

# *Appendix D*

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*Previous Consents*



# Leichhardt Municipal Council

Please address all  
Communications to  
THE TOWN CLERK  
P.O. BOX 45,  
LEICHHARDT 3040

D.A.350/91/S. Hughes

Australian Cement Ltd., (ACL),  
41 Yarra Bank Road,  
SOUTH MELBOURNE. VIC. 3205

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979  
NOTICE TO APPLICANT OF DETERMINATION OF DEVELOPMENT  
APPLICATION

Pursuant to Section 92 of the Act notice is hereby given of the determination by the consent authority of the development application No. 350/91 to use 16 silos within the silo complex at Glebe Island, Victoria Road, Rozelle for the bulk storage of cement.\*

The development application has been determined by granting of consent subject to the conditions specified in this notice.

The conditions of the consent are attached.

The reason for the imposition of the conditions is that Council's decision is relative to town planning considerations and the conditions attached have been imposed to ensure a high standard of development of the site having regard to the effect upon the environment generally.

Notes:

1. To ascertain the date upon which the consent becomes effective refer to section 93 of the Act.
2. To ascertain the extent to which the consent is liable to lapse refer to section 99 of the Act.
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.

Signature on behalf of consent authority

*A.W. Woodward*  
A.W. Woodward  
TOWN CLERK  
Per: *B.J.*

Date: 16 OCT 1991



# Leichhardt Municipal Council

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Signature on behalf of consent authority

*A.W. Woodward*  
A.W. Woodward  
TOWN CLERK  
Per: *B.J.*

Date: 16 OCT 1991

Conditions - D.A.350/91

1. Provision shall be made within the subject property for a minimum of three (3) clearly marked vehicular parking spaces, each to be of minimum dimensions 5.5 x 2.5m.
2. No sign or advertising shall be erected on or in conjunction with the proposed development without the consent of Council.
3. Truck deliveries to and from the site between the hours of 5 p.m. and 5 a.m. shall use only classified main roads, excluding Pymont Bridge Road, within the Municipality.
4. Three (3) truck standing spaces shall be provided in the vicinity of the cement outloading area and line marked accordingly.
5. The applicant shall comply with all requirements of the State Pollution Control Commission with respect to the collection and disposal of spilt cement powder on the site.
6. The site is not to be used for the storage of imported cement.
7. No part of the site other than the 16 silos are to be used for the storage of cement.
8. The throughput of cement shall be restricted to a maximum of 500,000 tonnes per year.
9. Before issue of a building approval under Part XI of the Local Government Act, 1919, as amended, the consent granted under the Environmental Planning & Assessment Act, 1979, to Development Application 3/91 shall be surrendered as provided for by Clause 42 of the Regulation to the latter Act.
10. This approval shall be regarded as being in accordance with the particulars and information set out and described in the Development Application registered in Council's records as D.A.350/91 of 6.6.91 (as amended by plans dated 23.5.91), except where varied by any or all of the attached conditions, and any alteration, variation or extension of the development for which approval is hereby given shall require the further consent of Council.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

### MODIFICATION OF DEVELOPMENT CONSENT UNDER SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.

I, as delegate of the Minister for Planning under the Instrument of Delegation, dated 6 August 1999, in accordance with section 96(2) of the Environmental Planning and Assessment Act 1979, modify the development consent referred to in Schedule 1 in the manner set out in Schedule 2.



Robert Black  
Director, Urban Assessments  
as delegate of the Minister for Planning

Sydney 4/3/2002

#### SCHEDULE 1

Development consent for Development Application 350/91 granted by Leichhardt Municipal Council on 16 October 1991 under the Environmental Planning and Assessment Act 1979 (EP&A Act).

#### SCHEDULE 2

The development consent is modified by deleting Conditions 1 to 10 inclusive and inserting the following:

1. The approval shall be regarded as being in accordance with the particulars and information set out and described in the Development Application registered in Leichhardt Council's records as D.A.350/91 of 6.6.91 (as amended by plans dated 23.5.91), and in accordance with the conditions of this consent.
2. Development Application 3/91 approved by Leichhardt Council shall be surrendered.
3. This consent is modified as detailed in the following:
  - Application to Modify a Development Consent lodged with the Department of Planning on 19 November 2001;
  - Drawing Numbers: IM101 Rev 07, IM102 Rev.04, IM103 Rev 03, IM104 Rev 05; and
  - "Australian Cement Holdings Pty Ltd Statement of Environmental Effects, Proposed Cement Unloading System Upgrade, Glebe Island Bulk Cement Terminal" prepared by Connell Wagner Pty Ltd dated 8 October 2001.
4. Works in connection with the development are limited to 7.00 am and 5.30 pm on Mondays to Fridays inclusive, and 7.00am to 3.00 pm on Saturdays. No work shall be carried out on Sundays and public holidays. Works of a quiet nature, not involving the use of heavy demolition, excavation or construction equipment or percussive tools of any kind, may however operate from 7.00am to 10.00pm on Mondays to Fridays and 7.00am to 5.00 pm on Saturdays, Sundays and public holidays provided they are in accordance with the guidelines for construction site noise contained within the EPA Environmental Noise Control Manual.

5. During the course of the work, if evidence of any previously unidentified Aboriginal or European heritage items and/or archaeological relics are uncovered, all work on the site is to cease and the Heritage Office of NSW contacted immediately.
6. Provision shall be made within the subject property for a minimum of three (3) clearly marked vehicular parking spaces, each to be of minimum dimensions 5.5 x 2.5m.
7. Three (3) truck standing spaces shall be provided in the vicinity of the cement outloading area and line marked accordingly.
8. Truck deliveries to and from the site between the hours of 5 pm and 5 am, 7 days per week, shall only use classified main roads, excluding Pymont Bridge Road, within Leichhardt Local Government Area.
9. The applicant shall comply with all requirements of the Environment Protection Authority with respect to the collection and disposal of spilt cement powder on the site.
10. The site is not be used for the storage of imported cement.
11. No part of the site other than the 16 silos are to be used for the storage of cement.
12. The throughput of cement shall be restricted to a maximum of 500,000 tonnes per year.
13. The facilities and equipment shall not contain any elements of advertising, logos or messages other than required for safety purposes.

#### **CERTIFICATION OF STRUCTURAL WORK**

14. Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA). A copy of the Certificate must be submitted to PlanningNSW.
  - (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer; corresponding with and attached to a Structural Certificate referred to in (b) below.
  - (b) A Structural Certificate for Design, submitted in the form of Attachment S1, OR a Compliance Certificate, after the structural drawings have been checked and comply with:
    - i. The relevant clauses of the Building Code of Australia (BCA);
    - ii. The relevant conditions of Development Consent;
    - iii. The architectural plans incorporated with the Construction Certificate; and
    - iv. The relevant Australian Standards listed in the BCA (Specification A1.3)
15. Repeat (a) and (b) for any revision, or staged submission of structural drawings.

#### **Prior to the use of the facilities**

16. Prior to the use of the facilities, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate, must be submitted to the satisfaction of the Principal Certifying Authority and a copy of the certificate submitted to PlanningNSW after:
  - i. The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and
  - ii. The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

Notes:

*(i) An appropriately qualified practising engineer certifying by completing Attachment S1 must have:*

- a) Appropriate tertiary qualification in Civil or Structural Engineering; AND*
- b) Corporate membership of the Institution of Engineers Australia or equivalent; AND*
- c) Evidence of relevant experience in the form of a CV/Resume;*
- d) Appropriate current professional indemnity insurance.*

*(ii) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.*

*(iii) For areas not complying with the Deemed-To-Satisfy provisions of the BCA, an alternative solution may be submitted to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solutions must be submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate. The following information must be provided:*

- a) Details of the performance requirements that the proposed alternative solution is intended to meet; and*
- b) Details of the assessment methods used to establish compliance with those performance requirements.*

**COMPLIANCE**

17. The applicant shall ensure that all contractors engaged to carry out work within the development site are aware of the conditions of this consent.
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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

**MODIFICATION OF DEVELOPMENT CONSENT UNDER SECTION 96(2) OF THE  
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979.**

**FILE No. S02/02313/2**

**MODIFICATION TO DA 350/91. INSTALLATION OF LARGER HOPPER ATOP  
THE GLEBE ISLAND SILOS AS PART OF THE PROPOSED SILO RECEIVAL  
SYSTEM, AUSTRALIAN CEMENT HOLDINGS, GLEBE ISLAND CEMENT  
TERMINAL, SOMERVILLE ROAD, GLEBE ISLAND.**

I, Izlem Boylu, Senior Planner Urban Assessments, as delegate of the Minister for Planning, under Instrument of Delegation dated 8 August 2002, pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979, being satisfied that the development to which the modified development consent will relate, is substantially the same development, modify the consent referred to in Schedule 1 subject to the conditions in the attached Schedule 2.

The reasons for the imposition of the conditions are:

1. to amend the approved set of plans relating to the development;
2. to ensure the creation of a high quality urban environment.



Izlem Boylu  
Senior Planner  
Urban Assessments  
(as delegate for the Minister for Planning)

Sydney 26 March 2003

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### SCHEDULE 1

Development consent for Development Application 350/91 granted by Leichhardt Municipal Council on 16 October 1991, as modified by the Minister for Planning on 4 March 2002 (MOD 10-11-2001) under section 96(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### SCHEDULE 2

A. The development consent is modified by inserting the following to the end of Condition 3:

- Application to Modify a Development Consent lodged with the Department of Planning on 12 February 2003; and
- Drawing Numbers: IM102 Rev.03 dated 31 October 2002; IM203 Rev.03 dated 3 February 2003 and IM104 Rev.03 dated 3 February 2003.

B. The development consent is modified by inserting the following after condition 13:

- 13A. Any facilities and equipment installed on the roof of the silos shall be painted to match the colour of the roof.
- 13B. Facilities and equipment installed on the roof of the silo shall not be used to support telecommunications or any other equipment which is not related to activities approved under this consent.
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