

Our ref: 09/170-10

14 October 2016

Director – Industry Assessments  
Planning Services  
Department of Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001

Attention: Ms Sally Munk

Dear Ms Munk,

## **Exhibition – EIS – Australian Border Protection Detector Dog Facility**

I refer to your email dated 26 August 2016 inviting submissions on the EIS for the proposed Australian Border Protection Detector Dog Facility at 28A McPherson Street, Banksmeadow (Lot 10 DP 1205673). Thank you for the opportunity to comment on the EIS.

It is understood that the proposal is for the construction and operation of an Australian Government office premises to be occupied by the detector dog functions of the Australian Border Force, Australian Federal Police and Department of Agriculture and Water Resources. The development comprises construction and operation of the following:

- a single storey office building with a gross floor area of 1,200 square metres;
- accommodation and facilities for detector dogs (49 day runs and seven kennel blocks); and
- car parking, internal access ways and landscaping.

Council officers have reviewed the EIS and provide the following comments:

### **Landscaping**

#### **Existing Trees**

All existing trees and vegetation on and immediately adjacent to the site is required to be clearly indicated on the plans. The plans shall also indicate trees identified for retention or removal.

#### **Proposed Planting**

It is noted that a robust mix of species and variety of groundcovers, shrubs and trees is proposed. However, canopy trees in addition to those currently proposed should be incorporated in deep soil areas given the scale of the site, including *Corymbia maculata*, *Eucalyptus robusta* or similar canopy tree species.

#### **Landscaping General**

Consideration needs to be given to the effect that the dogs will have on the day run yards. Council's experience with dog off leash areas in several parks has seen turf in these areas

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dug up and churned up so much that turf subsequently fails.

Garden beds should also be incorporated between the day runs to soften and break up the fencing. These beds should be wholly or partially located beyond dog use areas to ensure landscaping is preserved and not dug up etc.

There are extensive areas of turf proposed on the site in areas not used as dog day runs. Some of these areas should be converted to mass planted garden beds which require less maintenance. Surveillance will not be compromised if low level native grasses and groundcovers are used.

Irrigation needs to be incorporated in the run yards and all landscaped areas.

### **Car Park Landscaping**

Landscaping within the ground level car parking areas is recommended. For at-grade car parks 1 tree should be provided for every 5 car spaces so that at least 50% canopy coverage of the car park at maturity is provided. Additional landscaping should also be incorporated between car spaces, within the internal areas, and along edges and boundaries of car parking areas.

All car parking spaces adjoining planter beds or trees shall contain wheel stops to reduce damage to and vehicle overhang of planter beds.

### **Stormwater and Ancillary Structures**

Any proposed OSD or stormwater trenching is required to be located clear of deep soil areas where possible, to enable site responsive landscaping and stormwater infiltration on the site. Any proposed fire booster valves or substations are required to be located clear of landscaped areas and are to be housed in a suitable enclosure and screened appropriately.

### **Contamination**

Council requests that if the application is approved, the following conditions be placed on the consent:

1. All works onsite are to meet all the requirements (1) – (8) in the Site Audit Statement (SA263/3) dated 4 August 2015 prepared by accredited Site Auditor Christopher Jewell.
2. All requirements in the RAP prepared by JBS&G, Ref: 43499/100773 (Rev 0), dated 29 July 2015, are to be satisfied, specifically the installation of a barrier system and gas mitigation system in any buildings on the site to manage potential soil vapour intrusion into buildings.
3. To notify future owners of the property, a restriction as to use under Section 88B of the Conveyancing Act 1919 is to be registered on the title of Lot 10 in DP 1205673 prior to issue of an Occupation Certificate with the following terms of restriction on use:
  - a) The registered proprietor must not use or otherwise undertake development on the land hereby burdened except in accordance with the provisions of the RAP prepared by JBS&G, Ref: 43499/100773 (Rev 0), dated 29 July 2015,



incorporated within the Site Audit Statement (SA263/3) dated 4 August 2015, prepared by accredited Site Auditor Christopher Jewell, a copy of which Statement is held by Bayside Council.

- b) The name of the person or authority empowered to release, vary or modify the restriction will be Bayside Council.
- 4. To ensure that all requirements in the Site Audit Statement SA263/3 dated 4 August 2015 are met and that Council is aware of any variations to the final management of the site, a copy of the final Site Audit Statement (SAS) and Site Audit Report (SAR) shall be provided to Council so that it can be included in its contaminated land register prior to issue of an Occupation Certificate. In circumstances where the SAS conditions (if applicable) are not consistent with the consent, an application pursuant to the *Environmental Planning & Assessment Act 1979* shall be submitted to ensure that they form part of the consent conditions.

### **Engineering**

No objections are raised to the proposed development on engineering grounds subject to the following conditions:

#### **Prior to the Issue of any Construction Certificate**

#### **Builder's Damage Deposit and Performance Bond**

Prior to the issue of any Construction Certificate, the applicant shall lodge a Builder's Damage Deposit and Performance Bond of **\$34,885.00** (GST Exempt) by way of cash deposit or unconditional bank guarantee to Bayside Council against possible damage to Council's asset during the course of the building works and performance bond covering all public domain works. The deposit will be refunded subject to inspection by Council 12 months after the completion of all works relating to the proposed development and Final Occupational Certificate has been issued.

#### **Photographic Survey**

Prior to the issue of any Construction Certificate, at the proposed point of construction site entry, photographic survey showing the existing conditions of Council's infrastructure shall be submitted to Bayside Council and the Principal Certifying Authority.

The survey shall detail the physical conditions and identify any existing damages to the roads, kerbs, gutters, footpaths, driveways, street trees, street signs and any other Council assets fronting the property and extending to a distance of 50m from the development. Failure to do so may result in the applicant/developer being liable for any construction related damages to these assets. Any damage to Council's infrastructure during the course of this development shall be restored at the applicant's cost.

#### **Construction Management Plan**

A Construction Management Program shall be submitted to, and approved in writing by the Principal Certifying Authority prior to the issue of a Construction Certificate. The program shall detail:



- (a) The proposed method of access to and egress from the site for construction vehicles, including access routes through the Bayside Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or public reserves being allowed,
- (b) The proposed phases of construction works on the site and the expected duration of each construction phase,
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken,
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process,
- (e) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site,
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period,
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site,
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an Accredited Certifier (Structural Engineering), or equivalent,
- (i) Proposed protection for Council and adjoining properties, and
- (j) The location and operation of any on site crane. Please note that a crane may require prior approval from Sydney Airports Corporation.

The location of any Construction Zone (if required) approved by Bayside Council's Traffic Committee, including a copy of that approval.

### **Traffic Management Plan**

Prior to the issue of any Construction Certificate, a detailed Traffic Management Plan for the pedestrian and traffic management of the site and McPherson Street during construction shall be prepared and submitted to the relevant road authority (Bayside Council or Roads and Maritime Services) for approval. The plan shall:

- be prepared by a RMS accredited consultant,
- nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police, and
- if required, implement a public information campaign to inform any road changes well in advance of each change. The campaign may be required to be approved by Bayside Council's Traffic Committee.



*Note: Any temporary road closure shall be confined to weekends and off-peak hour times and is subject to Bayside Council's Traffic Engineer's approval. Prior to implementation of any road closure during construction, Council shall be advised of these changes and Traffic Control Plans shall be submitted to Council for approval. This Plan shall include times and dates of changes, measures, signage, road markings and any temporary traffic control measures.*

### **Compliance with AS2890.1 and AS2890.2 Off-street Parking**

Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Bayside Council:

- All driveways/access ramps/vehicular crossings shall conform to Australian Standards AS 2890.2 and Council requirements,
- All service vehicles shall enter the property front in front out,
- Swept path analysis shall be provided for manoeuvring of commercial vehicles, and
- A longitudinal section plotting headroom clearance above driveway access is to be provided for assessment.

### **Compliance with AS2890.6 Off-street Car Parking for People with Disabilities**

Prior to the release of the Construction Certificate, the following required section(s) are to be submitted to and approved by Bayside Council:

- Disabled car parking spaces shall be provided and clearly marked as per Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
- All off street disabled parking shall have access to all relevant areas and the adjacent road(s) as per Australian Standards AS 2890.6 and Council requirements.

### **Service Diagram**

Prior to the issue of any Construction Certificate, the applicant shall contact "Dial Before You Dig" to obtain a utility service diagram for, and adjacent to the property. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Principal Certifying Authority. All utilities within the work zone shall be protected during construction.

Any adjustments or damage to public utilities/services as a consequence of the development and associated construction works shall be restored or repaired at the applicant's expense.

### **Public Utility Adjustment**

To ensure that utility authorities and Bayside Council are advised of any effects to their infrastructure by the development, the applicant shall:

- Carry out a survey of all utility and Council services within the site including relevant information from utility authorities and excavation if necessary to determine the position and level of services.
- Negotiate with the utility authorities (eg. AusGrid, Sydney Water, Telecommunications Carriers and Bayside Council) in connection with:
  - The additional load on the system; and
  - The relocation and/or adjustment of the services affected by the construction.



Any costs in the relocation, adjustment, and provision of land or support of services as requested by the service authorities, beneficiaries and Council are to be the responsibility of the developer.

### **Detail Stormwater Management Plan**

Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval.

*(The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and to be in accordance with the Botany Bay Development Control Plan 'Stormwater Management Technical Guidelines', AS/NSZ 3500 – Plumbing and Drainage Code, Sydney Water regulations and the BCA. All drawings shall correspond with the approved architectural plans.)*

The plans shall incorporate but not be limited to the following:

- The provisions made in the Drainage Plans, by Cosentino Group, dated 19 August 2016,
- Provision of a minimum 10kL rainwater tank collection system in accordance with Section 4 of Botany Bay's SMTG,
- A water quality improvement system and WSUD strategy proposal shall be designed to capture and treat at least 85% flows generated from the site,
- A WSUD Strategy and MUSIC model must be prepared and submitted to Bayside Council for the development. The MUSIC model must be prepared in line with the Draft NSW MUSIC Modelling Guidelines (Sydney Metro CMA). Sydney's Water's requirements are that the water quality improvement should meet or exceed the target as described in the "Botany Bay & Catchment Water Quality Improvement Plan" which was prepared by the Sydney Metropolitan Catchment Management Authority in April 2011, and
- The submission of detailed calculations including computer modelling where required supporting the proposal.

Prior to the Commencement of any Work

### **Approval and Permits under the Roads Act and Local Government Act**

Prior to commencement of any works, application(s) shall be made to Bayside Council's Customer Services Counter and obtained the following approvals and permits on Council's property/road reserve under Road Act 1993 and Local Government Act 1993: -

(It should be noted that any works shown within Council's road reserve or other Council lands on the development approval plans are indicative only and no approval for these works is given until this condition is satisfied.)

- Permit to erect hoarding on or over a public place, including Council's property/road reserve,
- Permit to construction works, place and/or storage building materials on footpaths, nature strips,



- Permit to install temporary ground anchors in public land,
- Permit to discharge ground water to Council's stormwater drainage system,
- Permit for roads and footways occupancy (long term/ short term),
- Permit to construct vehicular crossings, footpaths, kerbs and gutters over road reserve,
- Permit to open road reserve area, including roads, footpaths, nature strip, vehicular crossing or for any purpose whatsoever, such as relocation / re-adjustments of utility services,
- Permit to place skip/waste bin on footpath and/or nature strip, and
- Permit to use any part of Council's road reserve or other Council lands.

### **Erosion and Sediment Control Measures**

Erosion and sediment control devices shall be installed and in function prior to the commencement of any demolition, excavation or construction works upon the site in order to prevent sediment and silt from site works (including demolition and/or excavation) being conveyed by stormwater into public stormwater drainage system, natural watercourses, bushland, trees and neighbouring properties. In this regard, all stormwater discharge from the site shall meet the legislative requirements and guidelines. These devices shall be maintained in a serviceable condition AT ALL TIMES throughout the entire demolition, excavation and construction phases of the development and for a minimum one (1) month period after the completion of the development, where necessary.

### During Construction

#### **Construction Operations**

- a) The applicant shall conduct all construction works and any related deliveries/activities wholly within the site. If any use of Bayside Council's road reserve is required, approval and permits shall be obtained from Council.
- b) Construction operations such as brick cutting, washing tools or brushes and mixing mortar shall not be carried out on park/road reserve or in any other locations which could lead to the discharge of materials into the stormwater drainage system or onto Council's lands.
- c) Hosing down or hosing/washing out of any truck (concrete truck), plant (eg concrete pumps) or equipment (eg wheelbarrows) on Council's road reserve or other property is strictly prohibited. Fines and cleaning costs will apply to any breach of this condition.
- d) Pavement surfaces adjacent to the ingress and egress points are to be swept and kept clear of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council's Engineer.

#### **Protection of Bayside Council's Property**

During Demolition, Excavation and Construction, care must be taken to protect Council's infrastructure, including street signs, footpath, kerb, gutter and drainage pits etc. Protecting measures shall be maintained in a state of good and safe condition throughout the course of demolition, excavation and construction. The area fronting the site and in the vicinity of the development shall also be made safe for pedestrian and vehicular traffic at all times. Any damage to Council's infrastructure (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) shall be



fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

### **Hold Points**

Inspections must be conducted by Bayside Council's Engineer at the following occasions:

- Formwork inspection of driveway layback prior to laying of concrete,
- Formwork inspection of Council's kerb and gutter prior to laying of concrete,
- Formwork inspection of Council's footpath prior to laying of concrete,
- Final inspection of driveway layback,
- Final inspection of Council's kerb and gutter, and
- Final inspection of Council's footpath.

### **Erosion Controls - Access to Site and Transportation of Materials**

During Demolition, Excavation, Construction and Deliveries, access to the site shall be available in all weather conditions. The area shall be stabilised and protected from erosion to prevent any vehicles (including deliveries) tracking soil materials onto street drainage system/watercourse, Council's lands, public roads and road-related areas. Hosing down of vehicle tyres shall only be conducted in a suitable off-street area where wash waters do not enter the stormwater system or Council's land.

### **Implementation of Traffic Management Plan and Construction Management Plan**

During construction, the applicant shall ensure that all works and measures have been implemented in accordance with approved Traffic Management Plan and Construction Management Plan at all times.

### Prior to the Issue of Occupation Certificate

#### **Photographic Survey After Works**

Any damage not shown in the photographic survey submitted to Bayside Council before site works have commenced will be assumed to have been caused by the site works (unless evidence to prove otherwise). All damages as a result from site works shall be rectified at the applicant's expense to Council's satisfaction, prior to occupancy of the development and release of damage deposit.

#### **Stormwater Drainage System - Engineering Certification**

Prior to the issue of the Occupation Certificates, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system has been constructed generally in accordance with the approved stormwater management construction plan(s) and all relevant standards.

#### **Works on Bayside Council's lands / Road Reserve – Inspection Reports**

Prior to the issue of the Occupation Certificate, inspection reports (formwork and final) for the works on the road reserve shall be obtained from Council's engineer and submitted to the Principal Certifying Authority attesting that this condition has been appropriately satisfied.



### **Positive Covenant(s) Register**

Prior to the issue of the Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- Restriction on Use of Land for Stormwater Quality Improvement Device. Refer to Appendix E of the SMTG for suggested wording.

### **Ongoing Use**

### **Maintenance of Stormwater Drainage System**

The stormwater drainage system (including all pits, pipes, absorption, detention structures, treatment devices, infiltration systems and rainwater tanks) shall be regularly cleaned, maintained and repaired to ensure the efficient operation of the system from time to time and at all times. The system shall be inspected after every rainfall event to remove any blockage, silt, debris, sludge and the like in the system. All solid and liquid waste that is collected during maintenance shall be disposed of in a manner that complies with the appropriate Environmental Guidelines.

### **Environmental Health**

It is noted that the subject site is located in a designated industrial area and is almost 500m from the nearest residential area. Accordingly, environmental impacts, such as noise, odour and glaring lights should not cause any nuisance to residents, particularly if they comply with best practice. If any food kiosk is proposed, Council's Environmental Health Officer requests to inspect the plans.

### **Waste Management**

It is noted that Section 6.14 of the EIS addresses operational waste and a waste management plan that covers demolition and construction waste is included in Appendix I – Waste Management. However, this is inadequate and needs to be expanded to include other onsite waste, including office waste, animal bedding waste, clinical waste and any other waste generated onsite. If there is a kitchen for the staff, waste management from the kitchen should also be included.

An example of a construction environmental management plan (CEMP) for a project at Melbourne Airport Business Park is included in Appendix J – CEMP which includes a waste component related to construction.

Although it is noted that the CEMP is not for the subject application, many aspects of the plan conflict with the demolition and construction plan in Appendix I – Waste Management. For example, Section 5.1.12 of the CEMP states that one large bin will be used for all trades waste. This will not result in the separation outcomes listed in Appendix I. More emphasis should also be placed on sourcing re-usable materials.

Until a site specific CEMP is provided to Council, Council are unable to determine whether the approach is satisfactory. Accordingly, it is requested that Council be provided with a copy

of the CEMP when the applicant lodges it with the Department of Planning and Environment (DP&E).

### **Risk**

It is noted that the site is located within 500m of the Botany Industrial Park (BIP) which contains hazards. The application proposes the storage of explosives which should be stored in accordance with the relevant Australian Standards to ensure the proposed development does not increase the individual fatality risk or constitute an increase in existing risk levels in the area. In addition, emergency response plans should be prepared with consideration to the BIP and hazardous industries and be communicated to employees at induction. These plans and procedures should be reviewed and monitored in accordance with updated risk assessments, including the BIP Quantitative Risk Assessments.

Furthermore, it is suggested that the application be referred to the DP&E's Industry Assessments risk specialists for comment.

### **Development Contributions**

The City of Botany Bay Section 94 Development Contributions Plan 2016 applies to the proposed development. The applicant is required to pay Bayside Council the contribution in full prior to the release of a construction certificate.

Should you have any queries concerning this matter, please contact Stephanie Lum, Senior Strategic Planner, on 9366 3564.

Yours faithfully



**C McMahon**  
**MANAGER STRATEGIC PLANNING**