

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

DETERMINATION OF SILO STRENGTHENING WORKS, GLEBE ISLAND

I, the Minister for Planning, having considered the following, pursuant to Part 3A of the Environmental Planning and Assessment Act 1979, Section 75J Clause 2 (2) determine the major project proposal referred to in the attached Director-General's Environmental Assessment Report, by granting consent to the major project referred to in the attached Schedule 1 subject to the conditions of approval in the attached Schedule 2.

This consent applies to the plans, drawings and documents cited by the Proponent in its Environmental Assessment and identified in the attached Schedule 2 and the Proponent's Statement of Commitments in the attached Schedule 3, subject to the conditions of approval in the attached Schedule 2.

Frank Sartor MP
Minister for Planning

Sydney,

2006

SCHEDULE 1**PART A – TABLE**

Application made by:	Connell Wagner on behalf of Cement Australia
Application made to:	Minister for Planning
Major Project Application:	MP 05_0060
On land compromising	Glebe Island Grain Silos, Sommerville Road, Glebe Island Lot 1 DP 776765
Local Government Area	Leichhardt
For the carrying out of:	Strengthening works to four (4) silos on site
Estimated cost of works	\$800,000
Type of development	Major Project
S.119 Public inquiry held	No
Approval Body / Bodies	Not Integrated
Determination made on	29 June 2006
Determination	Consent is granted subject to the conditions in the attached Schedule 2
Date of commencement of consent	This development consent commences on the date identified in the formal notification letter accompanying the Determination
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: (1) a shorter period of time is specified by the Regulations or (2) a condition in Schedule 2, or (3) the development has physically commenced.

PART B – NOTES RELATING TO THE DETERMINATION OF MP NO.05_0060***Responsibility for other approvals / agreements***

The Proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environment Planning and Assessment Regulations, 2000* (as amended).

Appeals – Third Party

A third party right to appeal to this development consent in the manner set out in the *Environmental Planning and Assessment Act, 1979* and the *Environment Planning and Assessment Regulations, 2000* (as amended).

Legal Notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C - DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Advisory Notes means the advisory information relating to the approved development but do not form a part of this consent.

Council means Leichhardt.

Department means the Department of Planning or its successors.

Director-General means the Director-General of the Department.

Environmental Assessment means the Environmental Assessment prepared by Connell Wagner on behalf of Cement Australia Ltd dated February 2006.

Minister means the Minister for Planning.

MP No. 05_0060 means the Major Project described in the Proponent's Environmental Assessment Report

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Proponent means Cement Australia Ltd or any party acting upon this consent.

Regulation means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part 3A of the schedule.

SCHEDULE 2

RECOMMENDED CONDITIONS OF APPROVAL

MAJOR PROJECT NO. 05_0060

PART A – ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Development consent is granted only to carrying out the development described in detail below:

- The construction of new concrete footings within the perimeter of each of the four silos;
- The construction of new columns within the base of each silo;
- The removal of two windows opening from the northern elevation of silo No 1208;
- The removal of two windows opening from the northern elevation of silo No 1209;
- The removal of one window opening from the southern elevation of silo No 1408;
- The removal of one window opening from the southern elevation of silo No 1409; and
- The construction of a new internal concrete wall lining (200mm) within the perimeter of each silo.

Development must be carried out consistent with the procedures, safeguards and mitigation measures identified in the Statement of Commitments (attached Schedule 3) as amended by the conditions of approval.

These conditions of approval do not relieve the Proponent of its obligations under any other Act.

A2 *Development in Accordance with Plans*

The development will be undertaken in accordance with the Environmental Assessment dated February 2006 prepared by Connell Wagner Pty Ltd including accompanying Appendices, and the following drawings:

Architectural (or Design) Drawings prepared by Connell Hatch at Appendix B of the Environmental Assessment			
Drawing No.	Revision/ Issue	Name of Plan	Date
IS 001	03	Title Sheet	-
IS 002	03	General Notes	30.05.2005
IS 003	03	Site Plan and Silo Elevation	30.05.2005

IS 004	03	Silo Footing Plan, Bin Strengthening Plan and Section	30.05.2005
IS 005	04	Silo Bin Strengthening Plan and Section	30.05.2005
IS 006	03	Silo Bin Strengthening Details	30.05.2005
IS 007	03	Silo Roof Plan for Bin Construction Access	30.05.2005
IS 008	01	General Site Plan	30.05.2005
Heritage Impact Statement prepared by Connell Wagner dated February 2006 at Appendix C of the Environmental Assessment.			

except for:

- (1) any modifications as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the conditions of this consent.

A3 *Inconsistency between documents*

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4 *Prescribed conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B1 *Construction Certificate*

An application for a Construction Certificate under the Environmental Planning and Assessment Act 1979, with supporting plans, specifications and details demonstrating compliance with conditions of this consent and the Building Code of Australia shall be lodged with a Certifying Authority and no building or bulk excavation work shall be commenced until that application has been approved by the Certifying Authority and at least two (2) days prior written notice of the intention to commence work has been given to Council and the Department.

PART C – PRIOR TO COMMENCEMENT OF WORKS

Structural works

C1 *Structural Details*

In accordance with the Proponent's Statement of Commitments (attached Schedule 3), and prior to the commencement of any structural works, the Proponent shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA;

- (2) the relevant development consent;
- (3) drawings and specifications comprising the Construction Certificate; and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3)

C2 *Waste Management Plan*

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan for the construction phase of this approval prepared by a suitably qualified person in accordance with Leichhardt Council's Development Control Plan No. 39 Waste – Avoid, Reuse, Recycle. The Applicant shall submit a copy of the plan to the Department and Council.

C3 *Dust Control Measures*

In accordance with the Proponent's Statement of Commitments (attached Schedule 3), a Dust Management Plan shall be prepared and submitted to the PCA for approval. The Dust Management Plan is to detail adequate measures to be taken to prevent dust, cement or otherwise, affecting the amenity of the neighbourhood during construction.

C4 *Contact Telephone Number*

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

C5 *Heritage Archival Recording*

An archival recording of the four (4) silos to be modified shall be undertaken prior to the commencement of works. The Applicant shall ensure the archival recording is consistent with the Heritage Council of NSW publication 'How to Prepare Archival Records of Heritage Items' (1998). A copy can be downloaded from the Heritage Office website (www.heritage.nsw.gov.au) under 'Publications and Forms'.

C6 *Heritage Conservation*

The infilling of the windows shall be undertaken in a manner that is complimentary to the concrete colour of the base of the silos. The infilling of the windows must still enable the original form of the windows to be interpreted and read. The Applicant shall submit to the satisfaction of the Department the proposed method of delineation prior to the commencement of works.

D DURING CONSTRUCTION

D1 *Hours of Work*

The hours of construction and work shall be as follows:

All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of:

- 7.00am and 7.00pm on Mondays to Fridays, inclusive; and
- 7.00am and 3.30pm on Saturdays, and

- No work is to be carried out on Sundays and public holidays

D2 Noise Control

All work, including demolition, excavation and building work must comply with Australian Standard AS2436: 1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites.

D3 Erosion and Sediment Control

All erosion and sediment control measures, in accordance with the Proponent's Statement of Commitments (attached Schedule 3), are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbance by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D4 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D5 Approved Plans on Site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D6 Site Notice

A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purpose of informing the public of appropriate projects details and relevant approvals. The notice(s) is to satisfy all of the following requirements:

- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (a1) with any text on the notice to be a minimum of 30 point type size;
- (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
- (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approval is to be posted alongside the notice in weather proof casing;
- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact are to be displayed on the site notice(s);
- (e) The notice(s) is to state that unauthorized entry to the site is not permitted.

D7 Hazardous and Industrial Waste

Hazardous and/or industrial waste arising from the demolition/construction/operational activities must be removed and/or transported in accordance with the requirements of the Department of Environment and Conservation (DEC) and the NSW Work Cover Authority pursuant to the provisions of the following:

- (a) *Protection of the Environment Operations Act 1997*
- (b) *Protection of the Environment Operations (Waste) Regulation 1996*
- (c) *Waste Avoidance and Recovery Act 2001*
- (d) *New South Wales Occupational Health and Safety Act 2000*
- (e) *The Occupational Health and Safety Regulation 2001*

D8 *Covering of Loads*

All vehicles involved in the excavation and/or demolition/construction process and departing the property with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

D9 *Archaeological Discovery during Excavation*

- (a) Should any historical relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the *Heritage Act 1977*.
- (b) Should any Aboriginal relics be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and the National Parks and Wildlife Service be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

D10 *Safety*

All work shall be conducted in accordance with safe practices that meet the relevant Australian Standards and Work Cover requirements.

E *PRIOR TO COMMENCEMENT OF USE*

E1 *Structural Inspection Certificate*

A Structural Inspection Certificate or a Compliance Certificate for any structural work is to be submitted to the satisfaction of the PCA prior to the use of the facilities.

E2 *Public Way*

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

ADVISORY NOTES

AN1 *Requirements of DA 350/91 and Subsequent Modifications*

The Proponent shall comply with the conditions of consent set out in DA 350/91 by Leichhardt Council and all subsequent modifications.

AN2 Compliance with the Building Code of Australia

The Proponent is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN3 Structural Capability for Existing Structures

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN4 Application for Hoardings and Scaffolding

A separate application may be required to Council for approval under Section 68 of the Local Government Act, 1993, to erect a hoarding or scaffolding in a public place.

SCHEDULE 3

MP 05_0060

**SILO STRENGTHENING WORKS, LOT 1, SOMMERVILLE ROAD, GLEBE
ISLAND**

STATEMENT OF COMMITMENTS

(SOURCE EA)