

**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT, NON-DESIGNATED AND INTEGRATED
DEVELOPMENT UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Infrastructure and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- i) minimise any adverse environmental impacts associated with the development;
- ii) provide for on-going environmental management of the development; and
- iii) provide for regular monitoring and reporting on the development.

Craig Knowles MP
Minister for Infrastructure and Planning

Sydney, 16 March, 2004 File No. S03/01401

SCHEDULE 1

Application made by:	George Weston Foods Ltd ("the Applicant");
To:	The Minister for Infrastructure and Planning ("the Minister");
In respect of:	Lot 372 DP 1053755, 9 Muir Road, Chullora
For the following:	Stage 2, to construct and operate a bakery including the provision of extensive on-site car parking, landscaping and loading, unloading and associated delivery arrangements.
Development Application:	Integrated DA No. 410-9-2003-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 2 September 2003;
State Significant Development:	The proposed development satisfies the criteria in Schedule 1 of <i>SEPP No. 34 – Major Employment Generating Industrial Development</i> , and is therefore classified as State Significant Development under Section

76A(7) of the *Environmental Planning and Assessment Act 1979*.

Integrated Development:

The proposal requires an additional approval from the Department of Infrastructure, Planning and Natural Resources under the *rivers and Foreshores Improvement Act (1948)* and Bankstown City Council under section 138 of the *Roads Act (1993)* and is therefore classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*.

Non-Designated Development:

If the Applicant is dissatisfied with the Minister's determination of the development application, section 97 of the *Environmental Planning and Assessment Act 1979* provides a right of appeal to the Land and Environment Court. There is no third-party right of appeal to the Land and Environment Court or section 98 of the *Environmental Planning and Assessment Act 1979*, as the development is not "designated development".

Note:

- 1) To ascertain the date upon which this consent becomes effective, refer to section 80 of the Act
- 2) To ascertain the date upon which this consent is liable to lapse, refer to section 95 of the Act.

SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	George Weston Foods Ltd
construction	any activity requiring a Construction Certificate, excavation work, road works, demolition, or any construction related activity as described in 410-9-2003-i
BCC	Bankstown City Council
Department	Department of Infrastructure, Planning and Natural Resources
development	the development to which this consent applies
Director-General	Director-General of the Department of Infrastructure, Planning and Natural Resources or delegate
dust	any solid material that may become suspended in air
Minister	Minister for Infrastructure and Planning, or delegate
operation	commissioning of any stage of the works as described in the application for this development
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
site	the land to which this consent applies
Stage 2	the construction and operation of a bakery including the provision of extensive on-site car parking, landscaping and loading, unloading and associated delivery arrangements

General Conditions

Obligation to Minimise Harm to the Environment

1. The Applicant shall ensure that all practicable measures are taken to prevent and/or minimise any harm to the environment that may result from Stage 2 works.

Scope of the Development

2. The Applicant shall carry out the development generally in accordance with:
 - Development Application No: 410-9-2003-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 2 September 2003;
 - *'Statement of Environmental Effects – Stage 1 (Earthworks & Bakery “in Principle”) Proposed Bakery at 9 Muir Road, Chullora'* dated June 2003 prepared by GHD on behalf of George Weston Foods,
 - *'Development Application (Stage 2 - Remaining Information)'* dated August 2003 prepared by GHD on behalf of George Weston Foods Limited,
 - *'Outline Construction Management Plan, 9 Muir Road, Chullora NSW'* dated March 2003 prepared by GHD,
 - *'Outline Site Management Plan, 9 Muir Road, Chullora'* dated March 2003 prepared by GHD,

except as amended by the conditions specified hereunder.

Dispute Resolution

3. In the event that a dispute arises between the Applicant and Council or a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the Environmental Planning and Assessment Act 1979 provides mechanisms for the resolution of disputes between the Department, the Director-General, councils and public authorities.

Landscape Plan

4. Within 3 months of the commencement of construction of Stage 2, or as otherwise agreed to by BCC, the Applicant shall submit and obtain approval from BCC for a detailed landscape plan. The plan shall be prepared by a qualified landscape architect and be prepared in accordance with and consistent with the 'Landscape, Urban Design and Visual Quality Assessment' prepared by Bryant Associates dated June 2003 as contained in the Stage 1 Statement of Environmental Effects and shall include, amongst other things, the following:

- (a) The landscaping plan shall include a commitment for the planting of locally sourced endemic natives (ie species belonging to the Cook River Castlereagh Ironbark endangered community).
- (b) In the area identified as comprising the biodiversity corridor in the north western corner of the site the landscape plan shall specifically identify this area as part of the biodiversity corridor and shall be planted out with locally sourced endemic natives.
- (c) The applicant shall provide for landscaping along the sites western boundary as presently it is shown as hardstand area.
- (d) The following species shall not be planted on the site:
Acacia spectabilis, Banksia marginata, Grevillea hookeriana, Leptospermum petersonii, Acacia drummondii, Crowea exalata, Callistemon Captain Cook, Eriostemon myoporoides, Hibbertia scandens and Myoporum parvifolium.

Electrical Substation

- 5. Prior to the commencement of construction of Stage 2, the applicant shall obtain evidence from Energy Australia verifying that they have no objection as to the preferred, agreed and suitable location for the required substation on the site (and if necessary the accommodation of any required easements).

Part 3A Permit under the Rivers and Foreshores Improvement Act 1948

- 6. Prior to the commencement of any construction activities for Stage 2, the applicant shall be in receipt of a 3A Permit, as issued by the Department of Planning Infrastructure and Natural Resources under the Rivers and Foreshores Improvement Act 1948, in relation to this particular development.

Waste Activity License

- 7. The applicant shall liaise with the Environment Protection Authority (EPA) in relation to obtaining a waste activity license from the EPA under the Protection of the Environment Operations Act 1997 (POEO Act) during its operational phase if any hazardous, Industrial or Group A (HIGA) waste is generated and/or stored at the premises during its operation.

Solar Panels

- 8. The applicant shall install solar panels to the roof area of the bakery sufficient to provide or generate power for the sites external lighting needs, excluding lights required for occupational health and safety.

Sydney Water

- 9. Prior to the commencement of any construction activities for Stage 2, the approved plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped.

Council or the accredited certifier must ensure that Sydney Water has stamped the approved plans before work commences on site.

Validation Report

- 10 Prior to the commencement of construction activities for Stage 2, the Applicant shall submit a Validation Report to the Council or accredited certifier and reviewed by an Accredited Site Auditor (NSW EPA) confirming that remediation works undertaken as part of Stage 1 works have been completed such that the site is suitable for its intended purpose. A Site Audit Statement is to be issued stating that the site has been remediated in accordance with EPA Guidelines and is suitable for its intended purpose prior to the commencement of any building works.

Cost of Works

- 11 All works associated with this development shall be at no cost to Bankstown City Council.

Security Damage

- 12 Prior to the commencement of any construction activities, the applicant shall provide security to the value of \$20,000 for the payment of the cost of making good any damage caused to any Council property (road damage to Muir Road or Elcar Place) or to the physical environment as a consequence of the implementation of the consent. The security may be provided by way of a deposit with the Council or a guarantee satisfactory to the Council.

Should any of Council's property and/or the environment sustain damage during the course of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works will be deducted from the security.

Redundant Easements

- 13 All redundant easements shall be extinguished prior to the issue of the Occupation Certificate or occupation of the site. All costs are to be borne by the developer.

Environmental Management Plans

- 14 Prior to the commencement of construction of Stage 2, the applicant shall prepare and submit detailed Environmental Management Plans covering the major environmental issues and safeguards needed during the design, construction and operation of the plant consistent with the commitments made in the SEE to the Council.

Construction Works / Erosion and Sediment Controls

Construction and Site Management Plan

- 15 Prior to the commencement of any construction activities for Stage 2, the applicant shall submit and obtain approval from Bankstown City Council for a construction and site management plan that clearly sets out the following:
- (a) what actions and works are proposed to ensure safe access to and from the site and what protection will be provided to the road and footpath area from building activities, crossings by heavy equipment, plant and materials delivery, or static loads from cranes, concrete pumps and the like,
 - (b) the proposed method of loading and unloading excavation machines, building materials, formwork and the erection of any part of the structure within the site,
 - (c) the proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period,
 - (d) how it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on surrounding roadways,
 - (e) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed by a Chartered Civil Engineer, with National Professional Engineering Registration (NPER) in the construction of civil works or a survey company of Registered Surveyors with “preliminary accreditation” from the Institution of Surveyors NSW Inc. or an accredited certifier.

Where it is proposed to:

- pump concrete from within a public road reserve or laneway, or
- stand a mobile crane within the public road reserve or laneway,
- use part of Council’s road/footpath area,
- pump stormwater from the site to Council’s stormwater drains, or
- store waste and recycling containers, skip, bins, and/or building materials on part of Council’s footpath or roadway,

an application for a construction zone, a pumping permit, an approval to stand a mobile crane or an application to pump water into a public road, together with the necessary fee in accordance with Council’s adopted schedule of fees and charges shall be submitted to Council and approval obtained before commencement of work.

Construction Hours

- 16 Construction works, associated with Stage 2 of the development, are permitted to be carried out during the following hours:
Monday to Friday 7:00am to 6:00pm
Saturdays 8:00am to 1:00pm

No construction activity is permitted on a Sunday or a public holiday.

Construction activities associated with the development may be carried out from 1:00pm to 5:00pm on Saturdays provided it is not audible or intrusive at any sensitive receptor, including any private residential premises.

Disposal of Soil

- 17 Any soil proposed to be disposed off site is to be tested to ensure that it meets the criteria set out in "Environmental Guideline - Landfill Disposal of Industrial Wastes, WD-3", prepared by the Environment Protection Authority.

Any soil, which fails to meet the criteria, is not to be disposed of off site unless agreed to in writing by the Environment Protection Authority. Results of the testing are to be forwarded to Bankstown Council and the Environment Protection Authority for acknowledgment before any off-site disposal and before proceeding with any construction works.

Removal of Asbestos

- 18 All asbestos removal (should there exist any) and transportation works are to fully comply with the requirements of WorkCover NSW and the Environment Protection Authority, as well as the "Code of Practice for the Safe Removal of Asbestos (NOHSC:2002 (1988))" prepared by the National Occupation Health and Safety Commission. The requirements of WorkCover NSW and the Environment Protection Authority are to be obtained before proceeding with the removal of any asbestos.

Underground Tanks

- 19 Should the site contain any underground tanks they are to be abandoned in accordance with the Regulations of the Dangerous Goods Act prior to any building works commencing.

Environmental Management Plan

- 20 Prior to commencement of any construction activities for Stage 2, the applicant shall prepare and submit an Environmental Management Plan (EMP) to the Director-General and BCC specifically addressing the Stage 2 construction phase of the development. The EMP must be strictly implemented to ensure air quality, noise and water related issues are suitable managed and confined to within the site boundary as much as practicable.

Air Quality Management Plan

- 21 Prior to the commencement of construction activities for Stage 2, the Applicant shall prepare an Air Quality Management Plan to the satisfaction of the Director-General, in consultation with Bankstown City Council. The Plan shall detail air quality safeguards and procedures that will be implemented for dealing with potential air quality emissions resulting from Stage 2 construction activities and from the operation of the bakery. The Plan shall include:
- the relevant air quality criteria that will apply during the Stage 2 construction activities and the operation of the Bakery and how this will be met to ensure offsite impacts are adequately managed;
 - details of a proposed air quality monitoring program around the boundary of the Bakery site to ensure the relevant criteria above is being met;
 - the proposed contingency measures should the air quality criteria above be exceeded;
 - details of the proposed ventilation of areas likely to experience dust to minimise the build up of explosive concentrations and details of how the dust collection systems will be adequately maintained. The maintenance and testing of the dust control system shall be included in the safety critical maintenance system;
 - details of how all electrical equipment will also be to IP6X requirements in areas where high dust levels are possible under both normal and abnormal conditions; and
 - the establishment of a protocol for handling air quality complaints, including procedures for recording, reporting and acting on complaints.

Dust Control Procedures

- 22 As a minimum the following dust control procedures (as indicated in the Outline Construction Management Plan) are to be employed to confine dust emissions to within the site boundary:

- use of water sprays across the site to suppress dust;
- erection of dust screens around the perimeter of the site;
- securely covering all loads entering or exiting the site;
- covering of all stockpiles of contaminated soil remaining more than 24 hours;
- keeping excavation surfaces moist;
- varying rates of excavation to minimize dust emissions; and
- ceasing dust generating works during meteorologically non-advantageous conditions.

Air Monitoring

- 23 In order to gauge the amount of dust emitted from the site, the applicant shall undertake air monitoring for the first three (3) months of the construction phase involving at least three sampling locations around the perimeter of the site. At least one of the sampling locations is to be on or immediately adjacent the McWilliams Wine Factory site. A 24 hour telephone contact number must be provided to the surrounding industrial establishments.

- On Site Parking During Construction**
- 24 Suitable provision shall be made on site for the parking of all staff and construction related vehicles at all times.

- Trucks**
- 25 All trucks are to be covered in accordance with normal regulations.

- Truck Wheel Wash Facility**
- 26 During the construction phase the applicant shall install a suitable truck wheel wash facility which is to be used by all trucks when departing the site.

- Fill**
- 27 Only clean fill free of organic and compressible materials shall be used.

- Noise Generated During Construction**
- 28 Noise generated during construction is to comply with the requirements of the NSW EPA Environmental Noise Control Manual.

- Site Maintenance**
- 29 All construction materials, sheds, skip bins, temporary water closets, spoil, etc, shall be kept within the property. No vehicles, skips or machines shall be permitted to stand on Council's footpath.

- Aboriginal Land Council**
- 30 If, during any work on the site, buried sandstone surfaces or soil was found, monitoring shall be undertaken by a representative of the Metropolitan Local Aboriginal Land Council to record any engravings, grind grooves or shell midden that may be present.

- Footway**
- 31 The footway shall not be obstructed during the construction of the Development.

- Archaeological Deposits**
- 32 If, during any work on the site, any archaeological deposits or features were to be found, monitoring shall be undertaken by a representative of the NSW Heritage Council.

- Drainage / Excavation Works**
- 33 Where drainage and /or excavation works extend below the level of the base of the footings of any adjoining buildings the developer shall, at his own expense: -

- (a) Preserve and protect such building from damage; and
- (b) If necessary underpin and support such buildings.

Sediment and Erosion Controls

- 34 Sediment and erosion controls and dust controls must be in place before work is commenced on the site. The control strategies must be consistent with the technical requirements set out in the Sydney Coastal Councils' "Stormwater Pollution Control Code for Local Government."

Material from the site is not to be tracked onto the road by vehicles entering or leaving the site. At the end of each working day any dust/dirt or other sediment shall be swept off the road and contained on the site and not washed down any stormwater pit or gutter.

A sediment and erosion control plan must be prepared and identify appropriate measures for bunding and siltation fencing. Any such erosion and sedimentation controls shall also include the protection of stormwater inlets or gutter systems within the immediate vicinity of the site.

The sediment and erosion control measures are to be inspected daily and defects or system failures are to be repaired as soon as they are detected.

Soil and Water Management Plan

- 35 Prior to the commencement of any construction works for Stage 2, the applicant shall submit to and obtain approval from Council or the accredited certifier of a Soil and Water Management Plan and Statement which clearly identifies site features, constraints and soil types together with the nature of proposed land disturbing activities and also specifies the type and location of erosion and sediment control measures and also rehabilitation techniques necessary to deal with such activities.

The Plan shall be compatible with any Construction and Site Management Plan and shall ensure the following objectives are achieved, namely:

- (a) To minimise the area of soils exposed at any one time
- (b) To conserve top soil
- (c) To identify and protect proposed stockpile locations
- (d) To preserve existing vegetation and identify revegetation techniques and materials
- (e) To prevent soil, sand, gravel, and any other sediment or spoil from leaving the site in an uncontrolled manner
- (f) To control surface water flows through the development construction site in a manner that:-
 - Diverts clean run-off around disturbed areas
 - Minimises slope gradient and flow distance within disturbed areas.
 - Ensures surface run-off occurs at non-erodable velocities.
 - Ensures disturbed areas are promptly rehabilitated

- (g) To ensure regular monitoring and maintenance of erosion and sediment control measures and rehabilitation works.

The plan is to be prepared in accordance with “*Managing Urban Stormwater: Soils and Construction Manual*” prepared by NSW Department of Housing (1998) and in accordance with Council’s DCP 12.

Placement of Fill

- 36 No fill shall be placed against adjoining buildings or fences. Filling shall not impede or obstruct the natural flow of stormwater from adjoining land or the upstream catchment. All approved construction details shall be consistent with this requirement.

Stormwater runoff from upstream lots onto the site shall not be impeded. Boundary fencing shall be constructed so as to allow the passage of stormwater runoff naturally draining to the site.

Implementation of Erosion Control Measures

- 37 Soil erosion and sedimentation control measures in accordance with the approved plans shall be implemented prior to site disturbance and commencement of works. All measures shall be maintained at all times. Council warning sign for Soil and Water Management must be displayed on the most prominent point of the building site, visible to both the street and site works. The sign must be displayed throughout the construction period.

Cut and Fill

- 38 Where Council approved cut or fill exceeds 150mm and a stable batter of 1 vertical to 2 horizontal maximum grade (to a design certified by a chartered professional civil/structural engineer) cannot be achieved, then a concrete or masonry retaining wall shall be constructed within the development site. Note filling of the site needs specific approval from Council.

The retaining wall shall be located so that it will not impede or obstruct the natural flow of stormwater and shall be designed by a Chartered professional Civil / Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

Access / Egress Arrangements On and Off Site

Transportation Route

- 39 The route for transportation to and from the development site of bulk and excavation materials shall generally be by the shortest possible route to the nearest “regional road”, with every effort to avoid school zones on local roads. The applicant shall nominate the route for approval to Council prior to commencement of any work on the site. An “Agreement” to Council’s

satisfaction, signed by the applicant/owner specifying the approved route and acknowledging responsibility to pay Council for damages to public property adjacent to the site shall be lodged with Council prior to release of any construction certificate. All damage must be rectified upon completion of work.

Construction Traffic

- 40 A vehicular entrance and exit shall be provided to the site from off the round-about off Muir Road (Elcar Place) for all construction traffic.

Access Point for Construction

- 41 Construction vehicle access to the site shall be restricted to one (1) access point.

Heavy Vehicles

- 42 All heavy vehicles over 4.5 tonnes shall be confined to traveling directly to the Hume Highway or Rookwood Road via Muir Road.

Security Gates

- 43 Where security gates are provided at the entrance to the site they shall be located far enough within the site to provide sufficient queuing capacity to accommodate the estimated maximum peak arrival flows to the site.

Cost to RTA

- 44 All works associated with this development shall be at no cost to the Roads and Traffic Authority.

Intersection at Muir Road and Worth Street

- 45 The proposed signalised access at Muir Road / Worth Street to the development site must be designed in accordance with the requirements of "Signalised Entries to Private Developments" - RTA Technical Direction TDT 2001/03.

Intersection at Muir Road and Worth Street

- 46 The applicant shall forward to the Roads and Traffic Authority for approval detailed plans of any on-site and off-site road works associated with the development before the road works commence, including detailed plans of the intersection arrangement at Muir Road / Worth Street. Such plans shall include detailed design details of the following:

Site Access: Two approach lanes to Muir Road with the following lane designation - (LT / R) and a single departure lane from Muir Road.

Worth Street: The approach lane designation to Muir Road is to be amended from (L / R / R) to the following (L / T / R).

The upgraded intersection must be designed to operate for a double diamond signal phasing arrangement.

Signal Changes

- 47 Detailed design plans of the proposed traffic signal changes are to be forwarded to the RTA for approval prior to the commencement of any on-site or off-site road works. The applicant is advised that a plan checking fee and lodgment of a performance bond will be required prior to the release of the approved design plans by the RTA.

Please note: A maintenance charge for the operation of the traffic signals at Muir Road / Worth Street will be imposed.

AS2890.1-1993 and AS2890.2-2002

- 48 All driveways, aisle widths, parking bay sizes, manoeuvring areas, ramp grades, etc are to conform to current Australian Standards AS2890.1 - 1993 and AS2890.2 - 2002 for commercial vehicles.

Pedestrian Crossings

- 49 All pedestrian crossing facilities provided on-site shall be in accordance with the relevant Australian Standard.

Loading and Unloading

- 50 Vehicles loading or unloading directly from Muir Road or Elcar Place is not permitted.

Dedication of Land

- 51 In respect of the new road connection at the existing traffic signals opposite Worth Street the applicant shall dedicate a minimum of 10 metres of the new road carriageway and adjacent footways as a public road.

Car Parking Facilities

- 52 Car parking facilities shall be provided on site for all construction vehicles and workers vehicles. This area shall be clearly identified in the Construction Management Plan.

Construction Vehicles

- 53 All construction vehicles are to be accommodated on site at all times. The queuing and standing of vehicles on the adjoining public roads is not permitted.

Engineering Works

- 54 At the expense of the Applicant, the Applicant shall repair (eg either construct/reconstruct) any damage occasioned during site works in front of the site.

- 55 At the expense of the Applicant, the Applicant shall reinstatement the footpath reserve to match Council's footway levels, in front of the site.

Finished Surface Levels

- 56 The designed finished surface levels of the street boundary (footway design levels) must be obtained by payment of the appropriate fee to Council.

These levels must be incorporated into the design and construction of internal pavements stormwater drainage and landscaping. The applicant is to note that these levels shall be strictly adhered to.

As a site survey and design by Council is required to determine the necessary information, payment must be made at least twenty-one (21) days prior to the levels being required.

Certify Hardstand Areas

- 57 A qualified Professional Civil Engineer shall certify that the driveways, parking bays and service areas have been constructed in accordance with the approved plans and specifications. Such Certification shall be submitted prior to the issue of the Occupation Certificate or occupation of the site.

Pavement Design

- 58 An all weather pavement designed to withstand the anticipated wheel loads shall be provided to all areas subjected to vehicular movements.
Internal pavement specification prepared and certified by a qualified professional Civil Engineer to comply with the requirements of Austroads Pavement Design for industrial pavements, shall be submitted to the Principal Certifying Authority (PCA) for approval prior to the commencement of internal roadway construction.

Construction of Internal Driveways

- 59 A qualified professional Civil or Structural Engineer shall be engaged by the developer to carry out inspections relating to construction of internal driveways and parking areas. The work shall be carried out in accordance with the approved plans and specifications.

Internal Roadworks

- 60 Existing and finished surface levels of all internal works including driveways, internal pavements, landscaping and drainage structures must be shown on the plans to be approved with the Construction Certificate.

Internal Driveways

- 61 For internal driveways with a gradient exceeding 10% (1 in 10), longitudinal profiles of all vehicular driveways and ramps shall be submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. The maximum grade of the driveway/ramp shall not exceed 20%. The profile shall be drawn at a reduction ratio of 1 to 20 vertical and horizontal and shall be related to the datum used for the issue of the footway design levels and shall also show the road centre line levels, Council issued footway design levels and gutter levels. Council's Car Clearance Profile (Plan No. S 006) shall be used to design the profile.

Stormwater Disposal

The Removal of Pollutants

- 62 In the event that the receiving waterway (Cooks River) is a highly stressed and sensitive waterway the applicant shall prepare plans to the satisfaction of Council and the Environment Protection Authority containing the installation of treatment facilities for removing pollutants from the stormwater prior to discharge to the river. The design must include containment of contaminated firewater, for instance through site bunding and installation of an isolation valve(s) at the final stormwater discharge point(s).

Stormwater Disposal

- 63 Stormwater runoff from all areas within the property shall be collected and controlled by means of an on site detention system in accordance with Council's Engineering Requirements for Development – DCP 30. The runoff from the detention storage shall be conveyed to the basins as shown on the plans by GHD Dwg. No. 21-11098-DA-C04. Stormwater runoff from areas naturally draining to the site shall be collected, conveyed and piped to the trunk drainage system downstream of the detention storage basin. A final stormwater drainage and on site detention system plan, shall be prepared by a qualified professional Civil Engineer in accordance with the above requirements and the requirements contained in Council's DCP 30. The final stormwater drainage plan shall also be generally in accordance with the concept plans by GHD Dwg. No. 21-11098-DA-C04. The final plan shall be submitted to an Accredited Certifier (Civil) for issue of a compliance certificate under Part 4A of the Environmental Planning and Assessment Act prior to the issue of any Construction Certificate. The PCA shall send a copy of the approved final plan and the Part 4A Certificate to Council for information. The final plan shall in particular provide the following:

1. Allowance for the capture and conveyance of stormwater runoff from the upstream catchment.
2. Provision of surface flowpath routes from the development to Muir Road.
3. Provision of minimum pipe cover as per the manufacturer's recommendation and Council's current Development Engineering Requirements.
4. Incorporation of Council's issued footway design levels into the stormwater plan.
5. Location of all relevant features within the road reserve shall be shown on the submitted plans.
6. The applicant shall provide for the collection of stormwater from all roofed areas. The applicant shall develop a management plan integrating captured water into the development, and its reuse for such purposes as toilet flushing and on-site landscaping.

The plan for the proposed drainage system together with the hydraulic evaluations shall be submitted to the PCA for approval with the application for the construction certificate.

Note: The stormwater drainage element(s) proposed within the road reserve and footway shall be constructed to the requirements and under the supervision and to the satisfaction of Council's Roads Assets Manager (see conditions below).

Stormwater Disposal

- 64 The stormwater drainage and intersection roadwork elements proposed within the road reserve and footway shall be constructed under the supervision and to the satisfaction of Council's Assets Manager. A Works Permit application under Section 138 of the Roads Acts shall be made to Council for approval prior to work commencing within the footway and road reserve. Plans, suitable for construction, prepared in accordance with Council's AUS-SPEC #1 and DCP 30 and signed by a qualified professional Civil Engineer, shall be submitted to Council for approval with the application. The plan shall in particular provide the following:

1. Location of all relevant features within the road reserve and footway.
2. Kerb developments and details of the extension of the road intersection with Worth street and Muir Road.
3. The pipe proposed within the footway shall be RCP.
4. Concrete junction pits shall be provided at all change of cross section, direction and grade points. The pipes and pits shall be in accordance with the requirements and detail contained in Council's DCP 30.
5. A Traffic Management Plan in accordance with RTA requirements.

Traffic lights shall be upgraded at the extension of the intersection of Worth Street and Muir Road, at the developer's expense, to the requirements of the RTA. Detailed plans, suitable for construction, approved by the RTA, shall be submitted to Council prior to the issue of the Roads Act / Works Permit.

Stormwater Disposal

- 65 The stormwater drainage and on site detention systems shall be constructed in accordance with the plans and details approved by the Principal Certifying Authority (PCA) and Council's Engineering Requirements For Development DCP 30.

The stormwater drainage element(s) proposed within the road reserve and footway shall be constructed in accordance with plans approved by Council and under the supervision and to the satisfaction of Council's Assets Manager. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress. A "Roads Act Approval / Work Permit" shall be obtained from Council and inspection fees shall be paid prior to commencement of works within the footway / road reserve area. All conditions attached to the permit shall be strictly complied with.

Works As Executed Plan

- 66 A Work As Executed Plan, prepared by a registered surveyor together with certification from a qualified professional Civil engineer of the constructed on-site stormwater detention system, shall be obtained prior to issue of the certificate of occupation or occupation of the site.

The Work As Executed plans shall be shown on a copy of the approved stormwater detention plan and shall contain all information specified in DCP 30.

The Work As Executed information shall be shown in red on a copy of the approved plans. The information shall be submitted to the Engineer prior to certification.

The engineer's certification shall be carried out on Council's standard form "On-Site Stormwater Detention System – Certificate of Compliance", contained in DCP 30.

A copy of the work as executed information together with the certification shall be submitted to Council for information prior to issue of the occupation certificate or occupation of the site.

Restriction As To User

- 67 A Restriction as to User and Positive Covenant under the provision of Section 88B of the Conveyancing Act and in accordance with the terms described in Council's "Engineering Requirements for Development" DCP 30 shall be registered on the title of the subject property requiring that the stormwater detention storage system within the site as constructed shall not be altered and shall be maintained in good working order to the satisfaction of Bankstown City Council.

Note: The location of the "stormwater detention facility" shall be shown on a site plan attached to the Section 88B instrument.

Bankstown City Council shall be empowered to release, vary or modify such Restriction.

The Restriction and Positive Covenant shall be registered on title following satisfactory construction and certification of the on site detention system and prior to issue of the Occupation Certificate or occupation of the site. Evidence of such registration shall be submitted to Council.

Construction and Part 4a Certification

68. Prior to the commencement of any construction associated with the development, the Applicant shall erect at least one sign at the construction site and in a prominent

position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:

- a) the name, address and telephone number of the Principal Certifying Authority;
- b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
- c) a statement that unauthorised entry to the construction site is prohibited.

The sign(s) shall be maintained for the duration of construction works, and shall be removed as soon as practicable after the conclusion of the construction works.

Note: The Applicant shall ensure that all works are carried out in accordance with the *Environmental Planning and Assessment Act 1979* (the Act), the *Local Government Act 1993* (Approvals) Regulations and the Building Code of Australia. In December 2003, the *Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003* commenced. This Act introduces changes to the Act and Regulation, particularly in relation to Part 4A certification. Some provisions have already commenced, however, the remaining provisions will not commence until 1 March 2004.

Independent Environmental Auditing

69. Within two years of the commencement of construction of Stage 2, and then as may be directed by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:
- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
 - b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
 - c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 2 of this consent; and
 - d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

An **Environmental Audit Report** shall be submitted for comment to the Director-General and Council within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Applicant to any of the recommendations contained in the Report.

The Director-General may having considered any submissions made by Council in response to the Report, require the Applicant to undertake works to address the findings or recommendations presented in the Report. Any such works shall be completed within such time as the Director-General may require.

ENVIRONMENTAL REPORTING

Incident Reporting

70. The Applicant shall notify the Director-General and any relevant Government authority of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident (“initial notification”). The Applicant shall provide written details (“written report”) of the incident to the Director-General and any relevant Government authority within seven days of the date on which the incident occurred.
71. The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 70 of this consent, within such period as the Director-General may require.

Note: Condition 71 of this consent does not limit or preclude the EPA from requiring any action to address the cause or impact of any incident, in the context of the EPA’s statutory role in relation to the development.
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Complaints Procedure

72. Prior to the commencement of construction of Stage 2, the Applicant shall ensure that the following are available for community complaints:
- a) a 24-hour, toll-free telephone number on which complaints about the development may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted, should the Applicant have e-mail capabilities.

The telephone number, the postal address and the e-mail address shall be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction of each stage of the development. These details shall also be displayed on a sign near the entrance to the site and provided on the Applicant’s internet site, should one exist. The telephone number, the postal address and the email address shall be maintained throughout the life of the development.

73. The Applicant shall record details of all complaints received through the means listed under condition 72 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);

- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

74. The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General, an Annual Environmental Management Report (AEMR). The AEMR shall review the performance of the development against the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this consent;
 - b) a copy of the Complaints Register (refer to condition 72 of this consent) for the preceding twelve-month period (exclusive of personal details), and details of how these complaints were addressed and resolved;
 - c) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in those documents listed under condition 2 of this consent;
 - d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person;
 - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident;
 - f) identification of trends in monitoring data over the life of the development to date;
 - g) a list of variations obtained to approvals applicable to the development and to the site during the preceding twelve-month period; and;
 - h) environmental management targets and strategies for the following twelve-month period, taking into account identified trends in monitoring results.

The Applicant shall submit a copy of the AEMR to the Director-General and Council every year, with the first AEMR to be submitted within twelve months of commencement of operation of the development, and then every twelve months thereafter,
and shall be made available to the public upon request.

The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development, in response to review of the Annual Environmental Report and any comments received from the

Council. Any action required to be undertaken shall be completed within such period as the Director-General may agree.

General Terms of Approval

Refer to Attachment A.

ATTACHMENT A

1 - General and Administrative Issues

- 1.1 The work to which these general terms of approval apply is not to commence until such time as a formal permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 has been issued from DIPNR.
- 1.2 If in the opinion of a DIPNR officer any work is being carried out in such a manner that it may damage or detrimentally affect the watercourse, or damage or interfere in any way with any work, the operation on that section of the watercourse shall cease immediately upon oral or written direction of such officer.
- 1.3 Work as executed survey plans shall be forwarded to the Department upon request.
- 1.4 If the permit conditions have been breached the permit holder shall restore the site to the satisfaction of the Department. If the necessary works are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.
- 1.5 Operations shall be conducted in such a manner as not to cause damage or increase the erosion of adjacent stream banks. The permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the banks.
- 1.6 Any vegetation or other material removed from the area of operations shall be disposed of to an appropriate site where the debris cannot be swept back into the river during a flood.
- 1.7 When the works are to cease, DIPNR is to be notified 1 month in advance of the cessation of the operation.

2 - Conditions Specific to DA-409-9-2003-i

- 2.1 Work is to be carried out in accordance with any conditions imposed by other government agencies.
- 2.2 Work is to be carried out in accordance with drawings approved by DIPNR and which will accompany the 3A Permit.
- 2.3 Excavated material shall be transported from the excavation site and disposed of in accordance with the development application.
- 2.4 *A Soil and Water Management Plan* for the works is to be prepared by a suitably qualified person, to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of 3A Permit. The Plan is to meet the requirements outlined in Chapter 3 of the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998).
- 2.5 The existing natural watercourse passing through the site is to be retained and remediated with natural features such as open rock and native vegetation. A vegetated riparian zone is to be established along each side of the watercourse. The riparian zone is to have an average width of 5 metres measured at right angles to the flow of the stream and from the top of the bank. The riparian zone is to consist of a diverse range of appropriate native species local to the area and is to be densely planted and fully structured (groundcovers, shrubs and trees). Trees

- and shrubs are to be planted at a density of one plant per square metre and at a proportion of 1 tree to 3 shrubs. Groundcover species are to be planted at an average density of at least four plants per square metre in addition to the trees and shrubs. The riparian zone is to be free of any new development (including roads, services, retaining walls, impermeable fences etc). details of any proposed works within the channel are to be submitted to DIPNR for approval prior to the issue of the Part 3A Permit.
- 2.6 A landscape plan is to be prepared and submitted to DIPNR for approval prior to the issue of the Part 3A Permit showing the riparian zone and the type, density and location of plants. Plant species must be in accordance with the "Chullora SRA Lands Development Control Plan."
- 2.7 No exotic plant species, other than temporary sterile cover crops, are to be planted within the riparian zone.
- 2.8 Any structures that may intrude into the riparian zone are not to diminish from the ecological functions of this zone and shall be determined in consultation with, and with the approval of, DIPNR.
- 2.9 It is recommended that an environmental covenant is placed on the riparian zones and on local native trees, shrubs and groundcover species is to be established on the top of the bank of the creek.
- 2.10 Detailed designs of proposed stormwater outlets to the watercourse and any necessary scour protection works within the riparian zone, bed and bank(s) of the watercourse are to be prepared and implemented by a person(s) with relevant knowledge, qualifications and experience, to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of the Part 3A Permit. The designs must include a surveyed cross section of the bank showing existing and proposed levels at the outlet point.
- Stormwater outlets must be designed, located and constructed to minimize any erosion or scour of the banks or bed of streams and the construction technique adopted must ensure that disturbance to bank soil and vegetation is kept to an absolute minimum. Any proposed stormwater outlets are to be designed in accordance with, but limited to DIPNR guidelines on *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spillways – Version 1)*.

General Advice

- A A Part 3A Permit, subject to conditions, will be issued for the proposed works upon,
- Application on the appropriate form,
 - Submission to DIPNR of Council's consent to the DA, and
 - Payment of the appropriate fee.
- B Permits are generally granted for a period of 12 months from the date of formal approval and renewable on an annual basis. Any application for renewal shall be lodged three months prior to the expiry date.
- C DIPNR recommends that weeds be removed and then replaced by vegetation native to the area.

- D Three sets of drawings, consisting of plans, long sections, cross sections and detail drawings of all engineering works, to the satisfaction of DIPNR, and all “Plans” referred to in the General Terms of Approval, are to be provided to DIPNR to allow Part 3A Permit preparation.
- E The rehabilitation of the area to the satisfaction of the Department is the responsibility of the permit holder and the owner or occupier of the land.
- F The permit holder and the owner of the land are responsible for any excavation or soil removal undertaken by any other person or company at this site.
- G Any Part 3A permit granted is not transferable to any other person or company and does not allow operations at any other site.
- H Any Part 3A Permit granted does not give the holder the rights to occupy any land without the owner(s) consent nor does it relieve the holder of any obligations which may exist to also obtain permission from local government and other authorities who may have some form of control over the site of the work and/or the activities you propose to undertake.
- I These general terms of approval are issued with the proviso that operations shall be carried out on freehold land. Should operations be on Crown Land, this permit is rendered null and void and the occupier of Crown land should contact DIPNR.
- J To issue a Part 3A Permit, the Department will require full details on land ownership of all areas affected by the proposed works, and authorization for the works by relevant land owners.