New South Wales Government
Independent Planning Commission

9 July 2021

Anthony Witherdin
Director
Key Sites Assessments
Department of Planning, Industry & Environment

via email: [redacted]

Dear Mr Witherdin

**Glebe Island Concrete Batching Plant and Aggregate Handling Facility (SSD 8544)**
**Consultation with Applicant – Draft Development Consent**

I refer to the above application currently before the Independent Planning Commission (**Commission**) for determination, the Commission's correspondence to the Department of Planning Industry and Environment (**Department**) on 11 June 2021 and 25 June 2021 and the Department's respective responses to the Commission on 21 June 2021 and 8 July 2021.

The Commission notes the Department's comments on the proposed conditions and its recommendation to consult with the Applicant on the workability and any potential unintended consequences of the proposed draft conditions.

The proposed conditions, as amended by the Commission, are attached. The Commission requests that the Department consult with the Applicant on the workability and potential unintended consequences of the proposed conditions to the extent that the Department considers necessary. In providing any response to this letter, the Applicant and the Department should refer only to material already before the Commission and not provide any new information.

In undertaking this consultation, please note that the draft conditions are intended to:

- clearly define the scope and limits of the proposed use of the Site;
- 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.

Could you please provide a written response by 5pm on **Wednesday, 14 July 2021**.

This letter and your written response will be made publicly available on the Commission's website immediately following the publication of the Commission's determination of this application.

If you require any clarification in relation to the above, or wish to discuss further, please contact Casey Joshua on (02) 9383 2100.

Yours sincerely,

Stephen Barry
Planning Director

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Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

The Independent Planning Commission (the Commission), as the declared consent authority under section 4.5(a) of the EP&A Act and clause 8A of *the State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment Act 1979,* approves the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- clearly define the scope and limits of the proposed use of the Site;
- 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.

| Annelise Tuor (Chair) | Dr Peter Williams |
|---|---|
| **Member of the Commission** | **Member of the Commission** |

Sydney XX July 2021 File: OBJ17/08797 & EF19/4459

**SCHEDULE 1**

| | |
|---|---|
| **Application Number:** | SSD 8544 |
| **Applicant:** | Hanson Construction Materials Pty Ltd |
| **Consent Authority:** | The Independent Planning Commission |
| **Site:** | James Craig Road, Rozelle (part Lot 10 in DP 1170710), as defined on the Plan described in Schedule 2, Condition A1 |
| **Development:** | **Commercial port facility comprising:**<br>• Concrete Batching Plant producing up to 1 million cubic metres of concrete per annum;<br>• delivery of up to 1 million tonnes of aggregates per annum by ship to Glebe Island Berth 1 for use in the concrete batching facility on site and for delivery by truck for use off site;<br>• Aggregate handling facility to store aggregate delivered to the site by ship and truck for the above purposes.<br><br>The consent does not authorise the use of the site for the storage of aggregate or other materials unless predominantly delivered by ship. Any aggregate delivered to the site by truck must be for use in the on-site concrete batching plant only |

## DEFINITIONS

| | |
|---|---|
| **Accredited Certifier** | The holder of a certificate of accreditation as an accredited certifier under the *Building Professionals Act 2005* acting in relation to matters to which the accreditation applies |
| **Additional information** | Additional information titled '*Hanson Glebe Island Concrete Batching Plant AQIA – Technical Addendum: Dispersion Modelling Sensitivity Analysis*, prepared by ERM Australia Pacific Pty Ltd dated 21 October 2020 |
| **Aggregate** | Fragments of rock ranging from coarse aggregates (such as gravel) to fine aggregates (such as sand) |
| **Applicant** | Hanson Construction Materials Pty Ltd, or any person carrying out any development to which this consent applies |
| **BCA** | Building Code of Australia |
| **CEMP** | Construction Environmental Management Plan |
| **Certifier** | Means a council or an accredited certifier |
| **Conditions of this consent** | Conditions contained in Schedule 2 of this document |
| **Construction** | The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent. |
| **Council** | Inner West Council |
| **CPTMP** | Construction Pedestrian and Traffic Management Plan |
| **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 EIS and Response to Submissions and subsequent documentation, including the works and activities comprising the Glebe Island aggregate handling facility and concrete batching plant, as modified by the conditions of this consent. |
| **EESG** | Environment, Energy and Science Group of the Department of Planning, Industry and Environment |
| **EIS** | The Environmental Impact Statement titled '*Environmental Impact Statement – State Significant Development Application (8544) Glebe Island Concrete Batching Plant*', prepared by Ethos Urban dated 14 March 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application |
| **Environment** | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings |
| **EPA** | NSW Environment Protection Authority |
| **EP&A Act** | *Environmental Planning and Assessment Act 1979* |
| **EP&A Regulation** | *Environmental Planning and Assessment Regulation 2000* |
| **EPL** | Environment Protection Licence under the POEO Act |
| **ESD** | Ecologically Sustainable Development |
| **Evening** | The period from 6 pm to 10 pm |
| **Feasible** | Means what is possible and practical in the circumstances |
| **Heritage NSW** | Heritage NSW, Department of Premier and Cabinet (Heritage NSW) |
| **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<br>Note: "material harm" is defined in this consent |
| **Interim Construction Noise Guideline** | The document entitled "Interim Construction Noise Guideline", published by the Department of Environment and Climate Change, 2009. |

| | |
|---|---|
| **$L_{Aeq}$ (15 minute)** | The value of the A-weighted sound pressure level of a continuous steady sound that, over a 15 minute time interval, has the same mean square sound pressure level as a sound under consideration with a level that varies with time (AS1055.1-1997). |
| **$L_{AFmax}$** | The maximum sound pressure level of an event measured with a sound level meter satisfying AS IEC 61672.1-2004 set to 'A' frequency weighting and fast time weighting. |
| **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:<br>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or<br>• 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 Spaces (or delegate) |
| **Mitigation** | Activities associated with reducing the impacts of the development prior to or during those impacts occurring |
| **Monitoring** | Any monitoring required under this consent must be undertaken in accordance with section 9.40 of the EP&A Act |
| **Noise** | Sound pressure levels for the purposes of Conditions F4 to F10 |
| **Night** | The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays |
| **Noise Policy for Industry** | The document entitled "Noise Policy for Industry" published by the NSW Environment Protection Authority in October 2017. |
| **Non-compliance** | An occurrence, set of circumstances or development that is a breach of this consent |
| **OEMP** | Operational Plan of Management |
| **Operation** | The carrying out of the approved purpose of the development upon completion of construction |
| **PA** | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act. |
| **Planning Secretary** | Planning Secretary under the EP&A Act, or nominee |
| **POEO Act** | *Protection of the Environment Operations Act 1997* |
| **'Poor' Performing Ship** | A ship that does not achieve noise limits in **Conditions F8** and **F9** |
| **Port Authority** | The Port Authority of NSW |
| **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 (RtS)** | 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. |
| **Subject Site** | Land referred to in Schedule 1 |
| **Supplementary Response to Submissions (SRtS)** | Supplementary Response to Submissions titled '*Further Response to Submissions SSD 8544 Glebe Island Concrete Batching Plant and Aggregate Handling Facility*', prepared by Ethos Urban Planning Consultants Pty Ltd dated 11 June 2020, and accompanying appendices |
| **TfNSW** | Transport for New South Wales |
| **TfNSW (RMS)** | Transport for New South Wales, Roads and Maritime Services |
| **Zone of Influence** | The horizontal distance from the edge of the excavation to twice the maximum excavation depth |

## SCHEDULE 2

## PART A ADMINISTRATIVE CONDITIONS

### TERMS OF CONSENT

A1. The development must 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 EIS, Response to Submissions, Supplementary Response to Submissions and additional information;

(d) in accordance with the management and mitigation measures; and

(e) in accordance with the approved plans in the table below.

| Drawing No. | Revision | Name of Plan | Date |
|---|---|---|---|
| 1GAs – D1 | D | Glebe Island Layout | 19/05/2021 |
| 1GAs-D2 | C | Northern and Southern Elevation | 11/05/2021 |
| 1GAs-D3 | C | Eastern and Western Elevation | 17/05/2021 |

A2. 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 2(a)**.

A3. 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 A1(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A1(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

### LAPSING OF CONSENT

A4. This consent will lapse five years from the date it is registered on the NSW planning portal unless the works associated with the development have physically commenced.

### LIMITS ON CONSENT

A5. Development under this consent cannot be carried out after 31 December 2040,

A6. No access to or from the site is permitted via Robert Street, Rozelle.

A7. No access to or from the site is permitted via The Crescent, unless for the purpose of making local concrete deliveries to areas directly accessed off The Crescent.

A8. This consent does not approve signage.

### PRESCRIBED CONDITIONS

A9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### LONG SERVICE LEVY

A10. For work costing $25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

### LEGAL NOTICES

A11. Any advice or notice to the consent authority must be served on the Planning Secretary.

### REVISION OF STRATEGIES, PLANS AND PROGRAMS

A12. Within three months of:

(a) the submission of an incident report under **Condition A19~~A17~~**;

(b) the submission of an Independent Audit under **Condition C4** or **C6**;

(c) the approval of any modification of the conditions of this consent; or

(d) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing that a review is being carried out.

A13. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

**EVIDENCE OF CONSULTATION**

A14. 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 evidence of the consultation undertaken including:

(i) details of the engagement and/or attempted engagement, including the method and dates;

(ii) the issues raised and outcome of that consultation, matters resolved and unresolved; and

(iii) details of any disagreement or outstanding matters remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

**STRUCTURAL ADEQUACY**

A15. All new buildings and structures, including the proposed container wall, 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 6 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.*

**APPLICABILITY OF GUIDELINES**

A16. 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.

A17. 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.

**MONITORING AND ENVIRONMENTAL AUDITS**

A18. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent auditing.

***Note**: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

**INCIDENT NOTIFICATION, REPORTING AND RESPONSE**

A19. The Planning Secretary must be notified within 24 hours after the Applicant becomes aware of any incident. The notification must be made in writing via the Major Projects portal, identifying:

(a) the development and application number

(b) details of the incident (including date, time, location, duration, a brief description of the incident and why it is classified as an incident)

(c) how the incident was detected and when the Applicant became aware of the incident

(d) any actual or potential non-compliance with conditions of consent

(e) the immediate steps taken in response to the incident

(f) further action(s) to be taken in relation to the incident

(g) a project contact for further communication regarding the incident

(h) other relevant public authorities this incident was notified.

Within 30 days of the date on which any incident occurred, a detailed report on the incident must be provided to the Planning Secretary and any relevant public authorities (determined by the Planning Secretary), providing:

(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

(d) details of any communication with other stakeholders regarding the incident.

**NON-COMPLIANCE NOTIFICATION**

A20. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.

A21. The notification must identify the development (using the development application number), the relevant condition(s) of consent, the way in which the development does not comply, the reasons for the non-compliance (if known), the duration of non-compliance (if applicable) and what actions have been, or will be, undertaken to address the non-compliance.

A22. A non-compliance notified as an incident does not need to also be notified as a non-compliance.

**OPERATION OF PLANT AND EQUIPMENT**

A23. 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.

**COMPLIANCE**

A24. 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.

**ENVIRONMENTAL MANAGEMENT PLAN REQUIREMENTS – OPERATIONAL NOISE AND AIR QUALITY MANAGEMENT**

A25. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:

(a) detailed baseline data;

(b) details of:

(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);

(ii) any relevant limits or performance measures and criteria; and

(iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;

(c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;

(d) a program to monitor and report on the:

(i) impacts and environmental performance of the development; and

(ii) effectiveness of the management measures set out pursuant to paragraph (c) above;

(e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;

(f) a program to investigate and implement ways to improve the environmental performance of the development over time;

(g) a protocol for managing and reporting any:

(i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);

(ii) complaint; and

(iii) failure to comply with statutory requirements;

(h) a protocol for public access to reporting of information, including non-compliances; and

(i) a protocol for periodic review of the plan.

***Note:*** *the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE

B1. Work must not commence until a Construction Certificate in respect of the work has been issued.

### EXTERNAL WALLS AND CLADDING

B2. The external walls and cladding must comply with the relevant requirements of the BCA.

B3. Prior to the issue of a Construction Certificate and an Occupation Certificate, evidence must be submitted to the Certifier demonstrating that the products and systems proposed for use in the construction of external walls including finishes and cladding such as synthetic or aluminium composite panels, comply with the requirements of the BCA.

B4. The Applicant must submit a copy of the documentation given to the Certifier to the Planning Secretary within seven days after being accepted by the Certifier.

### BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE

B5. The approved works must comply with the applicable performance requirements of the BCA, including to achieve and maintain structural adequacy, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions; or

(b) formulating an alternative solution which:

(i) complies with the performance requirements; or

(ii) is shown to be at least equivalent to the deemed to satisfy provision; or

(iii) a combination of (a) and (b).

### OUTDOOR LIGHTING

B6. All outdoor lighting within the site must:

(a) comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting;*

(b) comply with the Glebe Island Concrete Batching Plant Light Strategy (Reference: 60555976) prepared by AECOM and dated 22 October 2018; and

(c) be fitted with dimmers and movement detection sensors to allow areas to be dimmed or lights switched off when not in use to minimise light pollution.

Details demonstrating compliance with these requirements are to be submitted to the Certifier Authority prior to the issue of a Construction Certificate.

### PRE-CONSTRUCTION DILAPIDATION REPORT

B7. The Applicant must engage a qualified structural engineer to prepare a **Pre-Construction Dilapidation Report** detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report must be submitted to the Certifier prior to issue of a Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the Council and each of the affected property owners.

### STRUCTURAL DETAILS

B8. Prior to the issue of a Construction Certificate, the Applicant must submit to the Certifier, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:

(a) the relevant clauses of the BCA; and

(b) the development consent.

### MECHANICAL VENTILATION

B9. All mechanical ventilation systems must be installed in accordance with the BCA and must comply with *Australian Standards AS1668.2* and *AS3666 - Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the Certifier prior to the issue of a Construction Certificate.

### ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

B10. The building must incorporate all design, operation and construction measures as identified in the EIS, prepared by Ethos Urban, dated 14 March 2018. Details demonstrating compliance are to be submitted to the Certifier prior to the issue of a Construction Certificate.

**SYDNEY WATER REQUIREMENTS**

B11. An application must be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to the issue of a Construction Certificate.

**INSTALLATION OF WATER EFFICIENT FIXTURES AND FITTINGS (NON-RESIDENTIAL USES)**

B12. All toilets must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifier prior to the issue of a Construction Certificate being issued for above ground works.

B13. All taps and shower heads must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifier prior to issue of a Construction Certificate for services and finishes works.

B14. New urinal suites, urinals and urinal flushing control mechanisms installed within the non-residential components of the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.

B15. Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.

**CAR PARK AND SERVICE VEHICLE LAYOUT**

B16. Plans demonstrating compliance with the following traffic and parking requirements must be submitted to the Certifier prior to the issue of a Construction Certificate:

(a) all vehicles should enter and leave the site in a forward direction;

(b) all vehicles are to be wholly contained on site before being required to stop;

(c) car parking associated with the proposal (including driveways, queuing areas, grades, turn paths, sight distance requirements, aisle widths and lengths, and parking bays) must be in accordance with *AS 2890.1-2004, AS2890.6-2009* for accessible spaces and *AS 2890.2-2002* for heavy vehicle usage;

(d) appropriate pedestrian advisory signs are to be provided at the egress from the car park;

(e) all works/regulatory signposting associated with the proposed developments must be at no cost to the relevant road authority; and

(f) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the Site, must be in accordance with AUSTROADS.

**NUMBER OF TRUCK AND CAR PARKING SPACES**

B17. The maximum number of truck and parking spaces to be provided for the development must be 50 truck parking spaces and 40 car parking spaces, including 35 for employees, 4 for visitors and 1 accessible space. Details confirming the parking numbers must be submitted to the Certifier prior to the issue of a Construction Certificate.

**NUMBER OF BICYCLE PARKING SPACES**

B18. The minimum number of bicycle parking spaces to be provided for the development must be seven spaces. Details confirming the parking numbers must be submitted to the Certifier prior to the issue of a Construction Certificate.

**FACILITIES FOR CYCLISTS**

B19. The layout, design and security of bicycle facilities, either on-street or off-street, must comply with the minimum requirements of *Australian Standard AS 2890.3 – 2015* except that all bicycle parking for staff / employees of any other land uses must be Class B bicycle facilities.

B20. Storage, change room and shower facilities for use by employees must be provided. Details must be submitted to the Certifier prior to the issue of a Construction Certificate.

**STORAGE AND HANDLING OF WASTE**

B21. The design of facilities for the storage and handling of operational waste must comply with the requirements of City of Sydney ***Guidelines for Waste Management in New Developments 2018***. Details are to be submitted to the Certifier prior to the issue of a Construction Certificate.

**ACCESS FOR PEOPLE WITH DISABILITIES**

B22. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

**SANITARY FACILITIES FOR DISABLED PERSONS**

B23. The Applicant must ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifier.

**NOISE MITIGATION**

B24. The development is to include all reasonable and feasible noise mitigation measures for:

(a) all mechanical plant, handling facilities and equipment; and

(b) buildings and structures including the aggregate handling facility, concrete batching plant, conveyor system and aggregate receival bins.

The measures are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures are Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) and that the measures can be implemented to minimise noise and satisfy the noise limits in the relevant EPL and/or this approval at all times is required to be submitted to the Certifier prior to the issue of a Construction Certificate.

**REQUIREMENTS OF PUBLIC AUTHORITIES**

~~B24.~~B25. The Applicant must comply with the requirements of any public authorities (e.g. Sydney Trains, Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed development. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the Certifier prior to the issue of a Construction Certificate.

**AMENDED PLANS**

B26. Prior to the issue of the relevant Construction Certificate, amended plans and a Public Art Strategy must be submitted to and approved by the Planning Secretary, in consultation with the Government Architect, or delegate. These plans must be prepared in consultation with Council, City of Sydney Council, the Port Authority and the community (including adjoining affected landowners and businesses, and others directly impacted by the development). The objective of the amended plans and Public Art Strategy is to mitigate the visual impact of the proposal, including the aggregate silos and container wall by:

(i) reducing the bulk and visibility of the aggregate silos to a size that is sufficient to accommodate only material approved under this consent;

(ii) providing a high quality design that responds to the highly visible site and its context, including the water, the adjoining Glebe Island Bridge and its approaches, and retains the landmark appearance of the Anzac Bridge and heritage silos;

(iii) incorporating landscaping to soften and screen, where feasible, the development; and

(iv) incorporating public art.

The plans are to include:

(a) Architectural drawings (plans, sections and elevations with dimensions and RLs) prepared by a suitably qualified architect in consultation with the qualified persons in (b) and (c), which:

(i) reduce the height of the aggregate silos to not exceed the average height of the ANZAC Bridge deck (opposite and for the length of the silos). The maximum height of the silos (including roof) must not exceed RL 30.36 AHD (being the RL of the deck at the pylon closest to the aggregate silos);

(ii) reduce the length of the silos to provide opportunities for tree planting and landscaping in the south east corner of the site;

(iii) revise the layout of buildings and carparking on site to reflect these changes and provide opportunities for landscaping;

(iv) provide details of materials, textures, expressed structure, openings, etc; and

(v) provide details of relevant noise attenuation measures required by Condition B24 to be incorporated into the buildings and structures, such as cladding material, insulation, soft closing and time limited opening of doors and that the buildings and structures are fully enclosed.

(b) Landscape plans prepared by a suitably qualified landscape architect in consultation with the qualified persons in (a) and (c), which provide details of:

(i) Landscaping on the site, including trees of sufficient size to soften and partially screen the aggregate silos from Glebe Island Bridge and its approaches, the water and Pyrmont, if feasible;

(ii) any green wall attached to the containers and other buildings;

(iii) how conflict between the use of the site and landscaping is to be avoided;

(iv) location of existing and proposed structures on the site including trees (if applicable);

(v) details of earthworks, including mounding and retaining walls and planter boxes (if applicable);

(vi) location, number and type of plant species;

(vii) details of planting procedure and ongoing maintenance; and
(viii) details of drainage and watering systems;

(c) A Public Art Strategy is to be prepared by a suitably qualified person in consultation with the qualified persons in (a) and (b), and is to provide details that demonstrate the Artwork:
(i) will provide visual interest and be commensurate with the size of the buildings (including the aggregate silos);
(ii) interprets or reflects the local/cultural setting, including connection to Country, if appropriate;
(iii) can be effectively attached and integrated onto the building materials or if a separate structure ("art sculptural zone") is required to enable the effective application of the artist's chosen medium.
(iv) will be maintained through an ongoing maintenance plan and will be durable in the long term;
(v) will not constitute or be for any form of third party advertising or business identification signage.

## PART C PRIOR TO COMMENCEMENT OF WORKS

### NOTIFICATION OF COMMENCEMENT

C1. The Planning Secretary 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 Planning Secretary 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 A1** 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.

### INDEPENDENT ENVIRONMENTAL AUDIT

C4. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020) to the following frequency:

(a) within 3 months of commencing construction; and

(b) within 3 months of commencement of operations, and in the same month each subsequent year.

C5. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

C6. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

C7. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:

(a) review and respond to each Independent Audit Report prepared under **Condition C4** of this consent, or **Condition C6** where notice is given by the Planning Secretary;

(b) submit the response to the Planning Secretary; and

(c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

C8. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.

C9. Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

### COMMUNITY COMMUNICATION STRATEGY

C10. A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the Council, the City of Sydney Council and the community (including adjoining affected

landowners and businesses, and others directly impacted by the development), during the ~~design and~~ construction of the development and for a minimum of 12 months following the completion of construction.

C11. The Community Communication Strategy must:

(a) identify people to be consulted during the ~~design and~~ construction phase;

(b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;

(c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;

(d) set out procedures and mechanisms:

(i) through which the community can discuss or provide feedback to the Applicant;

(ii) through which the Applicant will respond to enquiries or feedback from the community; and

(iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.

C12. The Community Communications Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.

C13. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.

C14. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.

**COMPLIANCE**

C15. 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.

**COMPLAINTS AND ENQUIRIES PROCEDURE**

C16. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:

(a) a 1300 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;

(b) a postal address to which written complaints and enquiries may be sent; and

(c) an email address to which electronic complaints and enquiries may be transmitted.

**CERTIFIED PLANS**

C17. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Planning Secretary prior to commencement of each stage of the works and must include details as required by any of the following conditions.

**CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

C18. Prior to the commencement of works, the Applicant must prepare a **Construction Environmental Management Plan** (**CEMP**) that must be implemented for the duration of the development. The **CEMP** must:

(a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;

(b) describe all activities to be undertaken on the site during site establishment and construction of the development;

(c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;

(d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;

(e) be prepared in consultation with the Council, City of Sydney Council, EPA, TfNSW, and the Port Authority and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;

(f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;

(g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;

(h) document and incorporate all relevant environmental management plans, control plans, studies and monitoring programs required under this part of the consent;

(i) include arrangements for community consultation and complaints handling procedures during construction;

(j) address the management of erosion and sediment.

In the event of any inconsistency between the consent and the **CEMP**, the consent shall prevail.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **CEMP** must be submitted to the Certifier, Council, City of Sydney Council, EPA, TfNSW, Port Authority and the Planning Secretary.

**CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN**

C19. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Plan** (**CPTMP**) prepared by a suitably qualified person must be prepared to the satisfaction of the Planning Secretary and in consultation with Council, City of Sydney Council, the Port Authority and the CBD Coordination Office within TfNSW.

The **CPTMP** must include a Green Travel Plan for workers and detailed measures that would be implemented to minimise the impact of the development on the safety and capacity of the surrounding road network, and minimise truck movements to and from the site as far as practicable during the peak periods of this consent. In addition, the **CPTMP** must address, but not be limited to, the following matters:

(a) location of the proposed work zone(s);

(b) location of any crane(s);

(c) haulage routes (including vessels);

(d) construction vehicle and vessel access arrangements;

(e) proposed construction hours;

(f) estimated number of construction vehicle movements~~,~~ and detail of vehicle types~~, noting vehicle movements are minimised during peak periods~~;

~~(f)~~(g) the maximum number of peak period movements;

~~(g)~~(h) details of construction activities and timing of these activities;

~~(h)~~(i) consultation strategy for liaison with surrounding stakeholders;

~~(i)~~(j) any potential impacts to maritime traffic, general road traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;

~~(j)~~(k) cumulative construction impacts of projects including Sydney Metro City and Southwest and Westconnex, and other surrounding developments. Existing CPTMPs for developments within or around the development site should be referenced in the **CPTMP** to ensure coordination of work activities are managed to minimise impacts on the road network; and

~~(k)~~(l) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated maritime traffic, general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the **CPTMP**.

The Applicant must provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within TfNSW to resolve issues relating to traffic (both road and maritime), freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

A copy of the final **CPTMP** must be submitted to the CBD Coordination Office within TfNSW for endorsement prior to the commencement of works.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the CPTMP must be submitted to the Certifier, Council, City of Sydney Council, the Port Authority, TfNSW and the Planning Secretary.

**CONSTRUCTION TRAFFIC NOISE MANAGEMENT STRATEGY**

C20. Prior to the commencement of construction, a **Construction Traffic Noise Management Strategy** (**CTNMS**) must be prepared by a suitably qualified person, to ensure that feasible and reasonable noise management strategies for vehicle and vessel movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:

(a) driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers or on site;

(b) best noise practice in the selection and maintenance of vehicle fleets;

(c) movement scheduling where practicable to reduce impacts during sensitive times of the day;

(d) communication and management strategies for non-licensee / Applicant owned and operated vehicles to ensure the provision of the **CTNMS** are implemented;

(e) a system of audited management practices that identifies non-conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the **CTNMS**;

(f) specific procedures for drivers to minimise impacts at identified sensitive receivers; and

(g) clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

The **CTNMS** must be prepared in consultation with the Port Authority, EPA and TfNSW. The Applicant must update the **CTNMS** for operation (see **Condition E7**) and must implement the Code of Conduct for the life of the development.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **CPTMP** must be submitted to the Certifier, Council, City of Sydney Council, the Port Authority, EPA, TfNSW and the Planning Secretary.

**CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN**

C21. Prior to the commencement of work, a **Construction Noise and Vibration Management Plan** (**CNVMP**) must be prepared by a suitably qualified person and to the satisfaction of the Planning Secretary. The **CNVMP** must be prepared in consultation with the EPA and Port Authority, and address (but not be limited to):

(a) the EPA's Interim Construction Noise Guideline;

(b) identify nearby sensitive receivers and land uses;

(c) identify the noise management levels for the project;

(d) identify the construction methodology and equipment to be used and the key sources of noise;

(e) identification of each work area, site compound and access route (both private and public);

(f) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise, including the early erection of operational noise control barriers;

(g) be consistent with and incorporate all relevant recommendations and noise mitigation measures outlined in the Noise Assessment report (Reference: 610.17533-R01-v2.0.docx) prepared by SLR Consulting dated 15 March 2018;

(h) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and

(i) include a suitable proactive construction noise monitoring program which aims to ensure the construction noise criteria in this consent are not exceeded, and contains measures to respond to complaints.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **CNVMP** must be submitted to Council, City of Sydney Council, EPA, Port Authority and the Planning Secretary.

**ARCHAEOLOGICAL METHODOLOGY REPORT**

C22. Prior to the commencement of any works, an **Archaeological Methodology Report** (**AMR**) must be prepared by a suitably qualified and experience expert and submitted to the Certifier, Planning Secretary and Heritage NSW. The **AMR** must be consistent with the "Archaeological Research and Design Methodology Rev A (Ref: 60555976)" prepared by AECOM dated 20 August 2018, and based on the finalisation of in-ground impacts of the development. Depending on the nature of in-ground impacts, further archaeological investigation may be required in order to determine the presence or absence of archaeological remains, and refine the assessment of significance. Appropriate archaeological management must be included in the **AMR**, and may include a combination of the following strategies:

(a) test excavation;

(b) salvage excavation;

(c) inspection by a qualified archaeologist of the ground surface underlying the existing slab/bitumen upon removal for the proposed development to confirm the historical disturbance within the areas of proposed works;

(d) heritage interpretation;

(e) unexpected finds procedures; and

(f) heritage inductions.

C23. At the conclusion of the work a report of the findings from the monitoring program be prepared and submitted to Heritage NSW within 12 months.

**CONTAMINATION**

C24. Prior to the commencement of any works, a hazardous material survey must be undertaken. The survey must provide an **Unexpected Contamination Finds Protocol** (**UFP**), prepared by a suitably qualified and experienced expert. The UFP must ensure that any unexpected contaminated material is appropriately managed and must be submitted to the Certifier.

The procedure must form part of the of the CEMP in accordance with **Condition C18** and must ensure any material identified as contaminated must be disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

The **UFP** must be developed considering the findings of the Preliminary Site Investigation Report Revision 2 (dated 21 February 2018) prepared by Martens.

The **UFP** must be implemented for the duration of construction works.

**CONSTRUCTION WASTE MANAGEMENT PLAN**

C25. Prior to the commencement any construction (including demolition), a **Construction Waste Management Plan** (**CWMP**) must be prepared in consultation with the EPA and implemented for the duration of construction works. The CWMP must:

(a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;

(b) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;

(c) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;

(d) require that all waste generated during the project is assessed, classified and managed in accordance with the "Waste Classification Guidelines Part 1: Classifying Waste" (EPA, 2014);

(e) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the subject site, is covered before leaving the subject site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer;

(f) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the site, is removed before the vehicle, trailer or motorised plant leaves the subject site; and

(g) require that concrete waste and rinse water are not disposed on the subject site and are prevented from entering Sydney Harbour.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **CWMP** must be submitted to Council, City of Sydney Council, EPA, Port Authority and the Planning Secretary.

**CONSTRUCTION AIR QUALITY AND ODOUR MANAGEMENT PLAN**

C26. Prior to the commencement of works, a **Construction Air Quality Management Plan** (CAQMP) must be prepared by a suitably qualified and person and to the satisfaction of the Planning Secretary. The CAQMP must be prepared in consultation with, and address the relevant requirements of, Council, City of Sydney Council and the EPA. The CAQMP must address (but not be limited to):

(a) describe the measures that would be implemented on site to ensure:

(i) the control of air quality and odour impacts of the development;

(ii) that these controls remain effective over time;

(iii) that all reasonable and feasible air quality management practice measures are employed

(iv) the air quality impacts are minimised during adverse meteorological conditions and extraordinary events; and

(v) compliance with relevant conditions of consent.

(b) include performance objectives for monitoring dust and ensuring no off-site air quality impacts to nearby residences and businesses;

(c) includes an air quality monitoring program that:

(i) is capable of evaluating the performance of the construction works;

(ii) includes a protocol for determining any exceedances of the relevant conditions of consent and responding to complaints

(iii) adequately supports the air quality performance objectives; and

(iv) evaluates and reports on the effectiveness of air quality management for the construction works.

(d) details on monitoring weather conditions and communicating changing conditions to the workforce;

(e) stop work procedures if performance objectives are not being met.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **CAQMP** must be submitted to Certifier and the Planning Secretary.

**ACID SULFATE SOIL MANAGEMENT PLAN**

C27. An Acid Sulfate Soil Management Plan must be prepared by a suitably qualified person in accordance with the Acid Sulfate Soil Assessment Guidelines (Acid Sulfate Soil Management Advisory Committee, 1998). The Management Plan must be submitted to the Certifier prior to the issue of a Construction Certificate.

**CONSTRUCTION STORMWATER MANAGEMENT PLAN**

C28. Prior to the commencement of works a **Construction Stormwater Management Plan** (CSWMP) must be prepared by a suitably qualified person in consultation with the EPA. This plan must include an Erosion and Sediment Control Plan and systems, processes and procedures for the implementation, operation and management of:

(a) temporary boundary treatment and stormwater overland flow paths;

(b) procedures for management of any spills; and

(c) management of all excess spoil and construction wastes.

The **CSWMP** must include an intensive monitoring program to characterise key pollutants in liquid waste inflows to and discharges associated with the development to ensure this waste is treated to an acceptable level.

Prior to the commencement of works, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **CSWMP** must be submitted to Certifier and the Planning Secretary.

**REFLECTIVITY**

C29. The visible light reflectivity from building materials used on the facades of any buildings must not exceed 20 per cent and must be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifier prior to the commencement of works.

**PROTECTION OF PUBLIC INFRASTRUCTURE**

C30. Before the commencement of construction, the Applicant must:

(a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;

(b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and

(c) submit a copy of the dilapidation report to the Planning Secretary and Council.

C31. 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 public infrastructure that needs to be relocated as a result of the development.

***Note:*** *This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by other conditions of this consent.*

**UTILITIES AND SERVICES**

C32. Prior to the commencement of works, the Applicant is to negotiate with the utility authorities (e.g. Sydney Trains, Ausgrid and telecommunications carriers) in connection with the relocation and/or adjustment of the services affected by the proposal.

C33. Prior to the commencement of any utility works associated with the development, the Applicant must obtain relevant —approvals from service providers.

C34. Prior to the commencement of works, written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

**CONTACT TELEPHONE NUMBER**

C35. Prior to the commencement of the works, the Applicant must forward to Council and the Planning Secretary a 24-hour telephone number to be operated for the duration of the construction works.

**HOARDINGS**

C36. A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:

(a) architectural, construction and structural details of the design as well as proposed artwork; and

(b) structural certification prepared and signed by an appropriately qualified practising structural engineer.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

**BARRICADE PERMIT**

C37. Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

**TRAFFIC WORKS**

C38. Any proposals for alterations to the public road, involving traffic and parking arrangements, must be designed in accordance with TfNSW Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

**ROAD OCCUPANCY LICENCE**

C39. A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

## 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 Certifier before the commencement of works.

### CONSTRUCTION HOURS

D2. Construction, including the delivery of materials to and from the site (with the exception of shipping deliveries), 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 7.30 am and 3.30 pm, Saturdays.

D3. No work may be carried out on Sundays or public holidays.

D4. Activities may be undertaken outside of these hours if required:

~~(a) pouring of concrete for the construction of the silos~~

~~(b) construction that causes $L_{Aeq(15minute)}$ noise levels that are:~~

~~(i) no more than 5dB above Rating Background Level at any residence in accordance with the Interim Construction Noise Guideline; and~~

~~(ii) no more than the Noise Management Levels specified in Table 3 of the Interim Construction Noise Guideline at other sensitive land uses; or~~

~~(c)~~(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or

~~(d)~~(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

D5. Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

D6. 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.

### IMPLEMENTATION OF MANAGEMENT PLANS

D7. The Applicant must ensure that the requirements of all environmental management sub-plans required by Part C of this consent are implemented during construction.

D8. The **CPTMP** approved under **Condition C19** must be implemented during construction except where modified below:

(a) all trucks associated with the development must have their loads covered or secured to ensure trucks do not track material onto the public road network; and

(b) all trucks must be decontaminated in the wheel wash areas before exiting the site.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

D9. The development must 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 must be identified and managed in accordance with the **CEMP** and **CNVMP**.

D10. If the noise from a construction activity is substantially tonal or impulsive in nature, 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.

D11. Heavy vehicles and oversized vehicles must not queue or idle on surrounding local roads outside of construction zones.

D12. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline.

D13. 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* or exceed approved noise limits for the Subject Site.

D14. All work, including demolition, excavation and building work must comply with the *Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites*'.

D15. Where sensitive receivers may be affected, piling activities are to be completed using bored piles. If driven piles are required, they must only be installed where outlined in the **CEMP**.

D16. Vibration caused by construction at any residence or structure outside the subject site must be limited to:

(a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;

(b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and

(c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

D17. These limits apply unless otherwise outlined in the **CNVMP**.

**APPROVED PLANS TO BE ON-SITE**

D18. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available to view by any officer of the Department, Council or the Certifier.

**SITE NOTICE**

D19. A site notice(s) must be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:

(a) must be able to be read by the general public;

(b) must be rigid, durable and weatherproof and is to be displayed throughout the works period;

(c) specify the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice;

(d) must be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted; and

(e) must include a map of the Site and the work zone.

**DISPOSAL OF SEEPAGE AND STORMWATER**

D20. Any seepage or rainwater collected on-site during construction must be managed in accordance with the Water and Stormwater Management Plan.

**COVERING OF LOADS**

D21. All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

**VEHICLE CLEANSING**

D22. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

**WASTE MANAGEMENT**

D23. Notwithstanding the **Waste Management Plan** referred to in **Condition C25**, the Applicant must ensure that:

(a) construction waste should be managed generally in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites" and the EPA's Waste Classification Guidelines Part 1: Classifying Waste*;*

(b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;

(c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;

(d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;

(e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and

(f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

**DUST CONTROL MEASURES**

D24. Adequate measures must be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

(a) physical barriers must be erected at right angles to the prevailing wind direction or must be placed around or over dust sources to prevent wind or activity from generating dust emissions;

(b) activities must be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;

(c) all materials must be stored or stockpiled at suitable locations and stockpiles must be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;

(d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;

(e) all vehicles carrying spoil or rubble to or from the site must at all times be covered to prevent the escape of dust or other material;

(f) all equipment wheels must be washed before exiting the site using manual or automated sprayers and drive-through washing bays to ensure no visible dirt is tracked onto the public road network;

(g) gates must be closed between vehicle movements and must be fitted with shade cloth; and

(h) cleaning of footpaths and roadways must be carried out regularly.

**NO OBSTRUCTION OF THE PUBLIC WAY**

D25. The public way 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 Planning Secretary to stop all work on site.

**DAMAGE TO THE PUBLIC WAY**

D26. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

**BUNDING**

D27. The Applicant must store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements (if active) and/or EPA's Storing and Handling Liquids: Environmental Protection – Participants Handbook.

**EROSION AND SEDIMENT CONTROL**

D28. All erosion and sediment control measures 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 disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

**SETTING OUT OF STRUCTURES**

D29. The building must be set out by a registered surveyor to verify the correct position of the structure in relation to property boundaries and the approved alignment levels. The registered surveyor must submit a plan to the Certifier certifying that structural works are in accordance with the approved development application.

**CONTACT TELPHONE NUMBER**

D30. The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

**WATER QUALITY**

D31. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the following guideline documents:

(a) NSW Water Quality Objectives; and

(b) The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) for the environmental values under the ANZECC guidelines.

**WATER DISCHARGES**

D32. The Applicant must ensure that all surface water discharges from the site comply with section 120 of the *Protection of the Environment Operations Act 1997*.

**SAFEWORK NSW REQUIREMENTS**

D33. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.

**HOARDING/FENCING REQUIREMENTS**

D34. The following hoarding requirements must be complied with:

(a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and

(b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

**HAZARDOUS WASTE REMOVAL**

D35. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines. The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.

D36. Removal of any other hazardous building materials must be undertaken by a suitably licensed contractor.

**LOADING AND UNLOADING DURING CONSTRUCTION**

D37. The following requirements apply:

(a) all loading and unloading associated with construction must be accommodated on-site; and

(b) a Works Zone is required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to the relevant road authority at least 8 weeks prior to commencement of works on the site. Consent for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The consent will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

**DEMOLITION AND CONSTRUCTION VEHICLES**

D38. All demolition and construction vehicles must be wholly contained within the site.

**SITE CONTAMINATION ISSUES DURING CONSTRUCTION**

D39. The Applicant must implement the Unexpected Finds Protocol (see **Condition C24**) for the duration of construction. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified and works must cease in the immediate area of the find. Works must not recommence on site until the Planning Secretary confirms works can recommence.

**ARCHAEOLOGY**

D40. The archaeological works are to occur in accordance with the recommendations outlined in the Archaeological Research and Design Methodology Rev A (Ref: 60555976)" prepared by AECOM dated 20 August 2018.

D41. Excavations or other disturbance that reveal underlying areas and/or archaeological 'relics' to be monitored by a suitably qualified and experienced historical archaeologist who satisfies the criteria for the site of State significance for monitoring against the Heritage Council of NSW Excavation Director Criteria 2011. A report must be prepared by the Excavation Director and provided to the Planning Secretary, Place Management NSW and Heritage NSW within 12 months of the completion of the archaeological work.

**IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – NON-ABORIGINAL OBJECTS**

D42. If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and Heritage NSW must be notified immediately and consulted with regard to the recommencement of works.

**IMPACTS OF BELOW GROUND (SUB SURFACE) WORKS – ABORIGINAL OBJECTS**

D43. If during the course of construction, the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and the EESG must be notified immediately in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Works must not recommence until written authorisation from EESG is received by the Applicant.

**SITE PROTECTION AND WORKS**

D44. All adjacent building elements are to be protected during the works from potential damage.

**CONSTRUCTION WASTE**

D45. Construction waste should be managed in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites".

D46. The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's Waste Classification Guidelines and disposed of at a facility that may lawfully accept that waste.

**WATER SAFETY AND NAVIGATION**

D47. The proposed construction works are not to interfere with the movement of ships unless agreed in advance with the Harbour Master. Pursuant to the Harbour Masters approval, the following is required:

(a) buoys are not to be laid in or adjacent to the shipping channels unless agreed in advance with Harbour Master;

(b) all buoys are to be fitted with lights;

(c) all vessels associated with the construction works are to have Response Plans for emergencies and spills;

(d) the Applicant must provide the Harbour Master with an "All Hours" contact number during construction of the facility;

(e) any marine spill (whether the spill occurs on water or occurs on land and subsequently enters the water) is to be immediately reported to the Port Authority; and

(f) any material associated with the construction of the development that enters the water is to be immediately retrieved. Should the material not be retrieved, the Port Authority will organise for its removal and recover the cost from the Applicant.

**ACID SULFATE SOILS**

D48. The Applicant must ensure that any acid sulfate soil (ASS) and potential acid sulfate soil (PASS) excavated or otherwise disturbed during construction is managed in accordance with:

(a) the *Acid Sulfate Soils Manual 1988* (NSW Acid Sulfate Soil Management Advisory Committee);

(b) the EPA's Waste Classification Guidelines (Part 4: Acid Sulfate Soils); and

(c) the Acid Sulfate Soils Management Plan required under **Condition C27**.

**MEASURES TO PREVENT SEDIMENT DISTURBANCE OF THE SEABED**

D49. The Applicant must ensure that all the proposed works are carried out in a way that minimises the disturbance of the seabed.

D50. Operation of vessels during construction over shallow areas is to be conducted during periods when there is sufficient water depth to avoid propeller disturbance of the underlying sediment.

D51. Measures to avoid turbidity and scouring of the sea floor must be implemented throughout construction works.

## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### OCCUPATION CERTIFICATE

E1. An Occupation Certificate must be obtained from the Certifier prior to commencement of occupation or use of the whole or any part of the approved building.

### OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

E2. An Operational Environmental Management Plan (**OEMP**) must be prepared by a suitably qualified person in accordance with the requirements of **Condition E3** and to the satisfaction of the Planning Secretary. The **OEMP** must be prepared in consultation with Council, City of Sydney Council, TfNSW, the EPA and the Port Authority.

E3. As part of the **OEMP** required under **Condition E2** of this consent, the Applicant must include the following:

(a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;

(b) hours of operation;

(c) statutory approvals applying to the operation of the precinct;

(d) documentation and incorporation of all management plans, strategies and guidelines required under this part of the approval;

(e) the overall policies, principles and performance measures that will be applied to the operation of the facility;

(f) all environment management measures and procedures for the site;

(g) details of how the environmental performance of the site will be monitored, and what actions would be taken to address identified adverse environmental impacts;

(h) describe the procedures that would be implemented to:

(i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;

(ii) receive, handle, respond to, and record complaints;

(iii) resolve any disputes that may arise;

(iv) respond to any non-compliance;

(v) respond to emergencies; and

(i) baseline background dust, noise and water quality data;

(j) a contingency plan to manage any unpredicted impacts and their consequences;

(k) include the following environmental management plans:

(i) noise (see **Condition E5**);

(ii) traffic (see **Condition E6**);

(iii) air quality (see **Condition E9**);

(iv) waste (see **Condition E13**); and

(v) stormwater quality (see **Condition E14**).

E4. The Applicant must:

(a) not commence operation until the **OEMP** is approved by the Planning Secretary; and

(b) operate the development in accordance with the **OEMP** approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

(c) provide a copy of the approved **OEMP to Council and City of Sydney Council.**

### OPERATIONAL NOISE MANAGEMENT PLAN

E5. Prior to occupation or commencement of the use, an **Operational Noise Management Plan** (**ONMP**) must be prepared by a suitably qualified person to the satisfaction of the Planning Secretary. The **ONMP** must cover all premises-based activities and transport operations and be prepared in consultation with Council, City of Sydney Council, the Port Authority and the EPA. The **ONMP** must include (but not be limited to):

(a) be prepared in accordance with the Noise Policy for Industry;

(b) identify nearby sensitive receivers and land uses;

(c) identify the noise limits applying to the development;

(d) identify all key sources of operational noise;

(e) details of all reasonable and feasible management and mitigation measures (such as respite periods) to be implemented to minimise noise and satisfy the noise limits in the relevant EPL and/or this approval at all times;

(f) a system that allows for periodic assessment of Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) that has the potential to minimise noise levels from the premises;

(g) effective implementation of identified BMP and BATEA measures, where considered feasible and reasonable;

(h) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Noise Assessment report (Reference: 610.17533-R01-v2.0.docx) dated 15 March 2018, and Response to Submissions dated 14 May 2019 (Reference: 610.17533-L01-v1.2.docx and 610.17533-L01-v2.2.docx), all prepared by SLR;

(i) details of the non 'poor' noise performing ships to be procured and used to deliver aggregate to the site;

(j) include a suitable proactive noise monitoring program which aims to ensure the noise criteria in this approval are not exceeded, with reference to the monitoring requirements in Part F of this consent;

(k) measures to respond to complaints, including triggers for noise monitoring;

(l) measures for community consultation including site contact details; and

(m) noise monitoring and reporting procedures, including a process that provides for public access to noise monitoring results.

Prior to the commencement of operations, a copy of the approved **ONMP** must be submitted to Council, City of Sydney Council, the Port Authority and the EPA.

**OPERATIONAL TRAFFIC MANAGEMENT PLAN**

E6. Prior to the commencement of operation, an **Operational Traffic Management Plan** (**OTMP**) must be prepared by a suitably qualified person to the satisfaction of the Planning Secretary to mitigate traffic impacts associated with the use of the facility, including consideration of other traffic generated at the port, including from other infrastructure projects in the vicinity of the site. The **OTMP** must be prepared in consultation with Council, City of Sydney Council, EPA, the Port Authority and TfNSW. The **OTMP** must:

(a) be prepared by a suitably qualified and experienced person(s);

(b) detail vehicle routes, access and parking arrangements, including the preparation of an on-site parking management guide;

(c) include as Driver Code of Conduct to:

(i) minimise conflicts with other road users;

(ii) minimise road traffic noise, in accordance with **Condition E7**;

(iii) ensure truck drivers use specified routes;

(iv) ensure no queuing or parking outside the site boundary, unless otherwise approved (on Port Authority land) by the Port Authority;

(v) ensure adherence to all on-site and off-site speed limits;

(vi) require all loading and unloading to be undertaken on site; and

(vii) require all vehicles to enter and exit the site in a forward direction;

(d) include a Heavy Vehicle Management Plan to the satisfaction of Council;

(e) include measures to minimise vehicle movements during the morning peak periods;

~~(d)~~(f) detail the hourly truck movements to ensure that the maximum truck movements per day and per hour in Condition F3 are not exceeded and to minimise movements during peak periods; and

~~(e)~~(g) include a program to monitor the effectiveness of these measures.

Prior to the commencement of operations, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the OTMP must be submitted to the Certifier, Council, City of Sydney Council, EPA, the Port Authority, TfNSW and the Planning Secretary.

**OPERATIONAL TRAFFIC NOISE MANAGEMENT STRATEGY**

E7. Prior to the commencement of operation, an **Operational Traffic Noise Management Strategy** (**OTNMS**) must be prepared by a suitably qualified person, to ensure that feasible and reasonable noise management strategies for vehicle movements associated with the facility are identified and applied, that include but are not necessarily limited to the following:

(a) mitigation measures fitted to vehicles to minimise truck noise on site, including parking brake compressed air release silencers and squawker reversing alarms fitted to mobile plant, concrete and aggregate trucks,

(b) driver training to ensure that noisy practices such as the use of compression engine brakes are not unnecessarily used near sensitive receivers;

(c) best noise practice in the selection and maintenance of vehicle fleets;

(d) movement scheduling where practicable to reduce impacts during sensitive times of the day;

(e) communication and management strategies for non-licensee / Applicant owned and operated vehicles to ensure the provision of the **OTNMS** are implemented;

(f) a system of audited management practices that identifies non-conformances, initiates and monitors corrective and preventative action (including disciplinary action for breaches of noise minimisation procedures) and assesses the implementation and improvement of the **OTNMS**;

(g) specific procedures for drivers to minimise impacts at identified sensitive receivers; and

(h) clauses in conditions of employment, or in contracts, of drivers that require adherence to the noise minimisation procedures and facilitate effective implementation of the disciplinary actions for breaches of the procedures.

The **OTNMS** must be prepared in consultation with the Port Authority, EPA and TfNSW. The Applicant must implement the Code of Conduct for the life of the development.

Prior to the commencement of operations, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **OTNMS** must be submitted to the Certifier, Council, City of Sydney Council, EPA, the Port Authority, TfNSW and the Planning Secretary.

**POST-COMMISSIONING NOISE VERIFICATION REPORT**

E8. A noise verification report must be submitted to EPA and the Planning Secretary within three months of the completion of commissioning. The report must be prepared by a suitably qualified and experienced acoustic consultant in accordance with the Noise Policy for Industry and include:

(a) an analysis of compliance with noise limits specified in **Conditions F4**, **F6** and **F7**; and

(b) an outline of management actions to be taken or noise mitigation measures to be implemented to address any exceedances of the limits specified in **Conditions F4**, **F6** and **F7**.

**OPERATIONAL AIR QUALITY MANAGEMENT PLAN**

E9. Prior to the commencement of operation, an **Operational Air Quality Management Plan** (**OAQMP**) must be prepared by a suitably qualified person to the satisfaction of the Planning Secretary in consultation with the EPA and Port Authority. The **OAQMP** must form part of the **OEMP** required by **Condition E2**. The **OAQMP** must:

(a) be prepared by a suitably qualified and experienced person(s);

(b) detail and rank all emissions from all sources of the development, including particulate emissions;

(c) identify sensitive receptors in proximity to the site;

(d) detail the legislative framework and standards applicable to the operation;

(e) potential contributors to off-site pollutant impacts, including pollutants of concern;

(f) describe a program that is capable of evaluating the performance of the operation and determining compliance with key performance indicators;

(g) include historical data from existing dust monitoring gauges;

(h) identify the control measures that that will be implemented for each emission source; and

(i) nominate the following for each of the proposed controls:

(i) key performance indicator;

(ii) monitoring method;

(iii) location, frequency and duration of monitoring;

(iv) record keeping;

(v) complaints register;

(vi) response procedures;

(vii) compliance monitoring; and

(viii) review and reporting protocols, including a commitment to providing a report no later than six months following the commencement of operations, including a process that provides for public access to air quality monitoring results.

(j) describe a program for reviewing dust management practices on site to ensure continual improvement in dust management practices and implementation of best practice dust management measures, including a commitment to ensure no visible dirt is tracked onto the public road network.

Prior to the commencement of operations, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **OAQMP** must be submitted to the Certifier, Council, City of Sydney Council, EPA, the Port Authority and the Planning Secretary.

The Applicant must implement the most recent version of the **OAQMP** for the duration of the development.

**AIR QUALITY DISCHARGES**

E10. Ships serving the facility must limit sulfur emissions by using low sulfur fuel (0.5% sulfur content or less); or an exhaust gas cleaning system certified and approved in accordance with the International Maritime Organisation's (IMO) Guideline for Exhaust Gas Cleaning Systems 2015; or a combination of the above measures. The limit on sulfur fuel will apply from one hour after the arrival of the vessel at berth until one hour before the departure of the vessel.

E11. The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.

**POST-COMMISSIONING AIR QUALITY VERIFICATION REPORT**

E12. An air quality verification report must be submitted to EPA and the Planning Secretary within three months of the completion of commissioning. The report must be prepared by a suitably qualified and experienced air quality consultant and include:

(a) an analysis of compliance with air quality criteria; and

(b) an outline of management actions to be taken to address any exceedances of the criteria.

**OPERATIONAL VESSEL MANAGEMENT PLAN**

E13. Prior to occupation or commencement of use, a detailed **Operational Vessel Management Plan** (**OVMP**) must be prepared by a suitably qualified person and endorsed by the Planning Secretary, TfNSW (Maritime) and the Harbour Master. The Plan must include:

(a) confirmation of the vessel size, tonnage capacity and number of vessel movements, and an outline of all potential maritime impacts and safety issues, and measures to minimise and mitigate identified impacts on users of Glebe Island, White Bay and the surrounding area;

(b) measures to ensure the delivery of 1,000,000 tonnes of concrete aggregates per annum is not exceeded, consistent with **Condition F3**;

(c) measures to avoid interference between the operation of the development and the movement of trading vessels, unless interference is agreed in advance with the Harbour Master;

(d) agreement to report any marine spill (whether the spill occurs on water or occurs on land and subsequently enters the water) is to be immediately reported to Port Authority Vessel Traffic Services on 9296 4000;

(e) agreement to immediately retrieve any material associated with the operation of the development that enters the water. Should the material not be retrieved, the Port Authority will organise for its removal and recover the cost from the Applicant; and

(f) a Communications Plan, for implementation during operation of the development, which is to be approved by the Harbour Master prior to operations commencing. The Plan must include 24/7 contact details, communication protocols for vessels departing the facility and protocols for emergencies.

Prior to the commencement of operations, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **OVMP** must be submitted to the Certifier.

**OPERATIONAL WASTE MANAGEMENT PLAN**

E14. Prior to the commencement of operation, an **Operational Waste Management Plan (OWMP)** must be prepared by a suitably qualified person to the satisfaction of the Planning Secretary. The **OWMP** must be consistent with the Waste Management Plan prepared by Martens (Reference: P1706122JR03V02) dated February 2018**,** and form part of the **OEMP** and be prepared in accordance with **Condition E2**. The Plan must:

(a) detail the type and quantity of waste to be generated during construction and operation of the development;

(b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014* and the EPA's Waste Classification Guideline;

(c) detail the materials to be reused or recycled, either on or off site;

(d) include the Management and Mitigation Measures to minimise impacts associated with waste, if required; and

(e) confirm no waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

Prior to the commencement of operations, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **OWMP** must be submitted to the Certifier and the Planning Secretary.

**OPERATIONAL STORMWATER QUALITY MANAGEMENT PLAN**

E15. Prior to the commencement of operation, an **Operational Stormwater Quality Management Plan (OSQMP)** must be prepared by a suitably qualified person to the satisfaction of the Planning Secretary. The **OSQMP** must be consistent with the Water Cycle Management Plan prepared by Martens (Reference: P1706122JR02V02) dated February 2018, and form part of the **OEMP** and be prepared in accordance with **Condition E2**. The Plan must detail the design, installation and operation of a stormwater management system for the development that is:

(a) designed by a suitably qualified and experienced person(s);

(b) generally in accordance with the conceptual design in the EIS;

(c) in accordance with applicable Australian Standards;

(d) ensures that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines; and

(e) includes a suitable monitoring and reporting program, and measures to address impacts on water quality where results indicate the relevant parameters and standards are not complied with.

Prior to the commencement of operations, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the **OSQMP** must be submitted to the Certifier, Port Authority and the Planning Secretary.

**ROAD DAMAGE**

E16. The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the commencement of use (see also **Condition E30**).

***Note:*** *Should the cost of damage repair work not exceed the road maintenance bond, the bond will automatically be called up to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.*

**WATER AUTHORITY COMPLIANCE**

E17. A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation. The Section 73 Certificate must be submitted to the Certifier prior to the commencement of use.

**UTILITY PROVIDERS**

E18. Prior to occupation or commencement of the use, written advice must be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

**POST-CONSTRUCTION DILAPIDATION REPORT**

E19. Prior to the issue of an Occupation Certificate:

(a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;

(b) the report is to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifier must:

i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and

ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners prior to the commencement of operations.

**STRUCTURAL INSPECTION CERTIFICATE**

E20. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the Certifier prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the 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.

**TRAVEL PLAN**

E21. Prior to the commencement of operation of any part of the development, a Travel Plan must be prepared by a suitably qualified person. The Travel Plan must form part of the **OEMP** required by **Condition E2** and must:

(a) be prepared in consultation with TfNSW;

(b) outline facilities and measures to promote public transport usage, such as car share schemes and employee incentives; and

(c) describe pedestrian and bicycle linkages and end of trip facilities available on-site.

Prior to the commencement of operations, details demonstrating compliance with the above requirements must be submitted to the Certifier. A copy of the Travel Plan must be submitted to the Certifier, TfNSW and the Planning Secretary.

The Applicant must implement the most recent version of the Travel Plan for the duration of the development.

**END-OF-TRIP BICYCLE FACILITIES**

E22. Prior to the issue of an Occupation Certificate, end-of-trip bicycle facilities must be available on site for use by staff/employees.

**ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

E23. Prior to the issue of an Occupation Certificate, evidence must be submitted to the Certifier demonstrating compliance with the recommendations and principles highlighted within the EIS, prepared by Ethos Urban, dated 14 March 2018 (see **Condition B11**).

**DAMAGE TO PUBLIC AUTHORITY ASSETS**

E24. The cost of repairing any damage caused to Council, the City of Sydney Council, or other Public Authority's assets in the vicinity of the Site as a result of construction works associated with the approved development, is to be met in full by the Applicant/developer prior to the issue of an Occupation Certificate (see also **Condition E15**).

**FIRE SAFETY CERTIFICATION**

E25. Prior to the occupation or commencement of use of the development, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

**SANITARY FACILITIES FOR DISABLED PERSONS**

E26. Prior to occupation and commencement of the use, details must be provided to the Certifier demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B23**.

**BICYCLE AND FACILITIES FOR CYCLISTS CERTIFICATION**

E27. Prior to the issue of an Occupation Certificate, details must be provided to the Certifier demonstrating compliance with the approved number of bicycle spaces required under **Condition B18** and facilities for cyclists required under **Condition B19** to **B20**.

**WASTE AND RECYCLING COLLECTION**

E28. Prior to the issue of an Occupation Certificate and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

**ACOUSTIC COMPLIANCE**

E29. Prior to the issue of an Occupation Certificate, evidence must be submitted to the Certifier demonstrating compliance with all noise mitigation measures required under **Condition B24** and to ensure the development achieves compliance with the requirements of the Noise Policy for Industry and other guidelines applicable to the development.

**EXTERNAL WALLS AND CLADDING FLAMMABILITY**

E30. Prior to the issue of Occupation Certificate, evidence must be submitted to the Certifier demonstrating all external walls of the building, including cladding, comply with the relevant requirements of the BCA, consistent with the requirements of **Condition B2**.

**PROTECTION OF PUBLIC INFRASTRUCTURE**

E31. 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.

**ENVIRONMENT PROTECTION LICENCE**

E32. Prior to occupation or commencement of use relating to a Scheduled Activity listed in Schedule 1 of the *Protection of the Environment Operations Act 1997* an Environment Protection Licence must be obtained.

**PUBLIC ART STRATEGY IMPLEMENTATION**

E33. Prior to the issue of any Occupation Certificate, evidence that all elements of the **Public Art Strategy** (See **Condition B26)**, have been implemented must be submitted to the satisfaction of the Planning Secretary.

**LANDSCAPING**

E34. All landscaping works approved must be completed in accordance with the detailed landscape plan (see **Condition B26**, prior to the issue of an Occupation Certificate.

**COMMUNITY CONSULTATIVE COMMITTEE**

E35. Before the commencement of operations, a Community Consultative Committee (CCC) must be established for the development in accordance with the Department's *Community Consultative Committee Guidelines: State Significant Projects* (2019). The CCC must begin to exercise functions in accordance with such Guidelines before the commencement of operations and continue to do so for the duration of operations, unless advised in writing by the Planning Secretary that a CCC is no longer required.

E36. The Community Consultative Committee must be established to allow regular contact and liaison with surrounding land users, including representatives from: Jacksons Landing Action Group, Jacksons Landing Coalition, Pyrmont Action Group, Bays Community Coalition, White Bay Stratas Committee, with regular meetings of a frequency to be determined by the Chair, and to allow issues regarding, noise, air quality, traffic and the like to be discussed and resolved in a reasonable and timely way.

## PART F POST OCCUPATION – DURING OPERATION

### OPERATIONAL PLAN OF MANAGEMENT

F1. The **OEMP** (see **Condition E2**), and all relevant plans must be fully implemented during use of the premises.

### HOURS OF OPERATION

F2. The facility is permitted to operate 24-hours-a-day, seven-days-a-week, subject to the limits imposed by Conditions F3 to F6.

### LIMITS ON CONSENT

F3. The operation of the development must not exceed:

(a) 1,000,000 tonnes of concrete aggregate delivered to the site per annum;
(b) the production of 1,000,000 $m^3$ of concrete per annum;
(c) 482 aggregate truck movements (into and out of the site) per day (24-hour period);
(d) 70 cement truck movements (into and out of the site) per day (24-hour period);
(e) 1378 concrete truck movements (into and out of the site) per day (24-hour period);
(f) 182 truck movements (into and out of the site) per hour.

F4. At least 80% of all concrete aggregate delivered to the site per annum, must be delivered by ship.

F5. The consent does not authorise the use of the site for the storage of aggregate or other materials unless predominantly delivered by ship. Any aggregate delivered to the site by truck must be for use in the on-site concrete batching plant only.

F6. The operation of the development must not exceed 10 ship deliveries per month, with berthing and unloading activities restricted to 6am to 10pm. Berthing and unloading activities are permitted to occur outside of these hours for a maximum of 12 times per calendar year, if required due to unexpected vessel delays, such as inclement weather or other unforeseen factors. If the Applicant requires after hours berthing and unloading for more than 12 times within a 12-month period, written approval must be obtained from the Planning Secretary and the Community Consultative Committee must be notified, prior to any exceedance occurring;

~~F3.~~F7. A report demonstrating compliance with conditions F3, F4, F5 and F6 must be prepared annually as part of the Independent Environmental Audit required by **Condition C4**.

### NOISE LIMITS – GENERAL OPERATION

~~F4.~~F8. The Applicant must ensure that the noise generated while a ship servicing the facility is in berth at Glebe Island Berth 1 does not exceed the noise limits at the times and locations identified in the table below.

| Receiver Location | Noise limit (Day) $L_{Aeq(15\ minute)}$ dB(A) | Noise limit (Evening) $L_{Aeq(15\ minute)}$ dB(A) | Noise limit (Night) $L_{Aeq(15\ minute)}$ dB(A) | Noise limit (Night) $L_{AFmax}$ |
|---|---|---|---|---|
| Any residence in Donnelly Street, Balmain | 47 | 46 | 45 | 55 |
| Any residence in Batty Street, Balmain | 48 | 47 | 46 | 57 |
| Any residence in Refinery Drive, Pyrmont | 53 | 53 | 52 | 62 |
| Any residence in Bowman Street, Pyrmont | 56 | 54 | 53 | 62 |
| Any residence in Leichhardt Street or Glebe Point Road, Glebe | 43 | 42 | 42 | 55 |

F9. The Applicant must source and continually use a dedicated vessel or vessels to supply raw material to the facility to ensure noise and air quality from ship berthing is minimised and 'poor' noise performing ships are not used at the site. The vessel must be maintained and operated to ensure the noise limits in **Condition F8** are met. In this regard:

(a) The operator shall 5 years from the date of commencement of use, ensure the provision of sufficient on-shore infrastructure or other alternate electricity supply to enable vessels to turn off their engines;

(b) Should the operator consider compliance with subclause (a) not feasible, then this shall be clearly demonstrated in writing, including the provision of a full feasibility study, prepared by a suitably qualified person, to demonstrate the unviability, both in regards to the type of vessel(s) available as well as the provision of on-shore infrastructure or alternate electricity supply;

(c) Such a report as outlined under (b) above, shall be submitted no more than 5 years from the date of commencement of the use, and no less than 6 months post this date, and be to the satisfaction of the Planning Secretary; and

~~(a)~~(d) Should the report be accepted by the Planning Secretary and the provision of shore to ship power or another alternate energy supply be deemed not feasible, the operator shall again submit another feasibility study within 5 years of the date of the Planning Secretary's acceptance of the feasibility report.

~~F5.~~F10. The Applicant must ensure that the noise generated while no ship servicing the facility is in berth at Glebe Island Berth 1 does not exceed the noise limits at the times and locations identified in the table below.

| Receiver Location | Noise limit (Day) dB(A) $L_{Aeq(15\ minute)}$ / $L_{Aeq(day)}$ | Noise limit (Evening) dB(A) $L_{Aeq(15\ minute)}$ / $L_{Aeq(evening)}$ | Noise limit (Night) dB(A) $L_{Aeq(15\ minute)}$ / $L_{Aeq(night)}$ | Noise limit (Night) $L_{AFmax}$ |
|---|---|---|---|---|
| Any residence in Donnelly Street, Balmain | 43 / 40 | 41 / 36 | 39 / 35 | 55 |
| Any residence in Batty Street, Balmain | 46 / 43 | 45 / 40 | 42 / 37 | 57 |
| Any residence in Refinery Drive, Pyrmont | 49 / 46 | 47 / 42 | 46 / 41 | 62 |
| Any residence in Bowman Street, Pyrmont | 54 / 51 | 52 / 47 | 50 / 45 | 62 |
| Any residence in Leichhardt Street or Glebe Point Road, Glebe | 41 / 38 | 39 / 35 | 38 / 35 | 55 |

For the purposes of **Conditions F8** and **F10**:

(a) Day means the period from 7 am to 6 pm Monday to Saturday and the period from 8 am 6pm Sunday and public holidays;

(b) Evening means the period from 6 pm to 10 pm; and

(c) Night means the period from 10 pm to 7 am Monday to Saturday, and the period from 10 pm to 8 am Sunday and public holidays.

***Note:*** *Noise generated by the development is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the Noise Policy for Industry.*

~~F6.~~F11. Whilst the noise limits in the Glebe Island and White Bay Port Noise Policy (Port Authority of NSW, December 2020) are currently higher than the noise limits prescribed in **Conditions F8 and F10**, the policy commits to long term reduction of noise limits.

Should the Glebe Island and White Bay Port Noise Policy (Port Authority of NSW, December 2020) change the noise limits to lower than those prescribed in **Conditions F8 and F10** over time, the Glebe Island and White Bay Port Noise Policy (including the Vessel Noise Operating Protocol developed under this Policy) limits shall apply.

**NOISE ENHANCING METEOROLOGICAL CONDITIONS**

~~F7.~~F12. The noise limits set out in **Conditions F8 and F10** apply under the following meteorological conditions:

| Assessment Period | Meteorological Conditions |
|---|---|
| Day | Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level. |
| Evening | Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level. |
| Night (Assessment locations in Conditions F4 & F6 in Pyrmont) | Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level; or<br>Stability category E and F with wind speeds up to and including 2m/s at 10m above ground level. |
| Night (Assessment locations in Conditions F4 & F6 in Balmain & Glebe) | Stability Categories A, B, C and D with wind speeds up to and including 3m/s at 10m above ground level. |

For those meteorological conditions not referred to above, the noise limits that apply are the noise limits in **Conditions F4** and **F6** plus 5 dB.

For the purposes of this condition:

(a) The meteorological conditions are to be determined from meteorological data obtained from the nearest Bureau of Meteorology weather station; and

(b) Stability category must be determined using the following method from Fact Sheet D of the Noise Policy for Industry:

(i) Use of sigma-theta data (section D1.4).

**NOISE COMPLIANCE**

~~F8.~~F13. To assess compliance:

(a) with the $L_{Aeq(15\ minutes)}$, $L_{Aeq(period)}$ or the $L_{Amax}$ noise limits in **Conditions F8 and F10** (or **Condition F11** where applicable) and **Condition F12**, the noise measurement equipment must be located:

(i) approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable;

(ii) in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable; and

(iii) in an area within 50 metres of the boundary of a National Park or Nature Reserve.

(b) with the $L_{Aeq(15\ minutes)}$, $L_{Aeq(period)}$ or the $L_{Amax}$ noise limits in **Conditions F8 and F10 (or Condition F11 where applicable) and Condition F12**, the noise measurement equipment must be located:

(i) at the reasonably most affected point at a location where there is no residence at the location; or,

(ii) at the reasonably most affected point within an area at a location prescribed by **Condition F9 (a)**; or,

(iii) where an internal noise limit is identified in **Conditions F4** and **F6** (or **Condition F7** where applicable), at or near the centre of a room that is not a garage, storage area, bathroom, laundry, hallway, toilet or pantry at the location, with the windows opened sufficiently to provide adequate ventilation except where mechanical ventilation is provided.

(c) with the $L_{Aeq(15\ minutes)}$, $L_{Aeq(period)}$ or the $L_{Amax}$ noise limits in **Conditions F8 and F10 (or Condition F11 where applicable) and Condition F12**, the noise measurement equipment must be located:

(i) between 1.2m to 1.5m above ground level, or at elevations considered to be most affected.

~~F9.~~F14. The noise limits in **Conditions F8 and F10 (or Condition F11 where applicable) and Condition F12** must not be exceeded at any point at the locations referred to in **Condition F13 (a)** or **(b)**, whether at the most reasonably affected point or elsewhere at the location.

~~F10.~~F15. For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

~~F11.~~F16. Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

~~F12.~~F17. Where it can be demonstrated that direct measurement of noise from the premises is impractical at location/s nominated in **Conditions F8 and F10 (or Condition F11** where applicable), the EPA may accept alternative means of determining compliance. See Chapter 7 of the Noise Policy for Industry.

**NOISE MONITORING**

~~F13.~~F18. Attended noise monitoring must be undertaken in accordance with **Condition F12** and must be carried out:

(a) On the first occasion a vessel is berthed and unloading at the premises;

(b) On the first occasion a vessel that has not previously attended the premises is berthed and unloading;

(c) Within one month of the commencement of full-scale batching plant operations while a ship is not in port; and

(d) In any other calendar quarter where monitoring has not been triggered by (a), (b) and (c); and,

~~F14.~~F19. If otherwise directed by the Planning Secretary, the Applicant must undertake noise monitoring to confirm compliance with the noise limits in **Conditions F8 and F10 (or Condition F11 where applicable) and Condition F12** of this consent. In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be implemented to achieve compliance and the **ONMP** required under **Condition E5** be updated to include such measures.

**NOISE MONITORING REPORT**

~~F15.~~F20. A noise compliance assessment report must be submitted to the EPA within 30 days of the completion of monitoring required under **Condition F18**. The assessment must be prepared by a suitably qualified and experienced acoustical consultant and include:

(a) an assessment of compliance with noise limits presented in **Conditions F8** and **F10** (or **Condition F11** where applicable) and **Condition F12**; and

(b) an outline of any management actions taken within the monitoring period to address any exceedances of the limits contained in **Conditions F8** and **F10** (or **Condition F11** where applicable) and **Condition F12**.

**NOISE CONTROL – PLANT AND MACHINERY**

~~F16.~~F21. Noise associated with the operation of any plant, machinery or other equipment on the site, must not give rise to any one or more of the following:

(a) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;

(b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and

(c) notwithstanding compliance with (a) and (b) above, the noise from mechanical plant associated with the premises must not exceed 5dB(A) above the background noise level between the hours of 12.00 midnight and 7.00 am.

**DUST MANAGEMENT**

~~F17.~~F22. The Applicant must ensure:

(a) the premises is maintained in a condition that minimises the emission of dust and silt loading on paved surfaces;

(b) there is no visible track out or visible dust emissions; and

(c) all reasonable and feasible best practice measures are implemented to minimise dust generated during operations.

**AIR/ODOUR EMISSIONS**

~~F18.~~F23. The use of the operation must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.

~~F19.~~F24. Gaseous emissions from the operation must comply with the requirements of the *Protection of the Environment Operations Act 1997* and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

**ANNUAL FIRE SAFETY CERTIFICATE**

~~F20.~~F25. The owner of the building must certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

**EXTERNAL LIGHTING**

~~F21.~~F26. External Lighting must comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting* and must be mounted, screened and directed in such a manner that it does not create nuisance to surrounding properties, the public road network or navigation of the surrounding waterways. Ships must turn off any non-essential lights, consistent with on-board safety and security requirements and where possible, lighting from the facility should be switched off or dimmed when not in use. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit evidence from an independent qualified practitioner, to the satisfaction of the Planning Secretary, demonstrating compliance in accordance with this condition.

**STORAGE OF HAZARDOUS OR TOXIC MATERIAL**

~~F22.~~F27. Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials must be stored in a bunded area. The bund walls and floors must be constructed of impervious materials and must be of sufficient size to contain 110 per cent of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

**NO POLLUTION OF WATERS**

~~F23.~~F28. No part of this approval provides any approval to pollute waters. The Applicant must ensure that any water quality, temperature and quantity discharge off-site complies with the requirements of the Protection of the Environment Operations Act 1997.

**BUILT STRUCTURES AND OPEN AREAS**

~~F24.~~F29. All buildings, structures, shipping containers, open areas and perimeter fencing of the site must be:

(a) maintained in a proper and efficient condition; and

(b) operated in a proper and efficient manner.

**LOADING**

~~F25.~~F30. All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way. At all times the service vehicle docks and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

**NO OBSTRUCTION OF THE PUBLIC WAY**

~~F26.~~F31. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.

## ADVISORY NOTES

### APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

### OTHER APPROVALS AND PERMITS

AN2. The Applicant must apply to Council or the relevant authority for all necessary permits including temporary structures, crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or Section 138 of the *Roads Act, 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### REQUIREMENTS OF PUBLIC AUTHORITIES

AN4. Public authorities (e.g. Ausgrid, Sydney Trains, Sydney Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

### DISABILITY DISCRIMINATION ACT

AN5. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### USE OF MOBILE CRANES

AN6. The Applicant must obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters must be complied with to the Certifier:

(a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:

(i) at least 48 hours prior to the works for partial road closures which, in the opinion of the relevant road authority will create minimal traffic disruptions; and

(ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of the relevant road authority, will create significant traffic disruptions.

(b) The use of mobile cranes must comply with the approved hours of construction and must not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

### ROADS ACT 1993

AN7. A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

(c) erect a structure or carry out a work in, on or over a public road;

(d) dig up or disturb the surface of a public road;

(e) remove or interfere with a structure, work or tree on a public road;

(f) pump water into a public road from any land adjoining the road; or

(g) connect a road (whether public or private) to a classified road.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN8. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

AN9. This application has been assessed in accordance with the EP&A Act. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Agriculture, Water and the Environment to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the EPBC Act does not have application. The EPBC Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

**BUILDING PLAN APPROVAL**

AN10. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

**WORKS AND SIGNPOSTING**

AN11. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development must be borne by the developer.

**END OF ADVISORY NOTES**