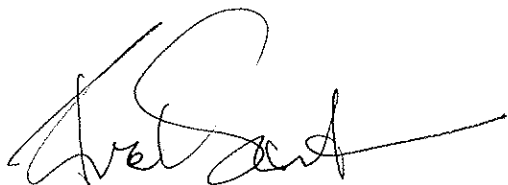


Development Consent

Section 80(1) of the *Environmental Planning and Assessment Act 1979*

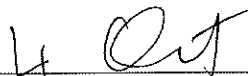
I, the Minister for Planning, pursuant to section 80(1) of the *Environmental Planning and Assessment Act 1979*, grant development consent to the development referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to prevent, minimise, and/or offset adverse environmental impacts.



Frank Sartor MP
Minister for Planning

Sydney



2007

File No: S07/01131

SCHEDULE 1

Development Application:	DA-34-7-2007-i
Application made by:	Adsteam Pty Limited
To:	Minister for Planning
In respect of:	Lot 6 DP 1053768, Inter-Terminal Access Road, Port Botany.
For the following:	The erection of a demountable building to contain offices and amenities for tug boat operators and associated parking and other structures and demolition of the existing building.

KEY TO CONDITIONS

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant, the	Adsteam Pty Limited
BCA, the	Building Code of Australia
Conditions of Consent	The Minister's conditions of consent for the development
Construction Certificate	A Construction Certificate issued under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i>
Council	City of Botany Bay Council
DECC	Department of Environment and Climate Change
Department, the	Department of Planning.
Director-General, the	Director-General of the Department of Planning (or delegate).
Minister, the	Minister for Planning.
Occupation Certificate	An Occupation Certificate issued under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i>
Site	Land to which development application DA-34-7-2007-i applies.

1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Applicant shall carry out the development generally in accordance with:
 - a) Development Application DA-34-7-2007-i;
 - b) *Statement of Environmental Effects: Erection of a Demountable Office and Amenities Building for the Adsteam Tug Boat Operation at Brotherson Dock, Port Botany* dated April 2007 and amended Appendix 1 dated 22 August 2007 and prepared by BBC Consulting Planners;
 - c) amended elevation drawing (*Drawing No. S2.01 - Issue D*) prepared by Acor Consultants and dated March 2007;
 - d) the conditions of this consent.
- 1.2 In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Applicant shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted in accordance with this consent; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

Statutory Requirements

- 1.4 ¹The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the life of the development.

Infrastructure and Utilities

- 1.5 Prior to the issue of a construction certificate for the development, the Applicant shall identify (including, but not limited to the position and level of service) all public utility services on the site, roadway, footpath, public reserve or any public areas that are associated with, and/or adjacent to the site, and/or likely to be affected by the construction and operation of the development.
- 1.6 The Applicant shall consult with the relevant utility provider(s) for those services identified under condition 1.5 and make arrangements to adjust and/or relocate services as required. The Applicant shall bear the full cost associated with providing utilities and services to the site, and restoring any public infrastructure that may be damaged during the proposed works.
- 1.7 Prior to the issue of a construction certificate for works that may affect services/utilities, the Applicant shall provide documentary evidence to the Principal Certifying Authority that the requirements of the relevant utility provider(s) have been met.

¹ Incorporates a NSW Maritime General Term of Approval (1)
NSW Government
Department of Planning

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Building Design and Performance Requirements

- 2.1 Prior to the issue of a construction certificate for the development, the Applicant shall demonstrate to the satisfaction of the Principal Certifying Authority that all outdoor lighting associated with the development will comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*.
- 2.2 Prior to the issue of an occupation certificate for the development, the Applicant shall demonstrate to the satisfaction of the Principal Certifying Authority that all water fixtures installed as part of the development have a AAA water rating or better.
- 2.3 The Applicant shall ensure that a safe water supply is provided for the development in accordance with *AS 3500: Plumbing Code of Australia*.
- 2.4 Prior to the issue of an occupation certificate for the development, and following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall demonstrate to the satisfaction of the Principal Certifying Authority that the installation and performance of the mechanical systems complies with:
 - a) the Building Code of Australia;
 - b) Australian Standard AS1668 and other relevant codes;
 - c) this development consent and any relevant modifications; and
 - d) any dispensation granted by the New South Wales Fire Brigade.
- 2.5 Prior to the issue of an occupation certificate for the development, the Applicant shall provide a fire safety certificate to the Principal Certifying Authority for all the essential fire or other safety measures forming part of the development.
- 2.6 Prior to the issue of an occupation certificate for the development, the Applicant shall provide a structural inspection certificate or a compliance certificate to the satisfaction of the Principal Certifying Authority. A copy of the certificate with an electronic set of final drawings shall be submitted to the Department and the Council after:
 - a) the site has been periodically inspected and the Principal Certifying Authority is satisfied that the structural works and deemed to comply with the final design drawings; and
 - b) the drawings listed on the inspection certificate have been checked with those listed on the final design certificate(s).

Demolition Works

- 2.7 All demolition work shall comply with the provisions of *AS2601: 2001 The Demolition of Structures*. Prior to the commencement of demolition, the Applicant shall submit to the satisfaction of the Principal Certifying Authority, the work plans required under the Standard, accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard.

Soil and Water Quality

- 2.8 The Applicant shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.
- 2.9 The Applicant shall apply all reasonable and feasible measures to minimise soil erosion and the discharge of sediments and pollutants from the site during construction of the development, including but not necessarily limited to:
 - a) ²application of best practice methods for the control of on-site run-off, sedimentation and erosion and other pollutants during and post construction, consistent with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004);
 - b) ³installation and stabilisation of erosion, sediment and pollution controls prior to the commencement of works measures to prevent the release of sediments and dirty water to Botany Bay;

² Incorporates NSW Maritime General Terms of Approval (4)

³ Incorporates NSW Maritime General Terms of Approval (5)

- c) ⁴effective management of erosion, sediment and pollution controls at or above design capacity for the duration of the works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment;
- d) ⁵stabilisation and installation of covers on stockpiled materials to prevent erosion or dispersal of the material;
- e) ⁶measures to prevent the erosion and deposition of materials on the bed or shore or into the waters of Brotherson Dock, whether by reason of natural or anthropogenic forces; and
- f) ⁷in the event that materials do enter Botany Bay or Brotherson dock, procedures to ensure immediate removal of those materials.

2.10 ⁸Prior to the issue of a permit under Part 3A of the *Rivers and Foreshores Improvement Act 1948*, the Applicant shall submit a plan to the satisfaction of NSW Maritime, prepared by a suitably qualified person(s), detailing how erosion, sediment and other pollutants will be managed (particularly for works adjacent to the seawall), consistent with the requirements of condition 2.9 of this consent. The Applicant shall provide a copy of the plan to the Director-General following the issue of a Part 3A permit.

2.11 The Applicant shall submit to the Principal Certifying Authority, a report on the potential for acid sulfate soils to be present on the site with any application for a construction certificate for the development involving excavation or soil disturbing works. Should the report identify the potential for acid sulfate soils, the Applicant shall also submit an Acid Sulfate Soils Management Plan, prepared by a suitably qualified person(s) in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Plan shall be submitted to the satisfaction of the Principal Certifying Authority.

Landscaping and Revegetation

2.12 The Applicant shall ensure that all trees removed from the site be replaced on site at a ratio of two trees for each tree removed, or where this is not possible, to consult with Council in relation to an alternative suitable location in the local government area for replanting of trees. For the purpose of this condition, the Applicant shall ensure that replantings utilise only *Banksia integrifolia*, *Eucalyptus botryoides*, *Eucalyptus robusta* or *Melaleuca quinquenervia*. All replantings shall be completed prior to the issue of an occupation certificate for the development.

Air Quality Impacts

2.13 The Applicant shall construct the development in a manner that minimises or prevents the emission of dust from the site including wind blown and traffic generated dust. This shall include all trafficable areas and vehicle manoeuvring areas.

Noise Impacts

2.14 The Applicant shall only undertake site preparation and construction activities associated with the development that would generate an audible noise at any residential premises during the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- b) 8:00 am to 1:00 pm on Saturdays; and
- c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

⁴ Incorporates NSW Maritime General Terms of Approval (6)

⁵ Incorporates NSW Maritime General Terms of Approval (7)

⁶ Incorporates NSW Maritime General Terms of Approval (2)

⁷ Incorporates NSW Maritime General Terms of Approval (3)

⁸ Incorporates NSW Maritime General Terms of Approval (4)

Internal Roads and Parking

- 2.15 The Applicant shall ensure that the layout of all on-site carparking complies with Australian Standard AS2890.1: 1993 *Parking Facilities Part 1: Off Street Parking*.

Waste Management and Soil Contamination

- 2.16 Prior to the issue of a construction certificate for the development, the Applicant shall demonstrate to the satisfaction of the Principal Certifying Authority that the design and management of facilities for the storage and handling of waste comply with the requirements of the City of Botany Bay Council's *DCP No. 29 – Waste Minimisation and Management Guidelines*.
- 2.17 Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the Principal Certifying Authority.
- 2.18 Any asbestos wastes associated with the removal of existing buildings must be handled, stored and disposed of in accordance with the requirements of the NSW WorkCover Authority. The Applicant is to provide documentary evidence that this condition has been met to the Principal Certifying Authority.
- 2.19 The Applicant shall ensure that soils in and around the fuel dispensing area on the site are tested for the presence of hydrocarbon contamination prior to the commencement of construction of the development. Where hydrocarbon contamination is identified, the materials shall be tested and characterised in accordance with *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (EPA, 1999), and directed to a waste management facility lawfully permitted to accept those materials.
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