

Development Consent

Section 4.16 of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces under delegation executed on 11 October 2017, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



Chris Ritchie
Director
Industry Assessments

Sydney 26 SEPTEMBER

2019

File: EF19/18786

SCHEDULE 1

Application Number:	DA 9985
Applicant:	Cement Australia Pty Ltd
Consent Authority:	Minister for Planning and Public Spaces
Site:	Glebe Island Silos Lot 12 Sommerville Road, Rozelle Lot 12 DP 1170710
Development:	The carrying out of structural strengthening works to 12 bulk storage silos including: <ul style="list-style-type: none">• new concrete foundations and columns• concrete reinforcement to internal silo linings• new sections of reinforced concrete perimeter walls under the silos• temporary relocation and refurbishment of offices, amenities room, store room and equipment room.

CONTENTS

DEFINITIONS	3
PART A ADMINISTRATIVE CONDITIONS.....	4
Obligation to Minimise Harm to the Environment	4
Terms of Consent	4
Limits of consent	5
Evidence of Consultation.....	5
Structural Adequacy	5
Operation of Plant and Equipment	5
Applicability of Guidelines.....	5
Incident Notification, Reporting and Response.....	5
Non-Compliance Notification.....	5
PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.....	6
External Walls and Cladding	6
PART C PRIOR TO COMMENCEMENT OF WORKS	7
Notification of Commencement	7
Access To Information.....	7
Compliance	7
Construction Environmental Management Plan	7
Heritage Archival recording	7
PART D DURING CONSTRUCTION	8
Demolition	8
site notice	8
Construction Hours.....	8
Construction Noise Management	8
Waste Management	8
Dust Minimisation	8
Hoarding requirements.....	9
No Obstruction of Public Way.....	9
PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE	10
Protection of Public Infrastructure	10
Structural inspection certificate.....	10
APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	11

DEFINITIONS

Applicant	Cement Australia Pty Ltd, or any person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
Certifying Authority	A person who is authorised by or under section 6.17 of the EP&A Act to issue Part 6 certificates
Conditions of this consent	Conditions contained in Schedule 2 of this document
Construction	All physical work to enable operation including but not limited to the demolition works, the carrying out of works for the purpose of development.
Council	Inner West Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the DA, SEE and Response to Submissions, including the works and activities comprising the structural strengthening of 12 silos and temporary relocation of office and staff amenities, as modified by the conditions of this consent.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Feasible	Means what is possible and practical in the circumstances
Incident	An occurrence or set of circumstances that causes, or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Places
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
SEE	Statement of Environmental Effects: Glebe Island Silos, Sommerville Road, Rozelle, Silo Strengthening Works prepared by Ethos Urban Pty Ltd dated 31 July 2019

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the Statement of Environmental Effects and Response to Submissions; and
 - (d) in accordance with the approved plans in the table below:

Drawing No.	Issue	Date	Title
Detailed Design Drawing Prepared by Aurecon (Project No: 503124)			
0001	0	03 August 2018	Locality Plan
0003	0	27 September 2018	General Notes
0004	0	27 September 2018	Structural Concrete and Steel Notes
0010	0	27 September 2018	General Site Plan
0011	0	27 September 2018	General Arrangements and Elevation
0012	0	27 September 2018	Silo Strengthening Plan
0013	0	27 September 2018	Typical Silo Strengthening Plan and Section
0014	0	27 September 2018	Typical Silo Strengthening Details Sheet 1
0015	0	27 September 2018	Typical Silo Strengthening Details Sheet 2
0016	0	27 September 2018	Silo Roof Plan
0018	0	27 September 2018	Existing Equipment Layout Basement
0019	0	27 September 2018	Proposed Equipment Layout Basement
0020	1	19 July 2019	Laydown Area Temporary Site Office and Amenities Block

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF CONSENT

- A5. This consent lapses five years after the date from which it was granted, unless the development has physically commenced on the land to which the consent applies before the date on which the consent would otherwise lapse under section 4.53 of the EP&A Act.

EVIDENCE OF CONSULTATION

- A6. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

STRUCTURAL ADEQUACY

- A7. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

OPERATION OF PLANT AND EQUIPMENT

- A8. All plant and equipment used on site, or to monitor the performance of the development must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

APPLICABILITY OF GUIDELINES

- A9. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A10. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

INCIDENT NOTIFICATION, REPORTING AND RESPONSE

- A11. The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A12. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

NON-COMPLIANCE NOTIFICATION

- A13. The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.
- A14. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A15. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

EXTERNAL WALLS AND CLADDING

- B1. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B2. Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B3. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

PART C PRIOR TO COMMENCEMENT OF WORKS

NOTIFICATION OF COMMENCEMENT

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

ACCESS TO INFORMATION

- C3. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this consent;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this consent;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a complaints register, updated monthly;
 - (ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Note: Information deemed commercially sensitive or confidential by the Applicant does not need to be made publicly available.

COMPLIANCE

- C4. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C5. Prior to the commencement of any works, a Construction Environmental Management Plan (CEMP) shall be submitted to the Planning Secretary. The Plan shall address, but not be limited to, the following matters:
- (a) hours of work;
 - (b) 24-hour contact details of site manager;
 - (c) erosion and sediment control;
 - (d) construction noise and vibration management;
 - (e) construction and demolition waste management; and
 - (f) traffic management.

HERITAGE ARCHIVAL RECORDING

- C6. A photographic archival recording of the twelve (12) silos must be prepared prior to the commencement of works in accordance with the NSW Heritage Division publications. The original copy of the archival record must be deposited with Council.

PART D DURING CONSTRUCTION

DEMOLITION

- D1. Demolition work must comply with *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

SITE NOTICE

- D2. A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority, Structural Engineer and contact details, including contact phone number.

CONSTRUCTION HOURS

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive; and
 - (b) between 8:00 am and 1:00 pm, Saturdays.
- D4. No work may be carried out on Sundays or public holidays.
- D5. Activities may be undertaken outside of these hours if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
 - (b) 2.00 pm to 5.00 pm, Monday to Friday; and
 - (c) 9.00 am to 12.00 pm, Saturday.

CONSTRUCTION NOISE MANAGEMENT

- D8. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the Construction Environmental Management Plan, approved by the Planning Secretary.
- D9. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*.

WASTE MANAGEMENT

- D10. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- D11. The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste, November 2014, or its latest version and dispose of all wastes to a facility that may lawfully accept the waste.

DUST MINIMISATION

- D12. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D13. The Applicant must ensure that:
- (a) trucks and vehicles entering and leaving the site that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading;
 - (b) any works are carried out progressively on site to minimise exposed surfaces;
 - (c) all operations and activities occurring at the remediation works must be carried out in a manner that minimises the emissions of air pollutants from the Development;
 - (d) trucks associated with the Development do not track dirt onto the public road network; and

- (e) public roads used by these trucks are kept clean.

HOARDING REQUIREMENTS

D14. The following hoarding requirements shall be complied with

- (a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- (b) the construction site manager shall be responsible for the removal of all graffiti from and construction hoardings or the like within the construction area within 48 hours of its application.

NO OBSTRUCTION OF PUBLIC WAY

D15. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all work on site.

PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

PROTECTION OF PUBLIC INFRASTRUCTURE

- E1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

STRUCTURAL INSPECTION CERTIFICATE

- E2. A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the use. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and Council after:
- (a) 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
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s

APPENDIX 1 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A13 or, having given such notification, subsequently forms the view that an incident has not occurred.

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

Written notification of an incident must:

- a. identify the development and application number;
- b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
- c. identify how the incident was detected;
- d. identify when the Applicant became aware of the incident;
- e. identify any actual or potential non-compliance with conditions of consent;
- f. describe what immediate steps were taken in relation to the incident;
- g. identify further action(s) that will be taken in relation to the incident; and
- h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.

The Incident Report must include:

- a. a summary of the incident;
- b. outcomes of an incident investigation, including identification of the cause of the incident;
- c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
- d. details of any communication with other stakeholders regarding the incident.