

## **Appendix G: Previous Approvals for Concrete Batching Plant and other Activities/Facilities**





## Land and Environment Court of New South Wales

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|---------------------------|----------------------------------------------------------------------------------|
| <b>CITATION :</b>         | <b>King Mix Pty Limited v Campbelltown City Council [2007] NSWLEC 100</b>        |
| <b>PARTIES :</b>          | APPLICANT<br>King Mix Pty Limited<br><br>RESPONDENT<br>Campbelltown City Council |
| <b>FILE NUMBER(S) :</b>   | 10527 of 2006                                                                    |
| <b>CORAM:</b>             | Moore C                                                                          |
| <b>KEY ISSUES:</b>        | Development Application :-<br>Drainage<br>Visual Impact                          |
| <b>LEGISLATION CITED:</b> | Campbelltown Urban Area Local Environmental Plan                                 |
| <b>DATES OF HEARING:</b>  | 19 December 2006 and 19 February 2007                                            |
|                           |                                                                                  |
|                           |                                                                                  |

**EX TEMPORE JUDGMENT** 19 February 2007  
**DATE :**

**LEGAL  
REPRESENTATIVES:**

**APPLICANT**  
Mr C Gough, solicitor  
Storey & Gough

**RESPONDENT**  
Mr A Seton, solicitor  
Marsdens Law Group

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**JUDGMENT:**

**THE LAND AND  
ENVIRONMENT COURT  
OF NEW SOUTH WALES**

**Moore C**

**19 Febraury 2007**

**10257 of 2006 King Mix Pty Limited v Campbelltown City  
Council**

**JUDGMENT**

This decision was given as an extemporaneous decision. It has been revised and edited prior to publication.

The consequence of the Court's decision in this appeal is the grant of development consent subject to detailed conditions. These conditions are not reproduced as part of this decision but are available for inspection at the Council. In addition, a copy the Court's Orders and the conditions may be obtained from the Court's registry upon payment of a fee. Details of the fee payable and process for obtaining a copy of the Orders and conditions are available on the Court's web site at <http://www.lawlink.nsw.gov.au/lec/>



1 **COMMISSIONER:** This is an appeal pursuant to s 97 of the *Environmental Planning and Assessment Act 1979* against the refusal by Campbelltown City Council (the Council) on 2 June 2006 of Development Application 336/2006/DA-DE for the erection of a concrete batching plant and factory housing a concrete masonry plant at 16 Kerr Road, Ingleburn, being Lot 16 in Deposited Plan 717203 (the site).

2 Erected on the site, at the present time, is a large structure, the legal status of which might be regarded for the purposes of these proceedings as being partially uncertain, together with a significant portion of the allotment being open and unformed.

3 The site has, along its south-eastern boundary, a short length of private land which separates it from the main southern railway line. However, to all intents and purposes, the visual outlook on that side of the site is across the main southern railway land, the private land and thence into a residential area, the most close residences being in Gordon Street, Ingleburn.

4 During the course of the hearing on 19 December 2006, I had the opportunity of visiting the end of Gordon Street closest to the main southern railway and hearing evidence from a number of the residents about their concerns.

5 A number of those concerns arose out of the present operational behaviour of the proprietor of the present structures on the site and the industrial use that takes place on the site. Those are matters to which I am unable to give weight given the requirement and presumption in proceedings such as these that, if a consent is given to construction and an activity on this site, the person or entity having the benefit of such consent will abide by all conditions which are attached to it.

6 However, during the course of my consideration of the residents' objections, there are a number of matters which arose which have resulted in significant amendments being made to the plans.

7 The first relates to the treatment of the façade and roof line to the south-eastern end of the proposed development to make it more architecturally interesting and to use materials that will be, for the external vertical cladding, both new materials and broadly consistent in colour and presentation to those of the immediately adjacent building on the Campbelltown side of the site.

8 There is a significant local flooding issue, which will require the creation of a flood drainage canal, structure or depression around the south-eastern perimeter and along the northern perimeter of the site along Henderson Road. That floodway has had its corner chamfered and there will be extensive tree landscaping but no low vegetation planted in that area.

9 In response to a number of matters relating to car parking and visual appearance of the site, the applicant has agreed to the construction of an

acoustic barrier along the edge of the south-eastern extremity of the car park between that car park and Gordon Street.

10 That acoustic barrier will be within an area where, in the ordinary course of events, development would be prohibited as a consequence of cl 37 of the *Campbelltown Urban Area Local Environmental Plan* (the LEP). The LEP does not permit structures, except for the purposes of landscaping, access roads and off-street parking on land in this zone which is within thirty metres of the main southern railway line. There is no doubt that the acoustic barrier would otherwise fall foul of that proscription.

11 However, there are, within the site and along the Henderson Road frontage, proposed to be two loading and unloading areas of activity that will involve significant truck movements, including truck reversing. Immediately adjacent and between those areas and the residents of Gordon Street, is proposed to be erected an internal acoustic wall. I am satisfied that that acoustic wall will have some benefit in shielding the residents from the noise of those activities.

12 As a consequence, there are three possible uses or purposes which the acoustic barrier along the edge of the car parking will satisfy.

13 The first is to provide a light shield from headlamps from vehicles parking nose into that wall from intruding on the residences at the closest end of Gordon Street.

14 The second will be to provide a deal of acoustic shielding for those residences from vehicles using those parking areas.

15 The third will be to act as a supplementary acoustic barrier to the major industrial activities taking place further along the Henderson Street frontage.

16 I am satisfied that the value of the noise shielding from the parking vehicles and the headlight shielding of the parking vehicles is at least equal to and somewhat greater than the supplementary value of the acoustic shielding of the industrial activities further along the Henderson Street frontage.

17 I am, therefore, satisfied that their use is sufficiently related to the off-street parking and as a necessary part of making that off-street parking acceptable, that that is consistent with and satisfies the provisions of cl 37 of the LEP.

18 In addition, the drainage engineers who have provided significant assistance to the Court and to the parties in these proceedings, have agreed that if there is an acoustic barrier that is somewhat raised so that there is a gap underneath, that wall will not impede the flow of any overtopping flood waters.

19 I am satisfied that the gap at the bottom of the barrier is not sufficiently

high to provide any significant diminishing of the acoustical or light shielding purposes that that barrier will serve.

20 That barrier, coupled with the landscaping which is to take place in the drainage channel, will provide significant shielding benefits, both visually and acoustically, for the residents of Gordon Street. The rearranged design to that façade of the building will also be a significant improvement on the present visual presentation to those residents.

21 There are undoubtedly difficulties, which arise for residents who live at what is, in effect, a zone boundary (despite the intervention of the main southern railway) and the measures that have now been proposed to be incorporated in the proposal will provide a significant degree of amelioration.

22 It is, as I am sure the residents would well understand, not possible simply to wish that the industrial area go away and have it disappear.

23 The major matter that had also been in contention between the parties, arises out of the zone objectives of the 4A *General Industrial Zone* under the LEP, particularly that which is contained in cl 12(2)(c) of the LEP which requires that there be an encouragement of:

“a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development”.

24 There is no doubt that that standard has to be read in the context of the development being proposed being industrial development. The standard against which I am obliged to test such a development, is whether it is acceptable against that standard and not whether it constitutes the best possible design against that standard.

25 Having said that, I am satisfied that the original comments made by Mr Haskew, the Court-appointed planner in these proceedings, has assisted in a number of revisions to the development that will provide a greater degree of architectural coherence and aesthetic acceptability to the design than had been provided in the original proposal which had been submitted to the Council.

26 There is no doubt that the site will be viewed from Henderson Road - Henderson Road, in its proximity to the site, being significantly elevated by virtue of its bridge over the main southern railway in the vicinity.

27 The landscaping, even when fully established (and I readily accept that there will be some delay in the trees proposed to be planted reaching maturity), will still not completely obscure the site from view from those passing on Henderson Road, and, for a significant period of time until such establishment occurs, the site will be able to be viewed in a largely unadorned fashion.

28 However, there have been a number of significant changes to the building which are described by Mr Haskew in his supplementary statement

of evidence, as being the following improvements:

“glazing elements which are logically located and sized, iron rod (metallic finish) cross features in three panels, central to the elevation, wave form exposed truss roof feature, elevated pop-out skylights to roof, circular exhaust pop-outs.” He then concluded that, “combined with the previous proposed middle banding, the fenestration and architectural detail, work well in combination and achieve a built form which is legible and of satisfactory architectural merit, having regard to the visual prominence of the site.”

29 In evidence, Mr Haskew confirmed that that conclusion should be read as him forming the opinion that the development was satisfactory in its present design, even if viewed without any shielding from the proposed landscaping.

30 As a consequence of the adoption of a further amendment to the plans during the course of the final hearing, which will have a lower element on the south-eastern end where the existing structure is located, there will be a further degree of interest and break in the form when viewed from Gordon Street (if the higher roof element, in fact, be able to be viewed from that location).

31 I am satisfied, on the merits of the option now advanced, that the present design coupled with the landscaping that is to be incorporated in the drainage channel, and the landscaping which it has been able to be incorporated in the car parking area at a slightly higher level than the landscape channel as a result of the removal of a number of parking spaces (parking spaces the removal of which does not impact on the otherwise appropriate level of car parking for the site), renders the development overall acceptable and capable of being given a development consent.

32 The consequence of that is that the appeal will be upheld and the development approved, subject to conditions that remain to be finalised between the parties and subject to the filing of some revised plans which will need to achieve two matters:

- clarification of details concerning the south-eastern elevation which were discussed in the course of the proceedings; and
- the provision of a degree of coherence presently lacking from the plan numbering.

33 I therefore give the following directions.

1. The applicant is to file and serve revised plans by the close of business on 26 February;
2. The respondent is to file and serve revised conditions by the close of business on 28 February;
3. I set the matter down for callover before the Registrar on Wednesday 7 March;
4. If directions 1 and 2 are complied with, including the

conditions being filed electronically in accordance with Practice Direction 2 of 2005 and a separate court email sent advising of that, I will make orders in chambers and vacate the callover; and

5. Liberty to re-list on two days' notice if there are any matters unable to be resolved out of directions 1 and 2.

34 The exhibits, other than Exhibit J, are returned. Exhibit J will be returned when the revised plans have been filed.

**Tim Moore**

Commissioner of the Court

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DISCLAIMER - Every effort has been made to comply with suppression orders or statutory provisions prohibiting publication that may apply to this judgment or decision. The onus remains on any person using material in the judgment or decision to ensure that the intended use of that material does not breach any such order or provision. Further enquiries may be directed to the Registry of the Court or Tribunal in which it was generated.

**In the Land and  
Environment Court  
of New South Wales**

**No. 10257 of 2006**

**King Mix Pty Limited**

Applicant

**Campbelltown City Council**

Respondent

**Order**

The orders of the Court are:

1. The appeal is upheld;
2. Development Application 336/2006/DA-DE for a concrete batching and masonry plant at 16 Kerr Road, Ingleburn is determined by the granting of development consent subject to the conditions in Annexure A; and
3. The exhibits are returned.

**Ordered: 9 March 2007**

**By the Court**

Susan Dixon  
**Registrar**

## **ANNEXURE A**

### **GENERAL CONDITIONS**

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

#### **1. Approved Development**

Except as modified by the other conditions of this consent the Applicant shall carry out the development in accordance with the development application DA336/2006 lodged with the Council on 7 February 2006, the Environmental Impact Statement entitled "Environmental Impact Statement for Proposed Concrete Batching and Masonry Plant at 16 Kerr Road, Ingleburn" dated 6 February 2006 prepared by Umwelt Environmental Consultants, the document titled "Flood Study Report" prepared by Pavel Kozarovski (Amended 3: 8 January 2007 and the following plans:

- Drawing titled "Site Plan" prepared by Pragmatic Designers, Project No 26019 Drawing No. 1 dated 23/01/07
- Drawing titled "Plan" prepared by Pragmatic Designers, Project No 26019 Drawing No.2 dated 19/12/06
- Drawing titled "Office Plans" prepared by Pragmatic Designers, Project No 260019 Drawing No.3 dated 30/11/06
- Drawing titled "Elevation/Section" prepared by Pragmatic Designers, Project No 26019 Drawing No.4 dated 17/01/07
- Drawing titled "Elevations" prepared by Pragmatic Designers, Project No 26019 Drawing No.5 dated 12/01/07
- Drawing titled "Elevation/Section" prepared by Pragmatic Designers, Project No 26019 Drawing No.6 dated 17/01/07
- Drawing titled "Site Plan" prepared by Pragmatic Designers, Project No 26019 Drawing No.7 dated 13/10/06
- Drawing titled "Landscape" prepared by Landscape Garden Service DWG. No/Issue LC 06 4 drawn by Stephen Clancy dated 12/1/07
- Drawing titled "Noise Barrier Site Layout" prepared by JARS Engineering & Contracting Services, Drawing No. S02 dated 22-01-2007

- Drawing titled “Sections & Details” prepared by JARS Engineering & Contracting Services, Drawing No. S03 dated 22-01-2007
- Drawing titled “Flood Study Proposed Development at No. 16 Kerr Road, Ingleburn” designed by Pavel Kozarovski Job No. 934 Amended 8 Jan 2007

## **2. Building Code of Australia**

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

## **3. Landscaping**

Landscaping shall be provided on the site in accordance with the drawing titled “Landscape” prepared by Landscape Garden Service DWG. No/Issue LC 06 4 drawn by Stephen Clancy dated 12/1/07 except that the trees identified as T3, T4, T6 and T7 shall be replaced by local species such as *malaleuca decora*, *eucalyptus amplifolia*, and *eucalyptus baueriana* and the “tube stock planting detail” is amended by deleting the subsoil drainage system.

A suitably qualified landscape consultant/ contractor shall be engaged to carry out the landscaping works. The landscaping shall be maintained for the life of the development and any landscaping that dies, is destroyed or is significantly damaged must be replaced.

## **4. External Finishes**

The external finishes shall be in accordance with the schedule of finishes that is to be submitted to and approved by Council prior to the issue of a construction certificate for any building work subject of the consent. Any alterations to these finishes will require separate approval by Council.

## **5. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.



A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

**6. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

**7. Storage of Goods**

All works, storage and display of goods, materials and any other item associated with the premises shall be contained wholly within the building.

**8. Security Fencing**

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

**9. Storage of Dangerous Goods**

Prior to the storage of any 'dangerous goods' on the premises, a licence from the Chemical Safety Branch of *Work Cover* shall be obtained and submitted to Council.

**10. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the Applicant shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs or other surfaces on the property within 48 hours of its application.

The acoustic barrier near the southern boundary of the property is to be finished in anti-graffiti finish/texture to discourage the potential for graffiti and to enable graffiti to be easily removed.

**11. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise, dust or vibration problem arising at the time, the Applicant shall when instructed by Council, cause to be carried out an acoustic or air quality investigation by an appropriate consultant and submit the results to Council. If required by Council, the Applicant shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

**12. Engineering Design Works**

All designs of engineering works shall be carried out in accordance with the requirements set out in Council's *Engineering Design Guide for Development (as amended)*.

**13. Stray Currents and Electrolysis from Rail Operations**

The developer is to procure a report on the Electrolysis Risk to the development from stray currents, and the measures that will be taken to control the risk. The developer is advised to consult an Electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.

**14. Lights and Reflective Materials**

The developer must submit any proposals to RailCorp for the use of lights, signs, and reflective materials, whether permanent or temporary, in the proximity of RailCorp's facilities prior to commencing work.

**15. Drainage**

Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not permitted to be discharged into the corridor unless prior approval has been obtained from RailCorp.

Water shall not be permitted to pond adjacent to the infrastructure to prevent service interruption.

**16. Hours of Operation**

The development may only be operated between the hours of 7am to 6pm Monday to Friday and 7am to 4pm Saturday. and shall not operate on Sundays or public holidays unless otherwise approved by Council.

**16a. Approval Process For Extended Hours of Operation**

Prior to any approval by Council to extend operating hours of the site, the proponent must develop and implement a trial program in consultation with DEC and Council. The purpose of the trial is to:

- a. Validate the noise predictions included in the Environmental Impact Statement (EIS) and compliance with the approval conditions relating to the project;
- b. Conduct an environmental review with the aim of optimising performance; and
- c. Identify remedial measures that can be implemented in the event the trial shows a discrepancy between actual and predicted performance

#### 16b. Compliance with Noise Limits

Noise generated at the premises must not exceed the noise limits presented in the table below. The noise limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table, as a result of concrete batching and masonry plant activities.

#### Noise Limits for the Concrete Batching and Masonry Plant

| Receiver Locations <sup>(1)</sup> | Noise Limits dB(A)                                   |                            |                                                                     |                                                 |
|-----------------------------------|------------------------------------------------------|----------------------------|---------------------------------------------------------------------|-------------------------------------------------|
|                                   | <b>Morning Shoulder</b><br>6am - 7am Monday - Friday |                            | <b>Day</b><br>7am - 6pm<br>Monday - Friday<br>7am - 4pm<br>Saturday | <b>Evening</b><br>6pm - 10pm<br>Monday - Friday |
|                                   | L <sub>Aeq</sub> (15 minute)                         | L <sub>A1</sub> (1 minute) | L <sub>Aeq</sub> (15 minute)                                        | L <sub>Aeq</sub> (15 minute)                    |
| 17 Redfern Street                 | 43                                                   | 53                         | 46                                                                  | 46                                              |
| 2 Gordon Avenue                   | 45                                                   | 56                         | 47                                                                  | 48                                              |

#### Notes:

*Note 1: Receiver locations nominated in report prepared by Heggies Australia Report No. 30-1351-R1 Proposed Concrete Batching and Masonry Plant, Ingleburn Noise Impact Assessment dated 2 February 2006.*

*Note 2: To determine compliance with this condition noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.*

*Note 3: The noise emission limits identified in condition 4.1 apply under meteorological conditions of:*

- a) wind speeds up to 3 m/s at 10m above ground level; or

*b) temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10m above ground level.*

**17. Off-Street Car Parking Spaces**

Off-street car parking spaces, with the exception of parallel parking spaces, shall be constructed with wheel stops of 90 mm height and 2 metre width.

**18. Ramp Gradients**

All ramp grades and change of ramp grades, as part of the development, shall be consistent with the relevant Australian Standard and be capable of servicing articulated vehicles.

**19. Reflectivity**

The silos shall be finished in a powder coated surface to achieve a low reflectivity index and avoid the potential for glare nuisance.

**19a. Lighting**

All external lighting associated with the development shall be mounted, screened and directed in such a manner so as not to create a nuisance to surrounding properties or roadways.

**PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

**20. Water/Electricity Utility Services**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Integral Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.

**21. Telecommunications Utility Services**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

Advice on telecommunications infrastructure can be obtained by the notification tool located at  
<https://development.telstrasmartcommunity.com>.

**22. Waste Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

**23. Soil and Water Management Plan**

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

**24. *deleted***

**25. Inundation by Flood Waters**

- i. Site fill levels shall be at or above the calculated 100 year ARI level and habitable floor levels shall be 300mm above finished site levels and 500mm above 100 year ARI in accordance with the freeboard requirements in accordance with *Council's Engineering Design Guide for Development (as amended)*.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for *Construction of Subdivision Road and Drainage Works*' (as amended), AS3789 'guidelines for *Earthworks for Commercial and Residential Development* (as amended), and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

**26. Work on Public Land**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain written consent from Council for any proposed work on public land. All inspections, approval and restoration of work shall be undertaken by Council at the applicants

expense prior to the principal certifying authority issuing and occupation certificate.

- 26A.** Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit to Council as the appropriate Roads Authority, engineering details and design, including support during construction, to ensure the undercutting of the bank supporting Henderson Road is not compromised. The design shall be prepared by a suitably qualified engineer. The applicant shall obtain written approval from Council prior to commencement of works.

The applicant shall obtain written approval from Council for an appropriate easement of support in Council's favour for the ongoing maintenance.

## **PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

### **27. Erosion and Sediment Control**

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

### **28. Erection of Construction Sign**

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours;
- b. Stating that unauthorised entry to the work site is prohibited; and
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

## **29. Toilet on Construction Site**

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

## **30. Trade Waste**

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

## **31. Vehicular Access During Construction**

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided to minimise ground disturbance and prevent the transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street, kerb/road to the site is to be provided as a minimum requirement.

## **32. Public Property**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

The applicant shall include Henderson Road adjacent to the site as the development includes the construction of a retaining wall adjacent to the batter abutting the road.

## **33. Hoarding / Fence**

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a

public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

## **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

### **34. Construction Work Hours**

Any work associated with the construction of the development on the site shall only occur between the following hours:

|                            |                  |
|----------------------------|------------------|
| Monday to Friday           | 7.00am to 6.00pm |
| Saturday                   | 8.00am to 1.00pm |
| Sunday and public holidays | No Work.         |

The following activities may be carried out at the premises outside the hours specified in the consent:

- a. The delivery of materials as requested by Police or other authorities for safety reasons; and
- b. Emergency work to avoid the loss of lives, property and/or to prevent environmental harm.

### **35. Erosion and Sediment Control**

Erosion and sediment control measures shall be provided and maintained throughout the construction period in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

***Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.***



**36. Work Zones**

All loading, unloading and other activities undertaken during construction shall be accommodated on the development site.

Where it is not practical to load, unload or undertake specific activities on the site during construction, the provision of a 'Work Zone' external to the site may be approved by Council following an application being submitted to Council's Traffic Unit outlining the proposal for the work zone. The application is required to be made prior, and approved, to the commencement of any works and is to include a suitable 'Traffic / Pedestrian Management and Control Plan' for the area of the work zone that will be affected. All costs of approved traffic / pedestrian control measures, including relevant fees, shall be borne by the applicant.

**37. Dust Nuisance**

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. All haul roads and construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

**38. Public Safety**

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with AS 1742.3. Council may at any time and without prior notification make safe any such works Council considers to be unsafe, and recover all reasonable costs incurred from the applicant.

**39. Industrial / Commercial Driveway and Layback Crossing**

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Industrial/Commercial Vehicle Crossing Specification* and *Engineering Design Guide for Development (as amended)*.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

The levels shall be in accordance with the approved stormwater plan accompanying the development.

**40. Associated Works**

The applicant shall undertake any works external to the development made necessary by the development, including additional road and

drainage works or any civil works required as directed by Council to make a smooth junction with existing work.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

### **41. Section 73 Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a Section 73 certificate issued by *Sydney Water*.

### **42. Structural Engineering Certificate**

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant SAA Codes and is structurally adequate.

### **43. Completion of External Works**

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the principal certifying authority.

### **44. Public Utilities**

Prior to the principal certifying authority issuing an occupation certificate, adjustments to public utilities required as a result of the development shall be completed at the sole cost of the applicant.

### **45. Industrial / Commercial Inter-Allotment Drainage**

Prior to the principal certifying authority issuing an occupation certificate, a work as executed plan for the drainage works shall be submitted demonstrating that inter-allotment drainage and associated easements, in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, and *Engineering Design Guide for Development (as amended)* has been provided to all industrial/commercial lots if required.

**46. Council Fees and Charges**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall obtain written confirmation from Council that all applicable Council fees and charges associated with the development have been paid in full. Written confirmation will be provided to the applicant following Council's final inspection and satisfactory clearance of the public area adjacent the site.

**46a. Impermeable Barrier**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall construct a continuous impermeable barrier around the underground storage area at the level of the 100 year ARI flood plus 500mm freeboard.

**46b. Operation and Management of Underground Storage**

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall provide a plan of operation and management of the underground storage area with respect to safety and flooding, including permanent warning signs and emergency lighting which is not dependant on mains supply, to the satisfaction of Council.

**DEPARTMENT OF ENVIRONMENT AND CONSERVATION - GENERAL TERMS OF APPROVAL**

The following conditions are design requirements and strategies which the Department of Environment and Conservation (DEC) consider essential to ensuring the facility is capable of achieving the environmental outcomes detailed in the Director-General Requirements. DEC considers that the following conditions are most appropriately regulated via the development consent.

**Noise**

- 47.** Construction is not to include any piling, rock hammering, blasting or other similar activities with a high potential for significant noise impact without the approval of the DEC.
- 48.** The proponent must install the noise mitigation measures as stated in the EIS.
- 49.** Prior to the commencement of operations an assessment of audible alarms shall be undertaken to determine whether the use of audible alarms will exceed the noise limits in the consent. Where it is determined that the use of audible alarms will exceed the noise limits, an assessment of feasible and reasonable measures to reduce the impacts shall be undertaken and implemented.

## **Conveyors**

- 50.** All conveyors used to transfer materials must be fully enclosed and designed and operated to prevent visible dust emissions. Belt scrapers must also be installed to effectively remove material from the underside of each belt.

## **Cement Silos**

- 51.** Any bulk product storage silos must be fitted with following:
- a. Both a visual and audible alarm system to warn of high levels of material in the storage silos;
  - b. Filling shut off valves which close automatically when a high level of material is detected;
  - c. Spring loaded shut off valves, if automatic control systems fail;
  - d. Tests circuits for high level alarm and shut off valve operation;  
and
  - e. Outlet air from bag filters to be ducted within one metre of ground.

## **Vehicle Washing**

- 52.** All vehicles leaving the site after delivering raw materials to the site must be subject to equipment or facilities to provide a cleaning process for the removal of materials from wheels and underneath the bodies of vehicles. The facilities must be designed and installed with the aim of:
- a. Preventing materials being carried from the premises to external surfaces; and
  - b. Collecting, treating and management of polluted water from any vehicle maintenance and truck wash areas in such a way that does not cause pollution of surface and ground waters.
- 53.** All trafficable areas including, but not necessarily limited to, the access road to the site, processing areas and stockpile areas must be sealed.
- 54.** All hardstand areas must be designed, constructed and maintained in a manner that allow the operation of heavy machinery without breaking up hardstand surfaces.

### **Stormwater Management**

55. Paved and sealed areas must be provided with a first flush stormwater management system designed to capture the first 10mm of stormwater for each square meter of catchment area for subsequent reuse.
56. Facilities must be provided to enable the contents of the first flush system to be disposed of in 48 hours in a manner for reuse, which does not pollute waters.

### **Water Conservation**

57. Opportunities to replace raw dam water and/or potable water with; recycled effluent, captured stormwater, or treated process water from the premises or nearby premises, are to be maximised.

### **Construction Environmental Management Plan**

58. A Construction Environmental Management Plan (CEMP) must be prepared and implemented prior to the commencement of construction on the site. The CEMP must address how the proponent will manage any foreseeable environmental risk during the construction phase. This includes but is not limited to documenting measures to ensure there is no pollution to waters, and dust and noise are minimised as far as practicable.

### **Operational Environmental Management Plan**

59. An Operation Environment Management Plan must be prepared and implemented prior to commencement of operation of the facility.

The Plan shall include, but not necessarily be limited to:

- Identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the facility, including all consents, licences, approvals and consultations;
- A description of the roles and responsibilities for all relevant employees involved in the operation of the facility;
- Overall environmental policies and principles to be applied to the operation of the facility;
- Standards and performance measures to be applied to the facility, and a means by which environmental performance can be periodically reviewed and improved; and
- Management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent.

### **Aboriginal Heritage**

60. It is an offence under s90 of the National Parks and Wildlife Act to knowingly damage or destroy Aboriginal objects without the prior

permission of the Director-General of the DEC. Should an Aboriginal object be found, works should stop and the DEC should be notified immediately.

## ATTACHMENT A

61. The following are conditions which should be attached to an Environmental Protection Licence (EPL) if development consent is granted.

## ADMINISTRATIVE CONDITIONS

### Information supplied to the Environmental Protection Authority

- 1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:
- a) the development application 336/2006/DA-I submitted to Campbelltown City Council on 7 February 2006;
  - b) the environmental impact statement titled "Environmental Impact Statement for Proposed Concrete Batching and Masonry Plant at 16 Kerr Rd Ingleburn"; and
  - c) all additional documents supplied to the Department of Environment and Conservation (DEC) in relation to the development.

### Fit and proper person

- 1.2 The proponent must, in the opinion of the Environment Protection authority (EPA), be a fit and proper person to hold a licence under the Protection of the Environment Operations (POEO) Act, 1997, having regard to the matters in s83 of that Act.

### What the EPL authorises and regulates

- 1.3 The EPL authorises the carrying out of the scheduled activities listed below at the premises specified in Condition 1.4.

| <b>Scheduled Activity</b> |
|---------------------------|
| Concrete Works            |

### Premises Identification

- 1.4 The General Terms of Approval (GTA) would apply to the following premises:

| <b>Premises Details</b>                                                  |
|--------------------------------------------------------------------------|
| King Mix Pty Ltd<br>16 Kerr Rd<br>INGLEBURN NSW 2565<br>Lot 16 DP 717203 |

## LIMIT CONDITIONS

### 2. Pollution of waters

- 2.1 Except as may be expressly provided in any other condition of this licence, the licensee must not pollute surface or groundwater and comply with s120 of the POEO Act 1997.

### 3. No adverse impact on the environment and community

- 3.1 The concrete batching and masonry plant must be designed and operated so that any emissions from the concrete batching and masonry plant do not result in any adverse impacts to the environment or to human health in the adjacent community.

#### Air emission requirements

- 3.2 All plant and equipment must comply with the standard of concentration prescribed in the Clean Air (Plant and Equipment) Regulation 1997 or any later version of the regulation.

#### Odour

- 3.3 The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

Note: s129 of the POEO Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

- 3.4 No condition of these GTA identifies a potentially offensive odour for the purposes of s129 of the POEO Act 1997.

### 4. Noise

- 4.1 Noise generated at the premises must not exceed the noise limits presented in the table below. The noise limits represent the sound pressure level (noise) contribution, at the nominated receiver locations in the table, as a result of concrete batching and masonry plant activities.

#### Noise Limits for the Concrete Batching and Masonry Plant

| Receiver Locations <sup>(1)</sup> | Noise Limits dB(A)                            |                                                              |                                          |
|-----------------------------------|-----------------------------------------------|--------------------------------------------------------------|------------------------------------------|
|                                   | Morning Shoulder<br>6am - 7am Monday - Friday | Day<br>7am - 6pm<br>Monday - Friday<br>7am - 4pm<br>Saturday | Evening<br>6pm - 10pm<br>Monday - Friday |

|                   | L <sub>Aeq</sub> (15 minute) | L <sub>A1</sub> (1 minute) | L <sub>Aeq</sub> (15 minute) | L <sub>Aeq</sub> (15 minute) |
|-------------------|------------------------------|----------------------------|------------------------------|------------------------------|
| 17 Redfern Street | 43                           | 53                         | 46                           | 46                           |
| 2 Gordon Avenue   | 45                           | 56                         | 47                           | 48                           |

*Note 1: Receiver locations nominated in report prepared by Heggies Australia Report No. 30-1351-R1 Proposed Concrete Batching and Masonry Plant, Ingleburn Noise Impact Assessment dated 2 February 2006.*

- 4.2 Noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30m of the dwelling where the dwelling is more than 30m from boundary, to determine compliance with the L<sub>Aeq</sub>(15 minute) noise limits in condition 4.1.
- 4.3 Where it can be demonstrated that direct measurement of noise from the premises is impractical, the EPA may accept alternative means of determining compliance. See Chapter 11 of the NSW Industry Noise Policy.
- 4.4 The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.
- 4.5 The noise emission limits identified in condition 4.1 apply under meteorological conditions of:
  - a) wind speeds up to 3 m/s at 10m above ground level; or
  - b) temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10m above ground level.

## **5. Waste**

- 5.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the POEO Act 1997.
- 5.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the POEO Act 1997.

Note: Condition 5.1 is included to ensure that a premised based activity is not used as a waste facility (unless that scheduled activity is permitted by another condition).



## **OPERATING CONDITIONS**

### **6. Activities must be carried out in a competent manner**

- 6.1 Licensed activities must be carried out in a competent manner. This includes:
- a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
  - b) the treatment, storage, processing, reprocessing, transport and disposal of wastes generated by the activity.

### **7. Maintenance of plant and equipment**

- 7.1 All plant and equipment installed at the premises or used in connection with the licensed activity:
- a) must be maintained in a proper and efficient condition; and
  - b) must be operated in a proper and efficient manner.

### **8. Dust**

- 8.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.

#### **Dust management systems**

- 8.2 The proponent must operate dust suppression measures to ensure compliance with the EPL for the premises. The measures include but are not limited to the following:
- a) operate so that there is adequate water supply for dust suppression;
  - b) operate with an aim of preventing wind blown dust from all sealed surfaces intended to carry vehicular traffic;
  - c) operate to suppress dust at transfer points and discharge to the material stockpiles;
  - d) operate to suppress dust during processing activities; and
  - e) operate to suppress dust during front end loader activities at stockpiles or during loading operations.

#### **Haulage operations**

- 8.3 Trucks entering and leaving the premises that are carrying loads must be sealed or covered at all times.

## **MONITORING AND RECORDING CONDITIONS**

### **9. Monitoring records**

- 9.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- 9.2 All records required to be kept by the licence must be:

- a) in a legible form, or in a form that can readily be reduced to legible form;
- b) kept for at least four years after the monitoring or event to which they relate took place; and
- c) produced in a legible form to any authorised officer of the EPA who asks to see them.

9.3 The following records must be kept in respect of any samples required to be collected:

- a) the date(s) on which the sample was taken;
- b) the time(s) at which the sample was collected;
- c) the point at which the sample was taken, and
- d) the name of the person who collected the sample.

## **10. Recording of pollution complaints**

10.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

10.2 The record must include details of the following:

- a) the date and time of the complaint;
- b) the method by which the complaint was made;
- c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- d) the nature of the complaint;
- e) the action taken by the licensee in relation to the complaint, including any follow-up contact with then complainant; and
- f) if no action was taken by the licensee, the reason why no action was taken.

10.3 The record of a complaint must be kept for at least four years after the complaint was made.

10.4 The records must be produced to any authorised officer of the EPA who asks to see them.

## **11. Telephone complaints line**

11.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

11.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

11.3 Condition 11.1 and 11.2 do not apply until three months after:

- a) the date of issue of the licence; or
- b) if the licence is a replacement licence within the meaning of the POEO (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.

## REPORTING CONDITIONS

### 12 Annual Return documents

#### 12.1 What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a) a Statement of Compliance; and
- b) a Monitoring and Complaints Summary.

#### 12.2 A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### 12.3 Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below.

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

#### 12.4 Where this licence is transferred from the licensee to a new licensee:

- a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

#### 12.5 Where the licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a) in the relation to the surrender of a licence – the date when notice in writing of approval of the surrender is given; or
- b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

**12.6 Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post no later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

**12.7 Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least four years after the annual return was due to be supplied to the EPA.

**12.8 Certifying of Statement of Compliance and signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a) the licence holder; or
- b) by the person approved in writing by the EPA to sign on behalf of the licence holder.

**12.9 A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review of this licence.**

**13 Notification of environmental harm**

*Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.*

**13.1 Notifications must be made by telephoning the DEC's Environment Line service on 131 555.**

**13.2 The licensee must provide written details of the notification to the EPA within seven days of the date on which the incident occurred.**

**14. Written report**

**14.1 Where an authorised officer of the EPA suspects on reasonable grounds that:**

- a) where this licence applies to premises, an event has occurred at the premises; or
- b) where the licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence; and
- c) the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

- 14.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.
- 14.3 The request may require a report which includes any or all of the following information:
- a) the cause, time and duration of the event;
  - b) the type, volume and concentration of every pollutant discharged as a result of the event;
  - c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
  - d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event unless the licensee has been unable to obtain that information after making reasonable effort;
  - e) action taken by the licensee in relation to the event , including any follow-up contact with any complainants;
  - f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
  - g) any other relevant matters.
- 14.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## **GENERAL CONDITIONS**

### **15. Copy of licence kept at the premises or on the vehicle or mobile plant**

- 15.1 A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.
- 15.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- 15.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

## **SPECIAL CONDITIONS**

### **16. Noise Compliance Monitoring**

- 16.1 The applicant must develop a noise compliance monitoring procedure for submission with an application for an EPL. The purpose of this

procedure is to identify and document a methodology that allows for an accurate determination of compliance with the noise limits specified in Condition 4.1. The noise monitoring procedure must be undertaken by a suitably qualified acoustical consultant.

The procedure must address but need not necessarily be limited to:

- a) details of methodologies for noise monitoring;
- b) location of noise monitoring;
- c) frequency of noise monitoring;
- d) noise emission limits at specific near field locations including tonality which correspond with compliance noise limits specified in Condition 4.1;
- e) details of methodology to assess the tonality of the noise and comply with the "NSW Industrial Noise Policy".

16.2 A noise compliance assessment shall be undertaken and submitted to DEC no later than three months after the commencement of operations at the premises. The assessment must be prepared by a suitably qualified acoustical consultant to confirm performance and to demonstrate compliance with Condition 4.1.

*Note: The EPL may be varied subject to the findings and recommendations of this assessment.*

**Tim Moore**  
Commissioner of the Court

## **ADVISORY NOTES PROVIDED BY THE COUNCIL**

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

### **ADVICE 1. Environmental Planning and Assessment Act 1979 Requirements**

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

### **ADVICE 2. Disability Discrimination Act**

Your attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the owner, builder and applicant.

### **ADVICE 3. Retaining Walls**

A separate development application shall be submitted and approved for any retaining walls that exceeds 800mm in height.

### **ADVICE 4. Buried Waste**

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

#### **ADVICE 5. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

#### **ADVICE 6. Inspection Within Public Areas**

All works within public areas are required to be inspected at all stages of construction and approved by Council prior to the principal certifying authority releasing the Occupation Certificate.

#### **ADVICE 7. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

#### **ADVICE 8. Salinity**

Please note that Campbelltown is an area of known salinity potential. As such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within Council's Engineering Design Guidelines for Development (as amended).

#### **ADVICE 9. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.





Mr Jeffrey Wayne Baillie and Mr Tim Baillie  
16 Kerr Rd  
INGLEBURN NSW 2565

## **NOTICE OF DETERMINATION**

Development Application No.: 948/2015/DA-I

### **Approval issued under Section 80(1)(a) of the Environmental Planning and Assessment Act 1979**

This Consent will lapse unless the development is commenced within two years from the effective date of this determination or as otherwise provided under Section 95 of the Act.

Section 82A of the Act may allow an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination within six months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court within six months from the date of this notice.

**Property:** Lot 16 DP 717203,  
16 Kerr Road, INGLEBURN

**Development:** Use of site as a resource recovery facility

**Effective date of this  
determination:** 23 March 2015

A handwritten signature in black ink, appearing to be 'James Baldwin', is written over a horizontal line.

**James Baldwin**  
**Acting Director Planning and Environment Services**

Contact: Rad Blagojevic-4645 4608



## GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

### 1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, including the Environmental Impact Statement prepared by Benbow Environmental (141296\_EIS\_Rev2 April 2015, released 27 April 2015) as well as additional information prepared by Benbow Environmental, except as modified in red by Council and / or any conditions within.

| Plan/<br>Document No.                                             | Version/<br>Revision | Prepared by          | Date       |
|-------------------------------------------------------------------|----------------------|----------------------|------------|
| Figure 0-2 Site<br>Layout, Ref:<br>141296_EIS_Rev2,<br>April 2015 | Issue No.1           | Benbow Environmental | April 2015 |

### 2. General Terms of Approval – NSW Environment Protection Authority

The General Terms of Approval issued by the NSW Environment Protection Authority (EPA) for the subject application, Notice Number 1534260, Attachments A and B, attached to this development consent shall be read in conjunction with the conditions contained herein.

### 3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

### 4. Landscaping

Landscaping across the site shall be maintained in good order, regularly watered and fertilised in accordance with best practice guidelines for maintaining the health and vigour of the vegetation.

Dead or dying trees and shrubs shall be replaced.

The landscaping must be installed so as not to interfere with the drainage easements that burden the property.





Land shall be provided on the site in accordance with the drawing titled 'Landscape' prepared by Landscape Garden service DWN No/Issue LC 06 4, drawn by Stephen Clancy dated 12.01.2007, except that trees identified as T3, T4, T6 and T7 shall be replaced by local species melaleuca decora, eucalyptus amplifolia, and eucalyptus baueriana and the 'tube stock planting detail' is amended by deleting the subsoil drainage system.

This landscaping scheme is consistent with development consent 336/2006/DA-DE approved by the Land and Environment Court.

## **5. Volumes of Acceptable Waste**

The volumes and materials of acceptable waste at the site are as follows:

- The processing of up to 30,000 tonnes per annum of concrete washout materials;
- The extraction, crushing and screening of up to 3,000 tonnes per annum of the resource;
- The storage on site at any given time to be 1,500 tonnes of the finished product.

Records of the mass of waste accepted at the site for processing shall be kept and made available to Council and the NSW EPA for inspection upon request.

**This consent does not permit the acceptance, processing and storage of friable and non-friable asbestos-containing materials on the site at any time.**

## **6. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

## **7. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

## **8. Approved Storage of Goods**

All approved works, storage and display of goods, materials and any other item associated with the approved development must only be undertaken in accordance with the approved plans and documentation referred to in Condition 1.



**9. Bund Wall**

A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

**10. Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids shall be stored in accordance with *Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids*.

**11. Storage of Dangerous Goods**

Prior to the storage of any 'dangerous goods' on the premises, a licence from the Chemical Safety Branch of *Work Cover* shall be obtained and submitted to Council.

**12. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

**13. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

**14. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

**15. Operating Hours**

The use of the premises/business shall be limited to:

|                  |                 |
|------------------|-----------------|
| Monday to Friday | 7.00am – 6.00pm |
| Saturday         | 7.00am – 4.00pm |
| Sunday           | Closed          |
| Public Holiday   | Closed          |





**16. Car Parking Spaces**

All car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

**17. External Areas**

The operator of the site shall ensure that all external areas are kept in a clean condition with no buildup of sediment or waste product materials. In particular, the operator shall ensure that any sediment or waste lost during arrival/departure of vehicles from the site is cleaned in a timely manner and not allowed to enter the stormwater system to ensure no adverse impacts on the stormwater system.

**18. Waste Water**

The operator of the site shall ensure that no waste water is discharged into either sewer or the stormwater system. Should waste water be required to be discharged in to the sewer system, all applicable permits shall be obtained from Sydney Water, including a Trade Waste Agreement.

**19. Drainage Easement**

The applicant shall re-form and finish the easements to drain water that burden the property in accordance with the restrictions on the land registered pursuant to Section 88B of the *Conveyancing Act 1919*.

**20. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

**ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

**Advice 1. Provision of Equitable Access**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards.



In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

**Advice 2. Retaining Walls**

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

**Advice 3. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

**Advice 4. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 5. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

**Advice 6. Smoke Free Environment Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act* 2000 (SFEA2000) or the *Smoke Free Environment Regulations* 2007 (SFER2007). In the event that the occupier wishes to facilitate smoking within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.





**Advice 7. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 8. Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE**



# General Terms of Approval - Issued

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## ATTACHMENT A - General Terms of Approval

### Administrative conditions

#### ***A1. Information supplied to the EPA***

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application DA 948/2015/DA-DE submitted to Campbelltown City Council on 28 April 2015;
- the "Environmental Impact Statement, Proposed Resource Recovery Facility, 16 Kerr Road, Ingleburn - 141296\_EIS\_Rev2," April 2015 prepared by Benbow Environmental, relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including, "Request for Additional Information Reference DA 948/2015/DA-DE, 141296\_Let\_Rep\_Rev1," December 2015, prepared by Benbow Environmental.

#### ***A2. Fit and Proper Person***

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

### Discharges to Air and Water

#### ***P1. Location of monitoring/discharge points and areas***

**P1.1** The licensee must undertake air and water monitoring at the premises.

### Limit conditions

#### ***L1. Pollution of waters***

**L1.1** Except as may be expressly provided by a licence under the *Protection of the Environment Operations Act 1997* in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

#### ***L2. Waste***

**L2.1** The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises, except wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.



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Any waste received at the premises must only be used for the activities referred to in the column titled "Activity" in the table below.

Condition L2.1 does not limit any other conditions of this licence.

| <b>Waste</b>   | <b>Description</b>                                                                           | <b>Activity</b>   |
|----------------|----------------------------------------------------------------------------------------------|-------------------|
| Waste Concrete | Concrete washout from concrete batch plants and residual batch concrete from agitator trucks | Resource Recovery |

**L2.2** The total amount of waste received from offsite must not exceed 30,000 tonnes per year.

**L2.3** The total amount of processed waste stored at the premises must not exceed 1,500 tonnes at any one time.

**L2.4** The authorised amount of waste permitted on the premises cannot exceed <amount to be negotiated> tonnes at any one time.

### **L3. Noise limits**

**L3.1** Noise from the premises must not exceed:

| <b>Location</b>              | <b>Noise Limits dB(A)</b> | <b>Noise Limits dB(A)</b> |
|------------------------------|---------------------------|---------------------------|
|                              | <b>Day</b>                | <b>Evening</b>            |
|                              | <b>LAeq(15 minute)</b>    | <b>LAeq(15 minute)</b>    |
| 2 Gordon Avenue, Ingleburn   | 46                        | 40                        |
| 1 Redfern Street, Ingleburn  | 40                        | 37                        |
| 7 Redfern Street, Ingleburn  | 40                        | 37                        |
| 15 Redfern Street, Ingleburn | 40                        | 37                        |

**L3.2** To determine compliance with this condition, noise from the premises is to be measured at the boundary closest to the premises at each of the locations listed in the table above.

### **Hours of operation**

**L3.4** All construction work at the premises must only be conducted between 7am and 6pm, Monday to Friday.

**L3.5** Activities at the premises, other than construction work, may only be carried on between 7am and 6pm, Monday to Friday and 7am to 4pm on Saturday. No activity is to be carried out on Sundays or public holidays.

**L3.6** This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.4 or L3.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.



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**L3.7** The hours of operation specified in conditions L3.4 and L3.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

## Operating conditions

### **01. Odour**

**01.1** No condition of this licence identifies a potentially offensive odour for the purpose of Section 129 of the *Protection of the Environment Operations Act 1997*.

*Note:* Section 129 of the *Protection of the Environment Operations Act 1997* provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

### **02. Dust**

**02.1** There must be no processed or unprocessed material stored in open areas.

**02.2** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

**02.3** The premises must be maintained in a condition which prevents the emission of dust from the premises.

**02.4** Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

**02.5** Vehicles leaving the premises must not track materials onto external surfaces.

**02.6** The roller door to the building must be closed while the crusher and screen are operating.

**02.7** Trucks and trailers must be loaded from inside the building with roller doors closed.

**02.8** The licensee must complete an air impact assessment within 6 months from the date of issue of an environment protection licence to determine the impacts of the activities at the premises.

### **03. Stormwater/sediment control - Construction Phase**

**03.1** An Erosion and Sediment Control Plan must be prepared and implemented. The plan must describe the measures that will be employed to minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters during construction activities. The ESCP should be prepared in accordance with the requirements for such plans outlined in *Managing Urban Stormwater: Soils and Construction* (available from the Department of Housing).

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### Monitoring and recording conditions

#### **M1 Monitoring records**

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the *Protection of the Environment Operations Act 1997*, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

**M1.2** All records required to be kept by the licence must be:

- in a legible form, or in a form that can readily be reduced to a legible form;
- kept for at least 4 years after the monitoring or event to which they relate took place; and
- produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

- the time(s) at which the sample was collected;
- the point at which the sample was taken; and
- the name of the person who collected the sample.

#### **M2. Requirement to monitor concentration of pollutants discharged**

**M2.1** The applicant must monitor pollutants using the sampling method and frequency as specified by the EPA.

Note: A monitoring program will be negotiated with the proposed licensee once a licence application is received by the EPA.

### Reporting conditions

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the *Protection of the Environment Operations Act 1997* in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

### Special Conditions

**E1.1** While the licensee's premises are being used for the purpose to which the licence relates, the licensee must:

- a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents.



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- b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.
- c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA

**E1.2** In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:

- a) make all efforts to contain all firewater on the licensee's premises,
- b) make all efforts to control air pollution from the licensee's premises,
- c) make all efforts to contain any discharge, spill or run-off from the licensee's premises,
- d) make all efforts to prevent flood water entering the licensee's premises,
- e) remediate and rehabilitate any exposed areas of soil and/or waste,
- f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
- g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises,
- h) at the request of the EPA monitor surface water leaving the licensee's premises; and
- i) ensure the licensee's premises is secure.

**E1.3** After the licensee's premises cease to be used for the purpose to which the licence relates or in the event that the licensee ceases to carry out the activity that is the subject of this licence, that licensee must:

- a) remove and lawfully dispose of all liquid and non-liquid waste stored on the licensee's premises; and
- b) rehabilitate the site, including conducting an assessment of and if required remediation of any site contamination.

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## **ATTACHMENT B – Mandatory Conditions for all EPA licences**

### **Operating conditions**

#### **Activities must be carried out in a competent manner**

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

#### **Maintenance of plant and equipment**

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

### **Monitoring and recording conditions**

#### **Recording of pollution complaints**

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.



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### Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## Reporting conditions

### Annual Return documents

#### *What documents must an Annual Return contain?*

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### *Period covered by Annual Return*

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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### ***Deadline for Annual Return***

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

### ***Licensee must retain copy of Annual Return***

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### ***Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary***

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### ***Notification of environmental harm***

**Note:** The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### ***Written report***

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;



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- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

### **General conditions**

#### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.





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## PLANNING ASSESSMENT REPORT

### Modification of an existing development consent for the use of site as a resource recovery facility

#### Reporting Officer

Rad Blagojevic

#### Report

**Property Description** Lot 16 DP 717203 16 Kerr Road, INGLEBURN

**Application No** 948/2015/DA-I/B

**Applicant** [REDACTED]

**Owner** [REDACTED]

**Statutory Provisions** State Environmental Planning Policy No.55 – Remediation of Land  
State Environmental Planning Policy No.33 – Hazardous and Offensive Development  
Campbelltown Local Environmental Plan (Urban Area) 2002  
Campbelltown Local Environmental Plan 2015  
Campbelltown (Sustainable City) Development Control Plan 2015  
Environmental Planning and Assessment Regulation 2000  
Campbelltown 2025 – The Vision

**Date Received** 18 August 2016

#### Purpose

Council has received an application pursuant to s96 of the Environmental Planning and Assessment Act 1979 to modify a development consent for the use of the subject land as a resource recovery facility.

In addition to the recently approved resource recovery, development consent exists on the land for a concrete batching plant, masonry block making plant, raw material storage associated with concrete batching, workshop, offices and amenities to service the site's operation.

Bulk Recovery Solutions Pty Ltd is a new business established to recover and convert concrete plant washout materials into reusable construction materials to supply engineered construction materials for new developments.

The rear half of the site where the workshop activities were undertaken would contain the majority of the current proposal subject to this modification application.

The proposed development is not defined as "designated development" under Schedule 3 of the Environmental Planning and Assessment Regulation 2000 as the annual processing thresholds remain under 30,000 per annum. In addition the below clause is relevant to the proposal:

*Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and:*

(d) *that are located:*

(vi) *within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

The assessment of the supporting documents accompanying the development application has required Council, as the consent authority, to consider whether the development is likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution, vermin or traffic. The development is within 500 metres of a residential zone and within 250 metres of a dwelling not associated with the development.

The consent authority, in this instance, is satisfied that the development (as well as the other land uses approved on the site operating in unison) is not considered likely to affect the amenity of the neighbourhood, and as a result the development does not have to be considered as a 'designated development' under the Schedule.

The proposed development is defined as "integrated development" as an Environmental Protection Licence is required for the operation of the plant under Schedule 1 of the Protection of the Environment Operations Act 1997.

Waste and recycling operation have legal obligations under the Protection of the Environment Operations (Waste) Regulation 2014. Under the Regulation, the threshold quantity of waste a facility can accept for processing without holding an Environment Protection Licence is 6,000 tonnes per annum. The threshold quantity for storage or processing at any one time is 1,000 tonne.

### **Modifications Sought**

The proposed modifications sought by this application include:

- A. Extend the range of materials processed at the site (page (i) of accompanying SEE)
- B. Amending hours of operation

Current approved hours of operation are:

Monday to Friday 7.00am to 10.00pm  
Saturday and Sunday 7.00am to 6.00pm  
Public Holidays closed.



Hours sought are 7 days, 24 hours per day for operation of drum filters and forklift.

- C. Establishment of three external drying pits to store excess concrete washout material and two external storage bays for storage of finished product.
- D. Use of hardstand yard area at rear of site (adjacent to boundary with rail line) to manage and control stormwater. A truck wheel wash and first flush system would be located in this area to capture dirty run off.



## 1. Vision

### **Campbelltown 2025 Looking Forward**

'Campbelltown 2025 Looking Forward' is a statement of broad town planning intent for the longer term future of the City of Campbelltown that:

- responds to what Council understands people want the City of Campbelltown to look, feel and function like
- recognises likely future government policies and social and economic trends
- sets down the foundations for a new town plan that will help achieve that future.

The document establishes a set of strategic directions to guide decision making and development outcomes.

The strategic directions relevant to this application are:

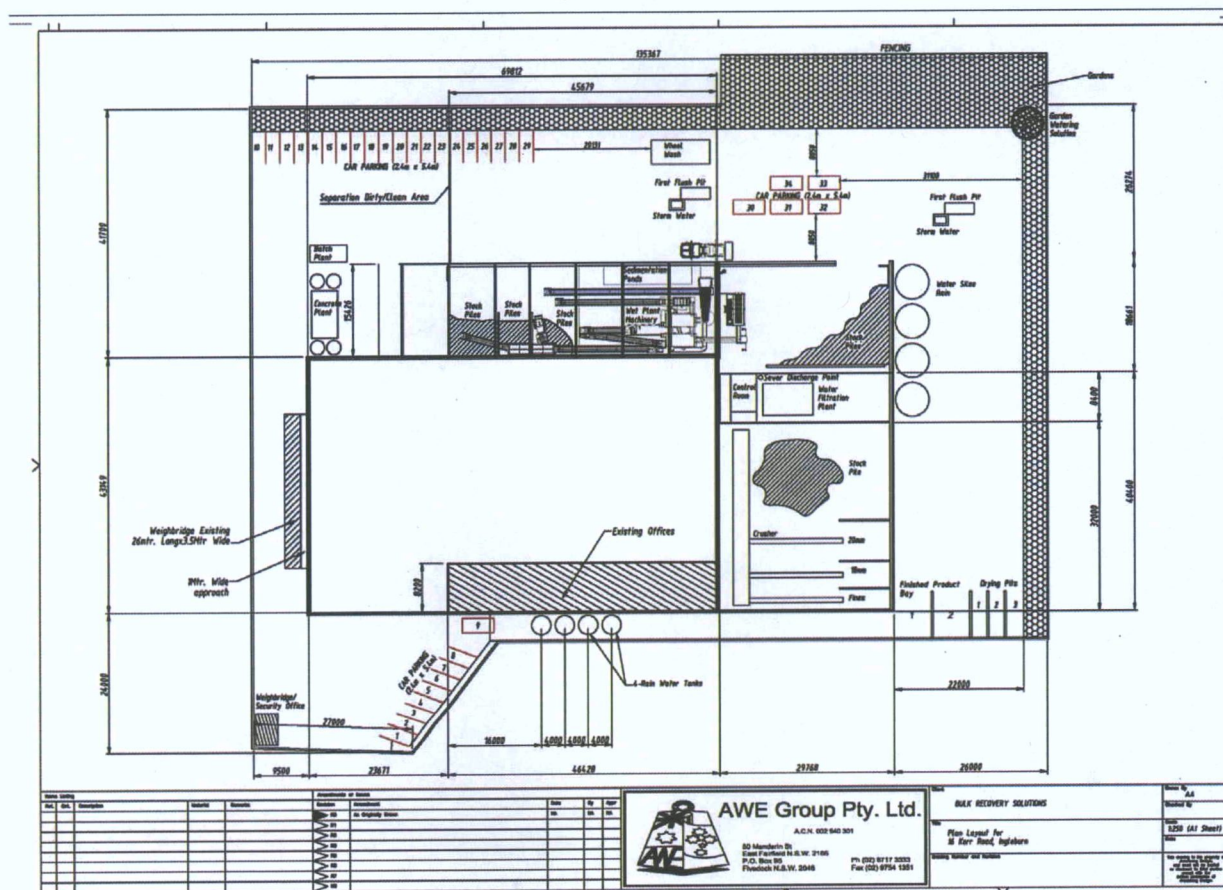
- Growing the regional city
- Creating education, employment and entrepreneurial opportunities.



Some of the relevant desired outcomes of the strategic directions included in Campbelltown 2025 include:

- urban environments that are safe, healthy, exhibit a high standard of design, and are environmentally sustainable
- development and land use that matches environmental capacity and capability.

The proposed development is generally consistent with the relevant desired outcomes within Campbelltown 2025 specifically in relation to providing a development that is functional and of a high quality design, and one that matches the environmental capacity and capability of the site.



## 2. Planning Provisions

The development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a) requires Council to consider environmental planning instruments and development control plans that apply to the site.



## **2.1 Environmental Planning and Assessment Act 1979**

Section 96(1a) states:

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

It is considered that the modification sought to modify the materials processed at the site, modify the hours of operation, construct two storage bays and stormwater drainage system will be substantially the same development as approved and can be considered as an application to modify the existing development consent.

## **2.2 Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment**

REP 2 applies to the subject land. The assessment of the application for modification has considered REP 2 aims and objectives.

Part 2 of REP 2 sets out a range of planning principles, which must be considered when a consent authority determines a development application, or modification as in this instance.

Having regard to these environmental protection measures and principles, the proposed modification is unlikely to result in any adverse impact to the Georges River or its tributaries. The main safeguard is placing the activities of the proposed development within a building. The materials being processed are inert and there are no chemicals associated with the operation of the proposed development.

## **2.3 State Environmental Planning Policy No.55 – Remediation of Land**

Pursuant to Clause 7 of State Environmental Planning Policy No. 55 — Remediation of Land (SEPP 55), the consent authority shall not provide consent to the carrying out of development unless it has considered contamination and remediation.



Council was made aware that use of the site as a waste sorting and storage facility was undertaken prior to consent being granted. As such (and with the assistance of the EPA), an Order was issued to cease use of the premises. Further, the EPA also issued a 'Notice of Clean-Up Action' that required all potential contamination to be removed from the site.

On 11 March 2014, Council received written advice from an independent professional engaged by the tenant of the property that the site has been cleared of all asbestos containing material, which has been verified by a NATA accredited laboratory that tested soil samples taken from the site during a targeted survey. This written was as a result of compliance action being undertaken and satisfied Council's concerns regarding the storage of asbestos at the site by the former occupants.

The site is not considered to be contaminated and therefore, is not subject to further assessment via the requirements of SEPP 55.

## **2.4 State Environmental Planning Policy No.33 – Hazardous and Offensive Development**

Pursuant to Clause 3 of State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33) 'potentially hazardous industry' is defined as follows:

*'potentially hazardous industry' means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality.*

- (a) to human health, life or property
- (b) to the biophysical environment.

and includes a hazardous industry and a hazardous storage establishment.

Hazardous storage establishment is defined at Clause 4 of SEPP 33 as follows:

*'hazardous storage establishment' means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality.*

- (a) to human health, life or property
- (b) to the biophysical environment.

Under this proposal, the materials stored on site would predominantly consist of recycled building materials as well as sand, aggregate, cement, concrete masonry units, road materials, railway ballast. None of these materials are considered hazardous. As mentioned earlier, the applicant has stated several times in the submitted environmental impact statement that asbestos will not be accepted, stored and processed at the site.

Potential emissions from the proposed operations include dust and noise. However, due to the use being undertaken within the confines of a masonry building, the presence of an existing acoustic wall and the installation of an internal dust suppression system, it is



considered that the impact of operations would not have a significant impact on local amenity and are therefore not considered 'offensive'.

## **2.5 Campbelltown (Urban Area) Local Environmental Plan 2015**

The subject site is zoned IN1 General Industrial under the provisions of Campbelltown Local Environmental Plan 2015.

The proposed development application to modify the existing consent is defined as "industry" and is permissible with Council's development consent within the zone.

The site would be used for the processing of goods for commercial purposes.

*The proposal is consistent with several zone objectives, particularly:*

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To provide for a range of facilities and services to meet the day-to-day needs of workers in the area.*

## **2.6 Campbelltown (Sustainable City) Development Control Plan 2015**

Council's SCDCP applies to the modification and has been considered in the assessment of this application.

It is considered that the modifications are minor in nature and that the development will remain generally consistent with the requirements of the Plan.

## **3. Planning Assessment**

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* requires Council to assess the development's potential impacts on the natural and built environment, as well as potential social and economic impacts.

### **3.1 Noise**

Council considered aspects of noise assessment of the proposed application to modify the development consent.

The NSW Industrial Noise Policy requires that the level of background and ambient noise be assessed separately for the daytime, evening and night time periods. The Policy defines these periods as follows:

Day – 7.00am to 6.00pm Monday to Saturday, 8.00am to 6.00pm Sundays and Public Holidays;

Evening – 6.00pm to 10.00pm Monday to Sunday and Public Holidays;

Night – 10.00pm to 7.00am Monday to Saturday, 10.00pm to 8.00am Sundays and Public Holidays.

The applicant has submitted a Noise Impact Assessment prepared by Benbow Environmental Consultants that has considered the modified operations of the business. The Noise Assessment Report concludes that the 24 hour 7 day a week operation of the drum filters is predicted to comply with projected noise levels for evening and night operations. It is noted that the predicted levels for night activity do not exceed sleep disturbance levels.

The modelling detailed that the use of the site as proposed by the current application would not add a significant amount of noise to existing background levels, as well as those approved by the Court for the batching plant's operation. This result is largely attributable to three factors:

- The processes are undertaken inside of a concrete building
- There are no doors or other openings that directly face nearby residential receivers to the east
- An acoustic abatement wall has already been constructed along the site's eastern boundary adjacent to the railway corridor.

According to the noise assessment provided by the applicant, noise directly attributable to the waste transfer facility would not be noticeable to a resident. Further, the applicant also notes that noises associated with the proposed use are likely to be masked by other noises from the industrial estate and the general "hum" of traffic noise in the community.

As mentioned, the noise generated by the development falls within the limits set by the previous Court-issued approval at the site. Therefore, the proposal is not considered likely to have a significant and detrimental impact on the local environment in respect to the cumulative noise created during the proposed operations of the site in conjunction with existing approvals.

### **3.2 Air Quality**

Council considered aspects of air quality assessment of the proposed application to modify the development consent.

No odour emission impacts are expected to occur, given that no green waste (other than timber) will be entering, generated, processed, or exiting the site. Treated pine would need to be removed from deposited demolition waste and disposed of at an appropriately licensed facility.

### **3.3 Suitability of the Site.**

Section 79C(1)(c) of the Act requires Council to consider the suitability of the site for the development.

The site is considered to be suitable, having regard to its location within an existing building and the industrial nature of nearby land uses. Transport access to the site is considered to be acceptable and existing noise control features would serve to reduce any impacts on residential areas.

### **3.4 Referral to EPA**

The application to modify the development was referred to the EPA for comment. Council officers have had verbal and email correspondence from the EPA. The EPA have provided to Council recommended additional conditions of consent to mitigate environmental impacts from the amended operation of the facility.



These conditions will be included should Council support the application to modify the development consent.

#### **4. Public Participation**

Section 79C(1)(d) of the *EPA Act* requires Council to consider submissions made in regard to the proposal.

Council publicly exhibited and notified the application directly to approximately 200 property owners between 13 October 2016 and 18 November 2016.

During this period Council received 2 submissions objecting to the proposal to modify the consent.

The issues are considered below:

Issue – Objection to ‘noisy’ drum filters. The objections relate to the increase in hours of operation.

Comment – The proposal has considered aspects of the modified development including the use of the drum filters and the accompanying Noise Assessment Report indicates that the use of premises is unlikely to exceed the sleep disturbance level set by the NSW Industrial Noise Policy.

Issue – Concerns that the environmental impacts such as noise, air pollution and dust levels will not increase as a result of the development.

Comment – Levels of noise generated by the development are likely to increase, particularly given, the increase in hours of operation. It is anticipated that the levels of noise generated by truck deliveries and operation of the drum filters are likely to be within acceptable noise levels from the NSW Industrial Noise Policy. Air pollution and dust levels are likely to remain within acceptable limits as the volume of materials processed at the site will not increase.

#### **5. Conclusion**

The application to modify a development consent to operate a waste processing and storage facility at No. 16 Kerr Road, Ingleburn has been assessed against the relevant matters for consideration within environmental planning legislation and Council's development controls.

The development's impacts on the natural and built environment are considered to be relatively minimal, subject to the management of potential issues such as noise, dust control, incoming material detection and compliance with existing consents in operation at the site.

The site is considered to be suitable for the development, having regard to its proximity and complementary nature to the existing businesses operating at the site.

With due reference to the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979* and the issues raised throughout the report, it is considered that the proposed modification is satisfactory and should be **approved** subject to the recommended conditions.



Mr Tim Baillie  
16 Kerr Rd  
INGLEBURN NSW 2565

## **NOTICE OF DETERMINATION**

Development Application No.: 948/2015/DA-I/B

### **Approval "Modification of Consent" issued under Section 96(2) of the Environmental Planning and Assessment Act 1979**

This Consent will lapse unless the development is commenced within two years from the endorsed date of the original development consent or as otherwise provided under Section 95 of the Act.

Section 82A of the Act may allow an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination within six months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court within six months from the date of this notice.

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**Property:** Lot 16 DP 717203, 16 Kerr Road, INGLEBURN

**Development:** Use of site as a resource recovery facility

**Effective date of original determination:** 23 March 2016

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**Details of this modification:**

- Modify the range of materials processed at the site
- Amend hours of operation
- Construct drying pits
- Use of hardstand area to manage stormwater

**Date of this modification:** 24 January 2017

**Conditions Added:** Conditions 21 and 22

**Conditions Deleted:** Nil

**Conditions Modified:** Conditions 1, 5 and 15

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Andrew MacGee

**Acting Manager Development Services**

Contact: Rad Blagojevic – 4645 4608



## GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

### 1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, including the Environmental Impact Statement prepared by Benbow Environmental (141296\_EIS\_Rev2 April 2015, released 27 April 2015, and 161066\_S96(2)\_rev1 August 2016, released 18 August 2016) as well as additional information prepared by Benbow Environmental, except as modified in red by Council and / or any conditions within.

| Plan/<br>Document No.                                              | Version/<br>Revision | Prepared by          | Date        |
|--------------------------------------------------------------------|----------------------|----------------------|-------------|
| Figure 3.3 Site Plan,<br>Ref:<br>161066_s96(2)_REV1<br>August 2016 | Issue No.1           | Benbow Environmental | August 2016 |

### 2. General Terms of Approval – NSW Environment Protection Authority

The General Terms of Approval issued by the NSW Environment Protection Authority (EPA) for the subject application, Notice Number 1534260, Attachments A and B, attached to this development consent shall be read in conjunction with the conditions contained herein.

### 3. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

### 4. Landscaping

Landscaping across the site shall be maintained in good order, regularly watered and fertilised in accordance with best practice guidelines for maintaining the health and vigour of the vegetation.

Dead or dying trees and shrubs shall be replaced.

The landscaping must be installed so as not to interfere with the drainage easements that burden the property.

Land shall be provided on the site in accordance with the drawing titled 'Landscape' prepared by Landscape Garden service DWN No/Issue LC 06 4, drawn by Stephen



Clancy dated 12.01.2007, except that trees identified as T3, T4, T6 and T7 shall be replaced by local species melaleuca decora, eucalyptus amplifolia, and eucalyptus baueriana and the 'tube stock planting detail' is amended by deleting the subsoil drainage system.

This landscaping scheme is consistent with development consent 336/2006/DA-DE approved by the Land and Environment Court.

**5. Volumes of Acceptable Waste**

The volumes and materials of acceptable waste at the site are as follows:

- The processing of up to 30,000 tonnes per annum of approved materials;
- The storage on site at any given time to be up to 5,000 tonnes of approved waste.

Records of the mass of waste accepted at the site for processing shall be kept and made available to Council and the NSW EPA for inspection upon request.

**This consent does not permit the acceptance, processing and storage of friable and non-friable asbestos-containing materials on the site at any time.**

**6. Deliveries**

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

**7. Advertising Signs – Separate DA Required**

This consent does not permit the erection or display of any advertising signs.

Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

**8. Approved Storage of Goods**

All approved works, storage and display of goods, materials and any other item associated with the approved development must only be undertaken in accordance with the approved plans and documentation referred to in Condition 1.

**9. Bund Wall**

A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a

volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

**10. Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids shall be stored in accordance with *Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids*.

**11. Storage of Dangerous Goods**

Prior to the storage of any 'dangerous goods' on the premises, a licence from the Chemical Safety Branch of *Work Cover* shall be obtained and submitted to Council.

**12. Graffiti Removal**

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

**13. Unreasonable Noise, Dust and Vibration**

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

**14. Engineering Design Works**

The design of all engineering works shall be carried out in accordance with the requirements set out in the *Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended)*.

**15. Operating Hours**

The use and site activities of the premises/business shall be limited to:

|                  |                  |
|------------------|------------------|
| Monday to Friday | 7.00am – 10.00pm |
| Saturday         | 7.00am – 6.00pm  |
| Sunday           | 7.00am – 6.00pm  |
| Public Holidays  | Closed           |

Three drum filters and one forklift can operate up to 24 hours a day, 7 days per week subject to their use being consistent with the *NSW Industrial Noise Policy* and impact on nearby residential areas.



In the event of noise related complaints during operation of the drum filters, forklifts or general site activities, the person or organisation having benefit of this development consent (applicant) shall when instructed by Council, cause to be carried out an acoustic investigation by a suitably qualified and experienced acoustic consultant and submit the results for consideration and peer review if deemed necessary by Council.

If required, the applicant shall undertake and implement the necessary recommendations of the consultant or the Council to the satisfaction of the consent authority.

**16. Car Parking Spaces**

All car parking spaces shall be designed, sealed, line marked and made available to all users of the site in accordance with Australian Standards 2890.1 and 2 (as amended).

**17. External Areas**

The operator of the site shall ensure that all external areas are kept in a clean condition with no buildup of sediment or waste product materials. In particular, the operator shall ensure that any sediment or waste lost during arrival/departure of vehicles from the site is cleaned in a timely manner and not allowed to enter the stormwater system to ensure no adverse impacts on the stormwater system.

**18. Waste Water**

The operator of the site shall ensure that no waste water is discharged into either sewer or the stormwater system. Should waste water be required to be discharged in to the sewer system, all applicable permits shall be obtained from Sydney Water, including a Trade Waste Agreement.

**19. Drainage Easement**

The applicant shall re-form and finish the easements to drain water that burden the property in accordance with the restrictions on the land registered pursuant to Section 88B of the *Conveyancing Act 1919*.

**20. Completion of Construction Works**

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

**NSW ENVIRONMENT PROTECTION AUTHORITY COMMENTS**

The following conditions have been applied to ensure that the use of the land/building is carried out in a manner that satisfies the NSW Environment Protection Authority.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

**21. Environment Protection Licence**

The applicant shall ensure that a current NSW Environment Protection Licence is held in conjunction with the modified operation of the land use. The applicant shall liaise with the NSW Environment Protection Authority having regard to the conditions of such licence and any rewording, if required, resulting from this consent to modify the original development approval.

**22. Waste Received**

The applicant/licensee shall not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the below column titled 'Waste' and meeting the definition, if any, in the column titled 'Description' in the table below.

Any waste received at the premises shall be used for the activities referred to in relation to that waste in the column titled 'Activity' in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled 'Other Limits' in the table below.

This condition does not limit any other conditions in this development consent and any other related licence.

| Waste                               | Description                                                                                                                                                                                                                                                                                                                                              | Activities                        | Other Limits |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------|
| General and specific exempted waste | Being treated drilling mud, processed foundry sand, basalt fines, reclaimed asphalt pavement, recovered aggregate, excavated public road materials, recovered fines (continuous and batch), recovered glass sand, recovered railway ballast, slag (blast furnace, electric arc furnace, electric arc furnace ladle, electric arc welding, steel furnace) | Waste Storage<br>Waste Processing |              |
| Virgin Excavated Natural Material   | As defined in Schedule 1 of the POEO Act, in force from time to time                                                                                                                                                                                                                                                                                     | Waste Storage<br>Waste Processing |              |

|                                       |                                                                                                                                                                                                                                                                                            |                                                        |                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Soils                                 | Soil that meets the General Solid Waste Classification (assessed against the CT1 thresholds, Table 1) of the Waste Classification Guidelines as in force from time to time with exception of the maximum threshold values for contaminants specified in the "Other Limits" column          | Waste Storage<br>Waste Processing                      | Arsenic: 40mg/kg; Cadmium: 2mg/kg;<br>Copper: 200mg/kg;<br>Mercury: 1.5mg/kg;<br>Zinc: 600mg/kg;<br>Total Petroleum Hydrocarbons C6 to C9: 150mg/kg;<br>Total Petroleum Hydrocarbons: 1600mg/kg;<br>Polycyclic Aromatic Hydrocarbons: 80mg/kg;<br>Polychlorinated Biphenyls (individual): 1mg/kg. No acid sulfate soil or potential acid sulfate is to be received at the Premises. |
| Soils                                 | Soil that meets the Restricted Solid Waste Classification (assessed against the CT2 thresholds, Table 1) of the Waste Classification Guidelines as in force from time to time                                                                                                              | Waste Storage (only).                                  |                                                                                                                                                                                                                                                                                                                                                                                     |
| General solid waste (non-putrescible) | Municipal waste, being waste consisting of household domestic recycling waste that is set aside for kerb side collection or delivered by the householder directly to the waste facility (e.g. glass, plastic, cardboard, paper, aluminium, steel), or commercial waste of the same nature. | Waste Storage<br>Waste Processing<br>Resource recovery |                                                                                                                                                                                                                                                                                                                                                                                     |
| Building and demolition waste         | As defined in Schedule 1 of the POEO Act, in force from time to time                                                                                                                                                                                                                       | Waste Storage<br>Waste Processing<br>Resource recovery |                                                                                                                                                                                                                                                                                                                                                                                     |
| Concrete                              | Concrete washout from concrete batch plants and residual batch concrete from agitator trucks                                                                                                                                                                                               | Waste Storage<br>Waste Processing<br>Resource recovery |                                                                                                                                                                                                                                                                                                                                                                                     |
| Liquid waste                          | Drilling mud, Non-destructive digging waste, stormwater contaminated with gross pollutants                                                                                                                                                                                                 | Waste Storage<br>Waste Processing<br>Resource recovery |                                                                                                                                                                                                                                                                                                                                                                                     |

## ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.



**Advice 1. Provision of Equitable Access**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992) or *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA) & the Premises Standards. In this regard it is the sole responsibility of the certifier, building developer and building manager to ensure compliance with the Premises Standards.

Where no building works are proposed and a Construction Certificate is not required, it is the sole responsibility of the applicant and building owner to ensure compliance with the DDA1992.

**Advice 2. Retaining Walls**

A separate development application shall be submitted and approved for any retaining walls that exceed 0.9 metres in height.

**Advice 3. Covenants**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

**Advice 4. Adjustment to Public Utilities**

Adjustment to any public utilities necessitated by the development is required to be completed prior to the occupation of the premises and in accordance with the requirements of the relevant Authority. Any costs associated with these adjustments are to be borne by the applicant.

**Advice 5. Asbestos Warning**

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by Work Cover NSW), be engaged to manage the proper disposal and handling of the material. Further information regarding the safe handling and removal of asbestos can be found at:

[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Alternatively, call Work Cover Asbestos and Demolition Team on 8260 5885.

**Advice 6. Smoke Free Environment Act**

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Smoke Free Environment Act 2000* (SFEA2000) or the *Smoke Free Environment Regulations 2007* (SFER2007). In the event that the occupier wishes to facilitate smoking

within any enclosed public place of the premises (in accordance with clause 6 of the SFER2007), the occupier must first contact NSW Department of Health to ensure that the design and construction of the area proposed to facilitate smoking fully complies with the requirements of the SFEA2000 and the SFER2007.

**Advice 7. Dial before you Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

**Advice 8. Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

**THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE**

Figure 0-2: Site Layout

