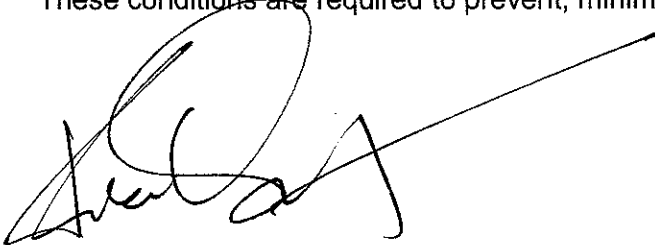


Development Consent

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

22 Feb

2008

File No: S07/01728

SCHEDULE 1

Development Application: DA-42-10-2007-i

Application made by: Tyne Container Services

To: Minister for Planning

In respect of: Lot 1 DP 735037, Simblist Road, Port Botany.

For the following: The construction and operation of an empty container storage park.

KEY TO CONDITIONS

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant, the	Tyne Container Services
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	Randwick City 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-42-10-2007-i;
 - b) *Statement of Environmental Effects: Proposed Container Depot, Part Lot 1 DP 735037, Simblist Road, Port Botany* dated September 2007 and prepared by Don Fox Planning; and
 - c) 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 1.1b) 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 The 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 Applicant to obtain, renew or comply with such licences, permits or approvals. The Applicant 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.
- 1.5 The Proponent shall ensure that all plant and equipment installed at the premises or used in conjunction with the project must be:
 - a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Infrastructure and Utilities

- 1.6 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.
- 1.7 The Applicant shall consult with the relevant utility provider(s) for those services identified under condition 1.6 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.
- 1.8 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.

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 comply 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 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 apply all reasonable and feasible measures to minimise soil erosion and the discharge of sediments and pollutants from the site during construction and operation of the development, including but not necessarily limited to:
 - a) application 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) installation 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;
 - c) effective 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) stabilisation and installation of covers on stockpiled materials to prevent erosion or dispersal of the material;
 - e) measures to prevent the erosion and deposition of materials on the bed or shore or into the waters of Yarra Bay, whether by reason of natural or anthropogenic forces; and
 - f) in the event that materials do enter Yarra Bay, procedures to ensure immediate removal of those materials.
- 2.9 The bunded area for the storage of machinery and for refuelling must be designed to capture 110% of the volume of the largest likely spill and a spill kit must be provided adjacent to the bunded area to clean up any minor leaks or spills.
- 2.10 A minimum of fourteen days prior to the commencement of construction, the Applicant shall submit, for the approval of the Director-General, a Stormwater Management Plan which must outline how stormwater would be managed on site, particularly, how oil and grease would be captured and managed during the construction and operational phases of the development.
- 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 Sulfate Soil Assessment Guidelines* (Acid Sulfate Soil Management Advisory Committee, 1998). The Plan shall be submitted to the Principal Certifying Authority for approval.

Traffic Impacts

- 2.12 The Applicant shall prepare a Traffic Management Plan (TMP) for both construction and operational phases. The TMP shall be prepared to the satisfaction of the Sydney Ports Corporation and in accordance with the Sydney Ports Corporation's *Traffic Management Plan Guidelines – December 2007*. The TMP shall be submitted to the Sydney Ports Corporation at least 14 days prior to the commencement of construction.
- 2.13 The Applicant shall ensure that the layout of all on-site carparking, internal circulation and access provisions complies with Australian Standard *AS2890.2: 2002 Parking Facilities Commercial Vehicle Facilities*.

Air Quality Impacts

- 2.14 The Applicant shall construct and operate the development in a manner that minimises or prevents the emission of dust from the site including wind blown and traffic generated dust.

Noise Impacts

- 2.15 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.

Landscaping

- 2.16 The Applicant shall ensure that appropriate landscaping is incorporated within the site which is consistent with the requirements of the *Exempt & Complying Development Guidelines for Port Botany* (December, 2005).

Waste Management and Soil Contamination

- 2.17 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*.