers on the lot.

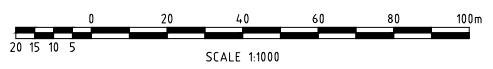
Appendix 2. Figure YN210058-001, the subdivision as approved in DA No. 2010/486/01



PLAN OF SUBDIVISION OF:
 PART LOT 11 DP1039919
 PART LOT 10 DP1039919
 PART LOT 9 DP1016112

- (A) PROPOSED EASEMENT FOR PIPES AND SERVICES IN FAVOUR OF ORICA.
- (B) PROPOSED RIGHT OF WAY (15m WIDE)
- (C) LANDSCAPE AREA RESTRICTION ON USE (18m WIDE AND VARIABLE)
- (D) LANDSCAPE AREA RESTRICTION ON USE (10m WIDE)
- (E) LANDSCAPE AREA RESTRICTION ON USE (7.1m WIDE AND VARIABLE)
- (F) PROVIDE EASEMENT FOR EXISTING BORE LINE (3m WIDE)

Rev	Date	Description	Drawn	Appr.
04	08/06/12	MINOR AMENDMENTS	M.D.H	R.L
03	04/06/12	LOT LAYOUT AMENDED	M.D.H	R.L
02	04/06/12	LOT LAYOUT AMENDED	M.D.H	R.L
01	31/05/12	PRELIMINARY ISSUE	M.D.H	R.L



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Drawn	M.D.H	Date	MAY '12
Checked	R.L	Date	MAY '12
Designed	R.L	Date	MAY '12
Verified	R.L	Date	MAY '12
Approved	R.L	Date	MAY '12

Client **ORICA LIMITED**
 ORICA INDUSTRIAL SUBDIVISION
 PLAN OF PROPOSED SUBDIVISION OF PART OF B.I.P. SITE BOTANY

Status PRELIMINARY			
Date	Datum	Scale	Size
MAY '12	A.H.D	1:1000	A1
Drawing Number YN210058-500			Revision 04

**AGREED CONDITIONS
DATED 29 August 2012**

COURT DETAILS

Court	Land and Environment Court of New South Wales
Class	1
Case number	12/10036

TITLE OF PROCEEDINGS

Applicant	ORICA LIMITED(ACN 004 145 868)
Respondent	COUNCIL OF THE CITY OF BOTANY BAY
Legal representative	TIMOTHY JAMES O'CONNOR Houston Dearn O'Connor
Legal representative reference	PCN: 7247 NSW Ref: TOC:ac:B5575
Contact name and telephone	TIMOTHY JAMES O'CONNOR Tel. (02) 9744 9247
Contact email	tim@hdo.com.au

FILING DETAILS

Filed for	ORICA LIMITED , Applicant
Legal representative	DEBRA JEAN TOWNSEND King & Wood Mallesons
Legal representative reference	DST:JAB 02-5505-5492
Contact name and telephone	Jason Browne Tel. (02) 9296 2622
Contact email	jason.browne@au.kwm .com

SCHEDULE OF CONSENT CONDITIONS**GENERAL CONDITIONS**

- 1 The staged subdivision development approved by this consent is to be carried out substantially in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Drawing No	Author	Date Received
Plan of proposed subdivision of Part of the B.I.P Site Botany – Drawing No. YN210058-002-500, Revision 4 dated May 2012	Cardno Ltd	14 June 2012
Siteworks and Stormwater Drainage 1 of 3 - Drawing No. YN210058-002, Revision 5	Cardno Ltd	14 June 2012
Siteworks and Stormwater Drainage 2 of 3- Drawing No. YN210058-003, Revision 5	Cardno Ltd	14 June 2012
Siteworks and Stormwater Drainage 3 of 3- Drawing No. YN210058-004, Revision 5	Cardno Ltd	14 June 2012
Typical Cross Sections and Details - Drawing No. YN210058-005, Revision 2	Cardno Ltd	14 June 2012
Road Longitudinal Sections – Sheet 1 of 2 - Drawing No. YN210058-006, Revision 2	Cardno Ltd	14 June 2012
Road Longitudinal Sections – Sheet 2 of 2 - Drawing No. YN210058-007, Revision 3	Cardno Ltd	14 June 2012
Siteworks Cross Sections, Sheet 1 of 3 - Drawing No. YN210058-008, Revision 2	Cardno Ltd	14 June 2012
Siteworks Cross Sections, Sheet 2 of 3 - Drawing No. YN210058-009, Revision 3	Cardno Ltd	14 June 2012
Siteworks Cross Sections, Sheet 3 of 3 - Drawing No. YN210058-010, Revision 1	Cardno Ltd	14 June 2012
Erosion and Sediment Control Layout Plan 1 of 3 - Drawing No. YN210058-011, Revision 1	Cardno Ltd	14 June 2012
Erosion and Sediment Control Layout Plan 2 of 3 - Drawing No. YN210058-012, Revision 3	Cardno Ltd	14 June 2012

Drawing No	Author	Date Received
Erosion and Sediment Control Layout Plan 2 of 3 - Drawing No. YN210058-013, Revision 3	Cardno Ltd	14 June 2012
Survey Plan, Ref No. 16003, Sheets 1 and 2	AAM Pty Ltd	14 June 2012
Landscape Plan – Drawing Nos. 10-046/L01, 10-046/L02 and 10-046/L03	Jocelyn Ramsay & Associates	21 December 2010
Intersection Detail for Denison Street and Corish Circle Intersection Kerb Adjustment to allow Heavy Movement	-Traffix	14 June 2012
Swept Path Analysis for Intersection of Wentworth Avenue and Corish Circle – Kerb Adjustment to allow Heavy Vehicle Movement.	-Traffix	14 June 2012
Proposed Parking Restrictions Plan	Traffix	14 June 2012

Document(s)	Author	Date Received
Statement of Environmental Effects	AECOM Australia Pty Ltd	21 December 2010
Traffic Impact Assessment	Traffix	21 December 2010
Transport Risk Assessment	Sinclair Knight Mertz	23 February 2012
Addendum to Transport Risk Assessment	Sinclair Knight Mertz	7 August 2012
Risk Review	Sherpa Consulting	21 December 2010
Technical Note – Assessment of Proposed Additional Population	Sherpa Consulting	15 May 2012
Civil Design Report for DA Submission	Cardno Limited	21 December 2010
Arboricultural Impact Report	Landscape Matrix Pty Ltd	29 August 2011
Site Audit Report for Lots 11 - 22	Environ Australia Pty Ltd	14 February 2012
Site Audit Statement for Lots 11 – 22	Graham Nyland	14 February 2012
Phase 1 Environmental Site Assessment, Eastern Portion of BIP	Golder Associates	21 December 2010

Document(s)	Author	Date Received
Letter from Orica Pty Ltd to Mr Roger Dowsett regarding the public carpark proposal for Hensley Athletic Field	Orica Pty Ltd	20 April 2012
Schedule of Amendments to Plan of Subdivision	DBL Property	14 June 2012

- 2 The applicant must prior to the obtainment of the approved plans and specifications pay the following fees:
- | | |
|------------------------------------|-----------------|
| (a) Development Control | \$20,000.00; |
| (b) Road Verge Maintenance Bond | \$15,000.00; |
| (c) Landscape Bond Preparation Fee | \$550.00; |
| (d) Tree Preservation Bond | \$37,000.00; |
| (e) Section 94 Contributions | \$1,130,052.70; |
| (f) Builders Damage Deposit | \$20,000.00. |
- 3 All costs associated with these development conditions shall be borne by the applicant. If, when actioning these Conditions, Council's solicitor is required to act on behalf of Council, then Council's solicitor's fees and charges shall also be borne by the applicant.
- 4 The consent given does not imply that any physical works can commence until such time that:
- (a) detailed plans and specifications of the infrastructure work have been endorsed with a Construction Certificate by:
 - (i) the consent authority; or,
 - (ii) an accredited certifier; and,
 - (b) the person having the benefit of the development consent:
 - (i) has appointed a principal certifying authority; and,
 - (ii) has notified the consent authority and the Council (if the Council is not the consent authority) of the appointment; and,
 - (iii) the person having the benefit of the development consent has given at least 2 days notice to the council of the persons intention to commence the erection of the building.
 - (c) all preconditions to the commencement of any physical works on the site have been met.

- 5 A Tree Preservation Order applies to all existing trees on Council's nature strip, accordingly they are required to be retained and protected unless approved by Council for removal. The property owner is also required to ensure the protection and preservation of trees on adjoining properties, in close proximity to the proposed development and/or property boundaries. Any further tree removals, canopy pruning or trimming of large tree roots (40mm diameter or more) requires the written consent of Council's Tree Preservation Officer under separate application.
- 6 Landscaping and tree removal is to be undertaken in accordance with Landscape Plan – Drawing Nos. 10-046/L01, 10-046/L02 and 10-046/L03 prepared by Jocelyn Ramsay & Associates and the Arboricultural Impact Report prepared by Landscape Matrix Pty Ltd referred to in condition 1 of this consent.
- 7 The Applicant shall remove the existing street trees (*Melaleuca armillaris* and *Syzygium 'Hinterland Gold'*) fronting their property along the western side of Corish Circle. The trees may only be removed after a Construction Certificate has been issued and removal shall be undertaken by the Applicant at their own expense.
 - (a) A qualified Arborist with their own public liability insurance must be engaged;
 - (b) All work to take place on the Council road reserve shall have the appropriate safety and directional signage implemented to ensure public safety and access otherwise road and footpath closures require a Council Road Occupancy Permit;
 - (c) A Dial-Before-You-Dig enquiry is required prior to stump grinding the trunk and shall occur without damage to Council infrastructure or underground services/utilities;
 - (d) Council will take no responsibility for any damage incurred to persons, property or services during the tree removal works.
- 8 In order to ensure that the trees identified for retention, as well as those that may not have been identified within the landscape plan or arborist report are protected during construction, and their health and structural stability ensured, the following is required:
 - (a) Prior to the removal of approved trees and before any works commence on site, the Applicant is required to contact Council for an inspection of trees to be retained / removed and the TPZ fencing;
 - (b) Trees to be retained are to be tagged with clearly visible marking tape at a height of approx. 2 metres from ground and numbered with the corresponding number in the Tree Report/Landscape Plan;
 - (c) Prior to commencing any works the trees are to be physically protected by fencing using 1.8 metre high chainlink to form the Tree Protection Zone (TPZ). The size of the TPZ for trees identified by the consulting arborist shall be as recommended in the report. Where trees have not been identified within the report, the TPZ shall be installed underneath the canopy dripline. For the trees located within the easement along Denison St and Corish Circle, temporary chainwire fencing shall be erected along the entire length of the easement between works and trees to be protected;

- (d) The area within the TPZ fencing is to be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken during construction. The fence shall remain in place until construction is complete;
- (e) The fence shall be erected to ensure the public footway is unobstructed;
- (f) If there is insufficient space to erect fencing in a particular area, wrap the trunk with hessian/carpet underlay to a height of 2.5 metres or to the tree's first lateral branch, whichever is greater, and affix hardwood palings around the hessian tree, fixing with strapping or wire (not nails);
- (g) All detailed Construction Certificate plans shall show trees to be protected and the TPZ;
- (h) Engage the Consultant Arborist for all tree root and canopy work to trees;
- (i) The TPZ is a No-Go zone. There shall be no construction work, no access, no concrete mixing, strictly no washing down of concrete mixers or tools, no chemicals mixed/disposed of, no excavation or filling, no change in levels and no stockpiling, storage or sorting of waste or building materials. Any unavoidable work within the fenced zone shall be under the direction of Council's Tree Officer or Consultant Arborist;
- (j) Where unavoidable foot access is required in the TPZ, provide temporary access with timber sheets to minimise soil compaction, spillage or root damage;
- (k) There shall be no earthworks (excavation or filling) within the canopy drip line of existing trees to be retained;
- (l) Tree roots 40mm in diameter or greater that require pruning shall be done only under the direction of Council's Tree Officer or consulting Arborist after a site inspection;
- (m) Ensure no damage to the tree trunk or canopy. There shall be no canopy pruning or further tree removals unless approval has been granted by Council's Tree Officer under separate application. Pruning shall be undertaken by a qualified Arborist in accordance with AS 4373;
- (n) There shall be no walls, paving or new underground or overhead services, within 3 metres of any existing tree;
- (o) All excess/waste concrete and debris shall be removed from areas to be landscaped to a nominal depth of 200mm, not buried, to minimise soil contamination;
- (p) The Applicant shall undertake any tree maintenance/remedial pruning as required by Council or the Consultant Arborist at the completion of construction;
- (q) If there is any contravention of these tree preservation conditions, or a tree was found to be damaged (including roots), in decline, dead or pruned without permission, then Council may claim all or part of the lodged security bond prior to its release as well as require remedial pruning work. Epicormic growth is evidence of root damage.

CONDITIONS IMPOSED BY AN EXTERNAL AUTHORITY

- 9 The following conditions are imposed by the NSW Department of Planning – Major Hazards Unit:
- (a) The BIP Emergency Plan be reviewed and updated to take account of the subdivision;
 - (b) The community should be provided with appropriate information about the subdivision, in accordance with the recommendations of the Departments 2001 Botany/Randwick Land Use Safety Study;
 - (c) Appropriate security arrangements should be made to separate activities on the new subdivision (including traffic) from those on the remainder of the BIP site;
 - (d) Any proposed development of individual lots is to be for industrial uses only, as identified in the IN1 Zone and are to be subject to:
 - (i) a risk assessment to demonstrate that the development will neither impose significant risks (arising from the activity) to the surrounding land uses nor be exposed to significant risk from the operations of BIP..
 - (ii) a Transport Risk Assessment.
 - (e) No development which involves activities within the 90 metre separation distances from the propylene oxide and ethylene storage vessels should be permitted on Lots 18 and 19 until these vessels permanently cease to operate. Part of Lot 16 may only be used for the parking of vehicles or storage of containers, plant and equipment (subject to council approval) until these vessels permanently cease to operate.
- 10 The following conditions are imposed by the NSW Department of Planning – Major Projects Assessment for so long as the proposed lots within the subdivision are required by development consent 30/98 to meet these requirements:
- (a) The owner and any lessee or occupier of any lot created in the subdivision shall become and remain a member of the SPC (Special Purpose Company) and shall comply with the Constitution and Rules of the SPC, including those related to matters referred to in Schedule 3 of Development Consent 30/98 granted by the Minister of Panning on 12 December 1998;
 - (b) A covenant shall be placed and remain on the Certificate of Title of each new lot created, requiring the owners of all lots to comply with the conditions of Development Consent No. 30/98.
- 11 The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2005-2010:
- (a) Community Facilities = \$113,442.00
 - (b) Administration = \$18,396.00
 - (c) Shopping Centre Improvements = \$82,344.00

- (d) Open Space and Recreation = \$764,310.00
- (e) Transport Management = \$151,560.70

Total = \$1,130,052.70

This results in a total contribution of **\$1,130,052.70** to be paid to Council prior to the commencement of any physical works on the site. The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time.

The applicant has the opportunity to negotiate with the Council for the provision of the facilities associated with Hensley Athletic Field described in the letter from Orica Pty Ltd to Mr Roger Dowsett regarding the public carpark proposal for Hensley Athletic Field dated 20 April 2012 pursuant to the material public benefit, works in kind and dedication of land provisions in Council's Section 94 Contributions Plan.

- 12 Prior to the commencement of any physical works on the site, a dilapidation report on public infrastructure (including Council and public utility infrastructure) adjoining the development site shall be prepared by a suitably qualified person and submitted to Council. The report shall include records and photographs of the following area that will be impacted by the development:

- (a) Wentworth Avenue at the Corish Circle intersection;
- (b) Denison Street at the Corish Circle intersection;
- (c) Henley Athletic Field;
- (d) Corish Circle (along the frontage to the proposed subdivision site);
- (e) Wight Street where the new access via the existing right of way access is proposed.

The applicant shall bear the cost of all restoration works to buildings/ structures and public infrastructure that have been damaged during the course of construction. Any damage to buildings/structures, infrastructures, roads, lawns, trees, gardens and the like shall be fully rectified by the applicant/developer, at the applicant/developer's expense.

- 13 To ensure that utility authorities and Council are advised of any effects to their infrastructure by the development, the applicant shall:

- (a) Carry out a survey of all utility, groundwater monitoring well and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services;
- (b) Negotiate with the utility authorities (eg Energy Australia, Sydney Water and Telecommunications Carriers) and Council in connection with:
 - (i) The additional load on the system; and
 - (ii) The relocation and/or adjustment of the services affected by the construction.

Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities and Council are to be the responsibility of the developer.

- 14 Prior to the commencement of any physical works on the site, the applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram for, and adjacent to, the property. The sequence number obtained from “Dial Before You Dig” shall be forwarded to Principal Certifying Authority. Any damage to utilities/services will be repaired at the applicant’s expense.
- 15 Prior to the commencement of any physical works on the site, approval shall be obtained from Roads and Maritime Services in accordance with:
- (a) section 87 of the Roads Act for the proposed traffic control facilities (as defined in the Roads Act 1993);
 - (b) section 116 of the Roads Act for the erection of notices or barriers and for the carrying out of any work for the purposes of regulating traffic; and
 - (c) section 138(1) of the Roads Act for the erection of structures and the carrying out of works,

to carryout traffic control work (as defined in the Roads Act) and for all other construction works on Denison Street, Corish Circle and Wentworth Avenue as shown in Drawing Numbers TX 06 and TX 07 received by Council on 14 June 2012.
- 16 A qualified practitioner, with a certificate of attainment in *NWP331A Perform Conduit Evaluation*, shall undertake a closed circuit television (CCTV) inspection and then report on the existing condition of the Council drainage pipeline on Corish Circle, Denison Street and Wight Street. The camera and its operation shall comply with the following:
- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner;
 - (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
 - (c) Distance from the manholes shall be accurately measured;
 - (d) The inspection survey shall be conducted from manhole to manhole.
- The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council prior to the issue of the Construction Certificate. A written acknowledgment shall be obtained from Council attesting this condition being appropriately satisfied.
- 17 Prior to the commencement of any physical works on the site, detailed construction plans in relation to the subdivision works of the proposed development shall be prepared by suitably qualified and experienced civil engineer and submitted to Council for approval. The construction plans shall include the following:

- (a) Road works:
- (i) Plan view showing the extent of subdivision works, including roads and drainage construction;
 - (ii) The width of the road reserve in accordance with the following:
 - (1) Road No. 1 - 20 metres (2 traffic lanes, 2 parking lanes);
 - (2) Road No. 2 - 20 metres (2 traffic lanes, 2 parking lanes);
 - (3) Right of Way 15 metres wide;
 - (iii) Longitudinal section profiles of the centreline and kerb and gutter of all proposed internal roads;
 - (iv) Road cross-section details (including design and existing levels) at minimum 20m interval for the full width of proposed internal road reserve and extending 10m outside the road reserve boundary to ensure the vehicle access points to the site are acceptable;
 - (v) Swept path diagrams of a 19m articulated vehicle (AV) (as defined in AS2890.2) at the following locations:
 - (1) Road No. 1 / Road No. 2 intersection;
 - (2) Road No. 1 / Road No. 3 intersection;
 - (3) Cul-de-sac on Road No. 1;
 - (vi) Construction specifications of the proposed kerbs and gutters, pram ramps, laybacks and vehicular crossings and 1.2m wide footpath on both sides of the proposed internal roads in accordance with the Council's standard drawings;
 - (vii) Construction specification of road pavement in accordance with the following design requirements:
 - (1) The pavement design and associated geotechnical report for the proposed internal roads shall be submitted to Council for approval.
 - (2) The geotechnical report shall provide details of the strength of the existing sub-grade, structural design of the road pavement and pavement construction requirements.
 - (3) The road pavement shall be designed based upon soil tests performed by a registered N.A.T.A Soils Laboratory and to the traffic loading 1×10^7 ESA in accordance with AUS-SPEC standards and specifications.
 - (4) The pavement construction shall be flexible pavement with minimum 50mm asphaltic concrete wearing course or similar. The minimum pavement thickness, excluding the thickness of surfacing shall be 300mm.
 - (viii) Line-marking and traffic regulatory signage of all internal roads;
 - (ix) Details of landscaping on proposed footpath area;
- (b) Drainage works:

- (i) Plan view showing the extent of the stormwater drainage system from the proposed subdivision to Springvale Drain;
- (ii) On-Site Detention (OSD) basin details complying with the follow design requirements:
 - (1) Stormwater runoff generated from the proposed roads shall be detained for all storm events up to and including 1 in 100 year ARI design storms;
 - (2) The permissible site discharge (PSD) shall be based on the corresponding ARI peak flow generated from the proposed internal roads under the **“State of Nature”** condition (i.e. the site is totally grassed/turfed);
 - (3) Computer modeling, such as DRAINS can be used to design the OSD system. Copy of the input data and results from the modeling shall be submitted to Council for review in order to verify the input parameters and layout of the model;
 - (4) Emergency overflow path of the OSD basin shall be shown on the plans to ensure any overflow from the OSD system will be conveyed to Springvale Drain via the surface overland flow. The extent of the overland flow path shall be wholly within the allotment drainage easement;
 - (5) Consideration shall be given to ensure there is adequate freeboards for the habitable floor level;
 - (6) Stormwater in the emergency overland flow path will not be diverted into the buildings;
 - (7) The OSD basin shall be located within the proposed public area of the subdivision;
- (iii) Street stormwater drainage system details to the following requirements:
 - (1) All drainage pipelines shall be designed to convey stormwater runoff generated from the site in 1 in 20 year ARI 6 minutes duration storm event;
 - (2) The minimum size of the pipe shall be 375mm diameter RRJ RCP/FRC.
 - (3) The design of the stormwater drainage system shall be in accordance with Australian Rainfall and Runoff (ARR);
- (iv) Catchment area for each kerb inlet pit;
- (v) Location and details of all drainage structures, including pits, pipes and discharge points, from the proposed internal roads to the Springvale Drain;
- (vi) Longitudinal sections of the drainage pipeline showing:
 - (1) pipe chainages;
 - (2) pipe flows and capacities;
 - (3) pipe size, type and class;
 - (4) pipe grade (%), minimum 1% grade;

- (5) pit numbers;
- (6) pit and lintel size;
- (7) design surface levels;
- (8) design invert levels;
- (9) road chainages;
- (10) hydraulic grade line for the pipeline;
- (vii) Construction specifications of the kerb inlet pits in accordance with Council's standard drawing;
- (viii) Details of stormwater quality improvement device (SQID) to the following requirements:
 - (1) The quality of the stormwater runoff discharged to Botany Bay from the proposed subdivision shall comply with the stormwater reduction targets stated in Botany Bay and Catchment Water Quality Improvement Plan;
 - (2) The SQID shall be wholly located within the public area of the subdivision.

Plans checking fee according to Council's fee and charges schedule will apply.

- 18 Prior to the commencement of any physical works on the site, the applicant shall obtain a compliance certificate (under Part 4A of Environmental Planning and Assessment Act) for the design of the drainage system of the subdivision from an Accredited Certifier (road and drainage design compliance).
- 19 After the approval has been obtained from the responsible utility for street lighting on the internal roads, detailed street lighting design and construction plans, prepared by a suitably qualified person, shall be submitted to Council for approval prior to the commencement of any physical works on the site. The design shall be in accordance with AS 1158 and to Ausgrids requirements. Alterations/additions to street lighting shall be carried out by the responsible utility authority for lighting, or to the satisfaction of that authority, and all capital contributions associated with the installation of the lighting shall be borne by the applicant. The proposal shall include details of all fixtures being proposed and underground power reticulation shall be allowed for in the design. The lighting design categories of the access road shall be in **P2** design category.
- 20 Prior to the commencement of any physical works on the site, detailed construction plans in relation to the civil works and all associated works (e.g. landscaping) shall be prepared by a suitably qualified and experienced civil engineer and submitted to Council and where required under the Roads Act to the RMS for approval. The construction plans shall include the following:
- (a) Plan view showing the extent of the works, including:
 - (i) Reconstruction of kerb and gutter along the Corish Circle frontage and Denison Street frontage where the slip lane and intersection are to be constructed;

- (ii) Reconstruction of 1.2m wide footpath along the length of Corish Circle frontage of the development and;
- (b) Construction details of the following intersections:
 - (i) Corish Circle/Denison Street/ Smith Street;
 - (ii) Corish Circle/Wentworth Avenue;
 - (iii) Corish Circle / Road No. 1 intersection;

These details shall include:

- (1) Geometry layout;
- (2) Longitudinal section profiles of the kerb and gutter;
- (3) Cross-section details (including design and existing levels);
- (4) Swept path diagrams of a 19m articulated vehicle (AV) (as defined in AS2890.2);
- (5) Construction specifications of the proposed road pavement, kerb and gutter, footpath and pram ramps in accordance with the Council's standard drawings;
- (6) Locations and details of line-marking and traffic regulatory signage;
- (7) Details of landscaping on proposed footpath area;
- (8) Any relocation of street stormwater drainage structures;

Plans checking fee according to Council's fee and charges schedule will apply.

21 Prior to the commencement of any physical works on the site, design certification, prepared by a suitably qualified engineer shall be submitted to Council certifying all the engineering plans have been designed in accordance with requirements in RMS guidelines and Council's guidelines, Australian Rainfall and Runoff (ARR), Ausroads and AUS-SPEC.

22

- (a) A Soil and Water Management Plan (also known as an Erosion and Sediment Control Plan) shall be prepared according to 'Do It Right On-Site' Soil and Water Management for the Construction Industry (available from Council) and NSW EPA's Managing Urban Stormwater: Construction Activities and submitted to the Principal Certifying Authority prior to the commencement of any physical works on the site. This Plan shall be implemented prior to commencement of any site works or activities. All controls in the plan shall be maintained at all times during the construction works. A copy of the Soil and Water Management Plan shall be kept on-site at all times and made available to Council Officers on request.
- (b) Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater

into Council's stormwater system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the requirements of the Protection of Environment Operations Act 1997 and the Department of Environment, Climate Change and Water guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the development, where necessary.

23 Prior to the commencement of any physical works on the site, detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to Principal Certifying Authority and Council for approval. The plan shall:

- (a) be prepared by an RMS accredited qualified person;
- (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police;
- (c) indicate the construction vehicle access points of the site;
- (d) indicate the frequency of truck movements;
- (e) ensure all vehicles enter and exit the site in a forward direction;
- (f) ensure any vehicles accessing the site or associated with construction activities be restricted to 19 metres long (defined as Articulated Vehicle (AV) in AS2890.2). Trucks with trailers are not allowed to access the site;
- (g) ensure vehicles associated with construction activities shall enter and exit the site via Corish Circle.

To accommodate effective management of pedestrian and traffic management for the site during construction, the detailed Construction Traffic Management Plan may be amended (subject to Council approval) where experience during construction demonstrates that it is necessary or desirable to do so.

24 Prior to the commencement of any physical works on the site, detailed Construction Management Plan (CMP) shall be submitted to Council and the Principal Certifying Authority for approval. The CMP shall address:

- (a) Construction vehicles access to and egress from the site;
- (b) Storage location of the excavated materials and construction building materials (to be wholly within the site);
- (c) Parking for construction vehicles. Parking of construction-related vehicles shall be within the site;
- (d) Locations of site office, accommodation and the storage of major materials related to the project;
- (e) Protection of adjoining properties, pedestrians, vehicles and public assets;

- (f) Location and extent of proposed builder's hoarding, Work Zones and on-site crane, if there is any. Please note that a crane may require prior approval from Sydney Airports Corporation;
- (g) Tree protection management measures for all protected and retained trees;
- (h) The proposed phases of construction works on the site and the expected duration of each construction phase;
- (i) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- (j) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.

To accommodate effective management of the construction works the subject of this approval during construction, the detailed Construction Management Plan may be amended (subject to Council approval) where experience during construction demonstrates that it is necessary or desirable to do so.

- 25 Prior to the commencement of any physical works on the site, the applicant is to submit payment for a Tree Preservation Bond of \$37,000 to ensure protection of the trees to be retained from damage during construction. The duration of the Bond shall be limited to a period of 12 months after issue of the Occupation Certificate. At the completion of the 12-month period the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the tree was found to be in decline, damaged (including roots), dead or pruned without Council permission or, if tree protection measures were not satisfied at any time, then Council will forfeit all, or part thereof, of the bond. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.
- 26 Prior to the commencement of any physical works on the site, the applicant is to submit a Road Verge Maintenance Bond of \$15,000. The duration of the Bond shall be limited to a period of 24 months after practical completion of turfing and planting of street trees. At the completion of the 24-month period the Bond shall be refunded pending a satisfactory inspection by Council. If a tree is found to be dead or dying or grass requires replacement then Council will forfeit all or part of the bond to replace the tree/s or relay turf unless the Applicant undertakes this work. The date of landscape Practical Completion will be determined by Council's Landscape Architect.
- 27 Prior to commencement of any physical works on the site, application(s) shall be made to Roads and Maritime Services and / or Council's Customer Services Counter in order to obtain any of the following approvals and permits on

Council's property/road reserve under Road Act 1993 and Local Government Act 1993:

- (a) Permit to erect hoarding on or over a public place, including Council's property/road reserve;
- (b) Permit to construction works, place and/or storage building materials on footpaths, nature strips;
- (c) Permit for roads and footways occupancy (long term/ short term);
- (d) Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services;
- (e) Permit to place skip/waste bin on footpath and/or nature strip;
- (f) Permit to use any part of Council's road reserve or other Council lands;
- (g) Permit to stand mobile cranes and/or other major plant on public roads and all road reserve area;

(It should be noted that the issue of such permits may involve approval from RTA and NSW Police. In some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.)

- (h) Permit to establish "Works Zone" on public roads adjacent to the development site, including use of footpath area;

(Application(s) shall be submitted minimum one (1) month prior to the planned commencement of works on the development site. The application will be referred to the Council's Engineers for approval, which may impose special conditions that shall be strictly adhered to by the applicant(s)).

Copy of the approved permits shall be submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.

28 The applicant shall arrange with RMS's Transport Management Centre (TMC) to obtain Road Occupancy Licence prior to commencement of any physical works on the site on Denison Street and Wentworth Avenue.

29 Prior to the commencement of any physical works on the site, the Applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the Applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with City of Botany Bay Council as principal, and keep such policy in force at the Applicant's own expense. A certificate from the Applicant's insurers to this effect is to be **LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED**. The amount of Common Law liability shall be unlimited.

- 30 Prior to commencement of any physical works on the site, all applications associated with works on Council's land must be made at least 7-10 days prior to the programmed completion of works and all construction must be completed and approved by Council.

DURING WORKS

- 31 During construction work the Council nature strip shall be maintained in a clean and tidy state at all times.
- 32
- (a) The applicant shall conduct all construction and related deliveries wholly on site. If any use of Council's road reserve is required then separate applications are to be made at Council's Customer Services Department;
 - (b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on public roadways or footways or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands;
 - (c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition;
 - (d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.
- 33 During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Soil and Water Management Plan, Construction Traffic Management Plan and Construction Management Plan at all times.
- 34 All civil works carried out on public domain shall be inspected and approved by Council's engineer and where required under the Roads Act, by the RMS. Documentary evidence of compliance with Council's requirements and RMS requirements shall be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:
- (a) Initial pre-construction on-site meeting with Council's engineers and where required under the Roads Act, by the RMS to discuss concept and confirm construction details, traffic controls and site conditions/constraints prior to commencement of the construction of the civil works;
 - (b) Prior to back fill of stormwater drainage pipes;

- (c) Prior to placement of concrete (kerb and gutter and footpath) and road pavement;
- (d) Final inspection;

Council's inspection fee will apply to each of the above set inspection key stages. Additional inspection fees may apply for any additional inspections undertaken by Council.

35 During construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of construction. The area fronting the site and in the vicinity of the development shall also be safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

36 During demolition, excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any construction-related vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas.

37 Works associated with the demolition and construction shall be carried out between the following hours:

- (a) Monday to Friday, inclusive - 7.00 a.m. to 6.00 p.m.
- (b) Saturday - 7.00 a.m. to 4.00 p.m.
- (c) Sundays and Public Holidays - No work.

38

- (a) Vibration levels induced by the construction activities shall not exceed 1mm/sec peak particle velocity (ppv) when measured at the footing of any occupied building.
- (b) Vibration levels induced by the construction activities shall not exceed 3mmsec peak particle velocity (ppv) when measured at the footing of any unoccupied building.
- (c) The upper noise level from the construction activities measured over a period of 10 minutes must not exceed the background noise level by more than 10dB(A).

39

- (a) Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer;

- (b) In order to prevent vehicles tracking soil or other materials onto public roads and washing of materials into the street drainage system or watercourse, during demolition, excavation, construction and deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion;
- (c) In addition, concrete trucks and any other trucks that used for the transportation of building materials or similar, shall not traffic soil cement or other materials onto the road reserve. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or enter Council's land; and
- (d) Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.

40 The following shall be complied with during construction:

- (a) Construction Noise
 - (i) Noise from construction activities associated with the development shall comply with the NSW Environment Protection Authority's Environmental Noise Manual – Chapter 171 and the Protection of the Environment Operations Act 1997.
- (b) Level Restrictions
 - (i) Construction period of 4 weeks and under:
 - (1) The L10 sound pressure level measured over a period of not less than 15 minutes when the construction site is in operating must not less than 15 minutes when the construction site is in operating must not exceed the background level by more than 10dB(A).
- (c) Time Restrictions
 - (i) Monday to Friday 07:00am to 06:00pm
 - (ii) Saturday 07:00am to 04:00pm
 - (iii) No Construction to take place on Sundays or Public Holidays.
- (d) Silencing
 - (i) All possible steps should be taken to silence construction site equipment.

CONDITIONS WHICH MUST BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE (CONDITIONS 41 TO 57 INCLUSIVE)

41 Any damage not shown in the dilapidation report submitted to Council before site works have commenced as required by Condition No. 14, will be assumed to have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to the issue of the Subdivision Certificate.

- 42 Prior to issue of the Subdivision Certificate, all internal subdivision works (including road pavements, vehicular crossings, footpath, kerb and gutter, pram ramps, street stormwater drainage system, street lighting, landscaping, line marking and signage etc) shall be completed generally in accordance with the approved civil works construction plan(s), Council's guidelines, Australian Rainfall and Runoff (ARR), Ausroads and AUS-SPEC.
- Documentation from a qualified and experienced civil engineer in road and drainage design shall be submitted to Council certifying that the stormwater drainage system has been constructed generally in accordance with the approved civil works construction plans and accepted practice.
- 43 Prior to the issue of the Subdivision Certificate, the applicant shall obtain any compliance certificates (under Part 4A of Environmental Planning and Assessment Act) required to be obtained for the construction and compliance of the internal roads and drainage. The certificate shall be obtained from the Accredited Certifier (subdivision road and drainage construction compliance).
- 44 Prior to the issue of the Subdivision Certificate, inspection report (formwork and final) for the internal and external civil works shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.
- 45 Prior to issue of the Subdivision Certificate, all civil works in public domain area (including kerb and gutter, footpath, pram ramps, vehicular crossing, street drainage system, street lighting, landscaping, line marking, traffic lights, traffic control facilities, notices and signage etc) as approved by RMS in accordance with Condition 15 shall be completed to Roads and Maritime Services (RMS) and Council's satisfaction. Written confirmation / completion certificate shall be obtained from RMS and Council and submitted to the Principal Certifying Authority attesting this condition has been appropriately satisfied.
- 46 Prior to the issue of the Subdivision Certificate, two (2) copies of Works as Executed Plans together with an electronic copy (DWG format) shall be submitted to Council for the constructed roads, drainage system, kerb and gutter and footpath, including cross-sections and long-sections of kerb and gutter profile.
- 47 Prior to the issue of the Subdivision Certificate, the installation of all line marking and regulatory / parking / street signs fronting the development shall be completed. Any damaged or missing street signs as a consequence of the development and associated construction works shall be replaced at full cost to the applicant.
- 48 Any damaged Council's nature strip area shall be suitably replaced in accordance with Council's specification at the completion of construction works. The

ongoing maintenance of the nature strip shall then be undertaken by the occupier/owner. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times.

49 For the existing State/Permanent Survey Mark (SSM) that is affected by the construction, the Applicant shall reinstate it accordingly to the specification of the NSW Land and Property information. A copy of the Location Sketch Plan of PM/SSM including reduced level (AHD) shall be submitted by a registered Surveyor. The degree of horizontal and vertical accuracy shall be acceptable to the NSW Land and Property Information.

50 A qualified practitioner, with a certificate of attainment in *NWP331A Perform Conduit Evaluation*, shall undertake a closed circuit television (CCTV) inspection and then report on the condition of the Council drainage pipeline on Corish Circle, Denison Street and Wight Street after the completion of all works. The camera and its operation shall comply with the following:

- (a) The internal surface of the drainage pipe shall be viewed and recorded in a clear and concise manner;
- (b) The CCTV camera used shall be capable to pan, tilt and turning at right angles to the pipe axis over an entire vertical circle to view the conduit joints;
- (c) Distance from the manholes shall be accurately measured;
- (d) The inspection survey shall be conducted from manhole to manhole.

The written report, together with a copy of the digital video footage of the pipeline shall be submitted to Council. Any damage to the pipeline since the commencement of construction on the site shall be repaired in full to the satisfaction of Council. A written acknowledgment shall be obtained from Council attesting this condition being appropriately satisfied.

51 Drainage easements (minimum 3.0m wide) shall be created over the lots that are affected by stormwater drainage system (including on-site detention system) connecting the internal roads to the Springvale Drain. The plan showing the location of the drainage easements shall be lodged and approved by Council prior to the issue of the Subdivision Certificate. The width of the easement shall not be less than 3m.

52 Prior to the issue of the Subdivision Certificate, maintenance schedule of the stormwater drainage and on-site detention system of the subdivision shall be prepared by a qualified engineer and submitted to Council.

53 A Subdivision Certificate shall not be issued for Lots 1 – 10 unless and until a Site Auditor accredited under the Contaminated Land Management Act 1997 issues a Statutory Site Audit Statement that clearly states that the site is suitable for industrial use. If the Statutory Site Audit Statement is conditional in that ongoing monitoring or other maintenance works are required then the Applicant and any subsequent owner of the land shall comply with those requirements.

- 54 Prior to issue of Subdivision Certificate, data on the following public asset grouping shall be submitted to council, on completion of the works, as follows: -

Roadworks (Public)

Data shall be submitted to Council in electronic EXCEL format with the issue of WAE drawings. EXCEL spreadsheets shall contain the following table for all internal roads: -

	Type	Length (m)	Area (M ²)	Volume (m ³)	Number	Construction Completion date (month & year)	Total Value (\$) (*nearest \$1000)
Road (inc. Boxing)	n/a			n/a	(street name)		*
Kerb and gutter (by type)			n/a	n/a			*
Footpath paving (by type)			n/a	n/a			*
Street signs	n/a	n/a	n/a	n/a			
Traffic signs		n/a	n/a	n/a			

Stormwater Drainage

Pit and pipe data shall be submitted to Council in electronic EXCEL format with the issue of WAE drawings. EXCEL spreadsheets shall contain the following tables on each pit and each conduit between pits (all cells shall be completed): -

(a) Pits

Pit Code per WAE	Pit Type (& lintel size)	Total Value (\$) (*nearest \$1000)	Construction Completion date (month & year)	Built By (contractors)	Grate Level (mAHD)	Invert Level (mAHD)	Street Name or Number

(b) Pipes or conduits

Line/Pit	Conduit	Size	Length	Total	Construction	Built By	Stre

code as per WAE, including creek	description	(mm)	(mm)	Value (\$) (*nearest to \$1000)	Completion date (month & year)	(contractors)	Contractor Name or Number

55

- (a) An experienced Landscape Contractor shall be engaged to undertake the landscaping work and shall be given a copy of both the approved amended landscape drawings and the conditions of approval to satisfactorily construct the landscape to Council requirements; and
- (b) The landscaped areas and new street trees shall be maintained in accordance with the approved landscape documentation, the conditions of development approval and Council’s Landscape DCP at all times. The Landscape Contractor shall be engaged weekly for a minimum period of 52 weeks from completion of the landscape installation for maintenance and defects liability, replacing plants in the event of death, damage, theft or poor performance. After that time, regular maintenance is required. Maintenance includes periodic watering at a frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.

56 The Council nature strip on Corish Circle adjoining the development shall be suitably repaired and/or replaced in accordance with Council Specification at the completion of construction work and at the Applicant’s expense.

57 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of the Subdivision Certificate. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 132092. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

CONDITIONS WHICH MUST BE SATISFIED DURING THE ONGOING USE OF THE DEVELOPMENT

58 The ongoing maintenance of the nature strip on Corish Circle adjoining the development and new street trees shall be undertaken by the occupier/owner of the adjoining lot from time to time. Maintenance shall include mowing, the removal of weeds and rubbish and maintaining a good, even coverage of grass at all times. Maintenance of the street trees includes periodic watering at a

frequency to sustain adequate growth, annual feeding and weed removal but does not include trimming or pruning of the trees under any circumstances.

- 59 The applicant being informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 10/486 dated as 21 December 2010 and that any alteration, variation, or extension to the use, for which approval has been given, would require further approval from Council.