



Camden Council

Attachments

Ordinary Council Meeting
25 July 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Figure 1.1	Project Area	EMM	N/A
Figure 3.1	Proposed Site Layout	EMM	N/A
N/A	Elevation View	N/A	September 2016
N/A	Elevation View	N/A	September 2016
N/A	Elevation View	N/A	September 2016
N/A	Elevation View	N/A	September 2016
N/A	Signage Plan	N/A	N/A
Dwg No. MS- 102112-100 Rev 6 Sheet A3	Floor Plan	MBS	29/9/2011
Dwg No. MS- 102112-110 Rev 1 Sheet A3	Elevations	MBS	3/2/2011
Dwg No. MS- 102112-111 Rev 1 Sheet A3	Elevations	MBS	3/2/2011
Dwg No. 1422.GD.01 Issue B	Landscape Plan	Greenland Design	18/3/2017
Dwg No. 1422.GD.02 Issue B	Landscape Details & Specification	Greenland Design	18/3/2017
N/A	Proposed Intersection	EMM	N/A
Dwg No. B747/1 Sheet C1 Rev C	Stormwater Basin	Tasman Engineering Consultants	25/1/2017
Dwg No. B747/1 Sheet C2 Rev C	Stormwater Longitudinal Section	Tasman Engineering Consultants	25/1/2017
Dwg No. B747/1 Sheet C3 Rev C	Dissipator Detail	Tasman Engineering Consultants	25/1/2017

Document Title	Prepared by	Date
Environmental Impact Statement (Volume 1 and 2, including appendix A to O)	EMM	N/A
Surface Water Assessment (Rev D)	Royal Haskoning DVH	8/3/2017
Revised Road Traffic Assessment	EMM	28/10/2016

- (2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (4) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. General Terms of Approval from Office of Environment and Heritage dated 13 July 2016 listed in Attachment C.
 2. Conditions from NSW Environmental Protection Authority dated 30 June 2017 listed in Attachment D (NOTE: General condition 18 of Attachment D, which relates to construction hours, is not applicable. Construction hours are specified at Condition 4.0 (4) of this development consent).
 3. Conditions from Endeavour Energy date 28 July 2016 listed in Attachment E.
 4. Conditions from the NSW Rural Fire Service dated 1 July 2016 listed in Attachment F.
- (5) **Modified Documents and Plans** - The development shall be modified as follows:
- a) Amend the landscape plan to include the following tree species: *Acacia decurrens* (Black Wattle), *A. parramattensis* (Parramatta Wattle), *A. implexa* (Hickory Wattle); and
 - b) Amend the landscape plan so 46 new trees (species provided in a) above) are provided along the street frontage of the development area to replace trees approved to be removed.
- (6) **Separate Approval for Signs** - A separate development application for any proposed signs additional to the sign approved as part of this development consent shall be provided to, and approved by, the Consent Authority prior to the erection or display of any such signs.
- (7) **Signage Height** - The approved sign is permitted to a maximum height of 2m measured from natural ground level to the top of the sign.

- (8) **Tree Removal** - The trees as shown in the approved landscape plan are approved for removal. Replacement trees shall be planted at a ratio of 1:1 in accordance with the landscape plan.

This work should only be carried out by a fully insured and qualified Arborist. Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

Where possible all green waste generated from the approved tree work is to be recycled into mulch or composted at a designated facility. All reasonable measures must be taken to protect the remaining vegetation on the site from damage during the approved tree works.

The issuing of this Consent is conditioned upon the planting and maintenance of suitable replacement trees as a means to achieve a "No Nett Loss" approach to vegetation management. The plantings are to be installed on the subject property within six (6) months of the removal/s authorised by this consent.

- (9) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval; and
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (10) **Outdoor Lighting** - All lighting shall comply with Australian Standard AS1158 and AS4282.
- (11) **Noxious Weeds Management** – The applicant must fully and continuously suppress and destroy by appropriate means, any noxious or environmentally invasive weed infestations that occur during or after works. New infestations must be reported to Council.
- Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.
- (12) **Intersection Sight Distance** - The safe intersection sight distance must be in accordance with the Austroad Guidelines for an 80km/hr road.
- (13) **Auxiliary Turning Lanes** - The auxiliary turning lanes must be in accordance with Austroad guidelines.
- (14) **Access Driveway** - The access driveway must be in accordance with Australian Standards 2890.1 and 2890.2.
- (15) **Car Parking** - All car parking areas must be constructed in accordance with Australian Standards 2890.1 2890.2 and 2890.6. An accessible parking space must be provided on site in addition to the parking spaces already provided.
- (16) **Aboriginal / European Heritage** – The proposed development must comply with the following requirements during construction and as part of ongoing use:
- a) Compliance with the recommendations 7.1.3 to 7.1.10 of the *Aboriginal Cultural Heritage Assessment: Bringelly Concrete Batching Plant*, by EMM dated 24 May 2016; and
 - b) Compliance with the Section 8 Mitigation Measures of the *Statement of Heritage Impact: Bringelly Concrete Batching Plant*, by EMM dated 9 May 2016.
- (17) **Finished Colours** – The entire development including the acoustic fencing must comprise neutral / earthy tones that are sympathetic to the rural character.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Acoustic Report** - The development shall be constructed in accordance with the acoustic report: "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016." Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (2) **Water Quality Monitoring Plan** - A water quality monitoring plan shall be provided to the Certifying Authority.

The WQMP shall include monitoring (this extends to water quality sampling and laboratory analysis) for all completed water quality treatment systems that provide water quality treatment to service the development both during the construction and post development stages. Only relevant water quality treatment systems that drain the development should be included in the WQMP.

The WQMP shall include:

- a) quarterly water sampling;
 - b) reference to an approved sampling methodology;
 - c) location plan of sampling;
 - d) frequency of reporting of results to the Consent Authority; and
 - e) nomination of suitable water quality criteria (i.e., concentration values for pollutants expressed in mg/l) for the purpose of determining compliance.
- (3) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.

- (4) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (5) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and Australian Standard 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (6) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.

A detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the Certifying Authority with the Construction Certificate application.

- (7) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering

Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (8) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the *Protection of the Environment Operations Act 1997*.

Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the *Protection of the Environment Operations Act 1997*.

- (9) **Smoke Free Premises** - The construction and fit out of the premises shall comply with the *Smoke-Free Environment Act 2000* and Smoke-Free Environment Regulation 2000. Details demonstrating compliance shall be provided to the Certifying Authority.
- (10) **Accessibility** - Prior to the issuing of a Construction Certificate for the proposed amenities building, detailed plans are to be provided to the appointed Accredited Certifier to assess the Construction Certificate, that demonstrates & details compliance with Part D3 of the National Construction Code – Building Code of Australia and Australian Standard – AS 1428.1 – 2009 Design for Access and Mobility.
- (11) **Salinity Management for Construction Materials** – The selection of construction materials must be able to withstand a mildly aggressive environment to concrete and steel.
- (12) **Construction and Operational Waste Management Plans** – Construction and operational waste management plans for the development must be consistent with the "Bringelly Waste Management Plan", Prepared by Boral.

The collection contractor and subsequent disposal facility must be identified.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable and be kept on site for compliance until the completion of all construction works.
- (2) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (3) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;

- b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (4) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (9) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this development consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (10) **Performance Bond** - Prior to commencement of works a performance bond of \$10,000.00 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

Note – An administration fee is payable upon the lodgement of a bond with Council.

- (11) **Environmental Management Plan** – An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) any other recognised environmental impact; and
- e) community consultation.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Acoustic Perimeter Barriers** – The 4.0 metre (total height) acoustic bund/barrier (comprising 2m earth bund with a 2m solid barrier on top of the bund) is required to be constructed within 4 weeks of construction commencing. The barrier is to be constructed along the northern and eastern perimeter of the development site. In addition, either a 4m high solid barrier or 4m high acoustic bund/barrier will be required to be constructed on the western perimeter. The bunds/barriers shall be located consistent with "Figure 2.2" in the "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016".

- (2) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to:

www.environment.nsw.gov.au/waste/envguidlms/index.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (3) **Additional Approvals Required** - Where any works are proposed in the public road reservation, the following applications shall be made to Council, as applicable:

- a) For installation or replacement of private stormwater drainage lines or utility services, including water supply, sewerage, gas, electricity, etc. an application shall be made for a Road Opening Permit and an approval under Section 138 of the *Roads Act 1993*;
- b) For construction / reconstruction of Council infrastructure, including vehicular crossings, footpath, kerb and gutter, stormwater drainage, an application shall be made for a Roadworks Permit under Section 138 of the *Roads Act 1993*.

Note: Private stormwater drainage is the pipeline(s) that provide the direct connection between the development site and Council's stormwater drainage system, or street kerb and gutter.

- (4) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (5) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (6) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;

- b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (7) **Site Management Plan** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc.);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (8) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (9) **Noise mitigation and Management Measures** – The noise mitigation measures contained within "Section 8 – Management and Mitigation" of the report "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016" must be constructed on the site and complied with at all times.

Noise levels emitted during demolition and construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (10) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks;
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics;
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity"; and
 - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- d) confirm that the fill material;
- i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");

- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations;
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (11) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).
- (12) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (13) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (14) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (15) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (16) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (17) **Tree Hollows** - Tree hollows and/or active nests within trees approved for removal must be replaced to provide fauna with short-term habitat requirements during vegetation clearance and bushland restoration works.

Each individual tree hollow and/or active nest must be replaced at a minimum 1:1 ratio with nest boxes that will provide suitable short-term habitat requirements. Any hollow-bearing and/or active nest trees removed from the development site are to be inspected prior to removal. Measures must be taken to ensure that fauna inhabiting tree hollows, active nests or other habitat (i.e. logs, leaf litter) are appropriately treated and relocated before development activities commence, in line with the *National Parks and Wildlife Act 1974*.

A qualified ecologist is required to be present throughout vegetation clearing activities to relocate fauna, or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna).

- (18) **Environmental and/or Declared Noxious Weeds** - If Environmental and/or Declared Noxious Weeds are found within the site, weed management must occur in accordance with best practice weed management procedures, state legislation (*Noxious Weeds Act 1993, National Weeds Strategy 2007*) and the Camden Council Development Control Plan 2011.
- (19) **Vegetation Fencing** - Fencing to be installed around Existing Native Vegetation and other Cumberland Plain Woodland to ensure its protection during construction.
- (20) **Use of Felled Trees** - The trunks and larger branches of felled trees within the development area are to be placed on the ground of the adjoining Existing Native Vegetation (ENV) to enhance habitat of the ENV.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.

- (2) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (3) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on public land (e.g. footpaths, roadways, plazas, reserves etc.) at any time.
- (4) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the PCA. Verification shall be provided that the air handling system as installed has been tested and complies with the approved plans and specifications, including ventilation requirements and fire precautions.
- (5) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (6) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development;
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (7) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the PCA confirming the acoustic mound and fence has been constructed in accordance with the approved acoustic report "Noise and Vibration Assessment: Bringelly Concrete Batching Plant, Prepared by EMM, Dated 9 May 2016."
- (8) **Building Height** - A registered surveyor shall certify that the maximum height of the 3 silos is consistent with the height referenced in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the PCA.
- (9) **Driveway Crossing Construction** – The driveway crossing shall be constructed in accordance with this consent and the Driveway Crossing Approval (PRA) prior to use or occupation of the development.
- (10) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
- (11) **Inspection for On-Site Sewerage Management** - An 'Approval to Operate' under Section 68 of the *Local Government Act 1993* shall be obtained from Council.

- (12) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
- a) Positive covenant over the on-site detention and water quality facility for the maintenance, repair and insurance of such a facility.
- (13) **Water Quality Facility** - A water quality facility must be constructed for the site in accordance with the approved plans and Council's Engineering Specifications.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Developer Contributions** – In Accordance with Camden Contributions Plan No. 7 – Road Maintenance: Extractive Industry, the Applicant shall pay Camden Council road maintenance contributions of \$0.0811 for every tonne of material transported to and from the site, indexed to CPI. Each payment must be:
- a) paid to Council at the end of each calendar year; and
- b) based on weighbridge records of all supplementary concrete making materials transported to the site and concrete and spoil transported from the site.

A copy of the Section 94 Contributions Plan may be inspected at Council's Administration Centre located at Central Avenue, Oran Park.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (3) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (4) **Maximum Vehicle Size** - The maximum vehicle permitted to access the site is a general access vehicle (up to 19m in length), until such time that a B-Double vehicle access route is approved to the new site entrance, in which case B-Double vehicles will be permitted to access the site.
- (5) **Number of Vehicle Movements** – The following restrictions applies to trucks entering and leaving the site:
- a) up to 86 truck loads of concrete leaving the site per day;
- b) up to 20 truck loads of aggregates entering the site per day; and
- c) up to 7 truck loads of cement powder entering the site per day.

- (6) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (7) **Hours of Operation** - The property is only to be open for business and used for the purpose approved within the following hours:

Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm
In addition to the above approved hours, Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday.	
No operation of the plant or material deliveries is permitted after 6:00pm on any day.	

- (8) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

- (9) **Approved Signage Maintenance** - The approved sign shall be maintained in a presentable and satisfactory state of repair.

The level of illumination and/or lighting intensity used to illuminate the sign shall comply with Australian Standards 1158 and 4282.

- (10) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.

- (11) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

- (12) **Discharge into Waterways** - No wastewater, chemicals or other substances shall be permitted to discharge to the waterway that runs through the site or Council's stormwater system. Only clean, unpolluted water is permitted to discharge. All liquids (such as oils lubricants, hydraulic fluids, fuel, paints, detergents and any other chemicals) shall be stored in a covered and suitably bunded area.

- (13) **Liquid Spills** - Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.

- (14) **Amenity** - The business shall be conducted and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (15) **Pollution Control** - The use and operation of the premises shall not give rise to the discharge (by air, water or land) of any pollutant which may degrade the environment or be prejudicial to its inhabitants, in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.

The use shall operate in accordance with the following:

- a) all pollution control devices (Including drainage systems, sumps and traps) shall be regularly maintained;
- b) the repair, servicing and maintenance of all vehicles shall take place in a bunded work bay drained holding tank or like device so that any liquid wastes produced from such repair, servicing and maintenance can either be:
- i) retained for recycling; or
 - ii) disposed of in accordance with the requirements of Sydney Water.
- (16) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plan.
- (17) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc.) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans.

- (18) **Environmental and/or Declared Noxious Weeds** – The applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occur. New infestations must be reported to Council. Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.
- (19) **Waste Water Treatment Devices** - All wastewater treatment devices (including drainage systems, sumps, traps and pumps) shall be regularly maintained in good

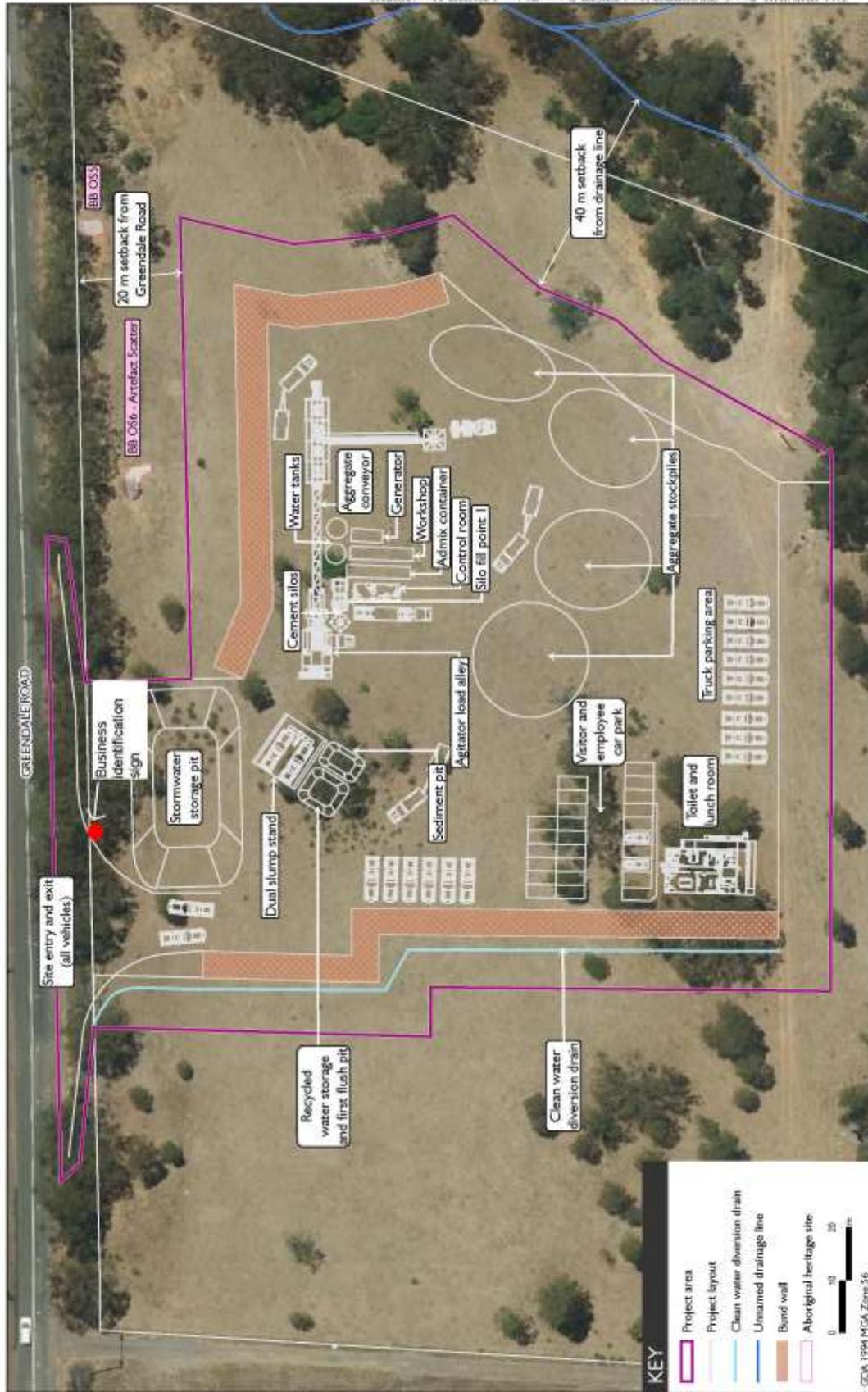
working order to ensure that they remain effective. A maintenance schedule shall be developed and incorporated into a Plan of Management (PoM) and kept on-site at all times for staff to comply with. All liquid and solid wastes collected from the treatment device shall be disposed of in accordance with relevant environmental protection and waste control legislation.

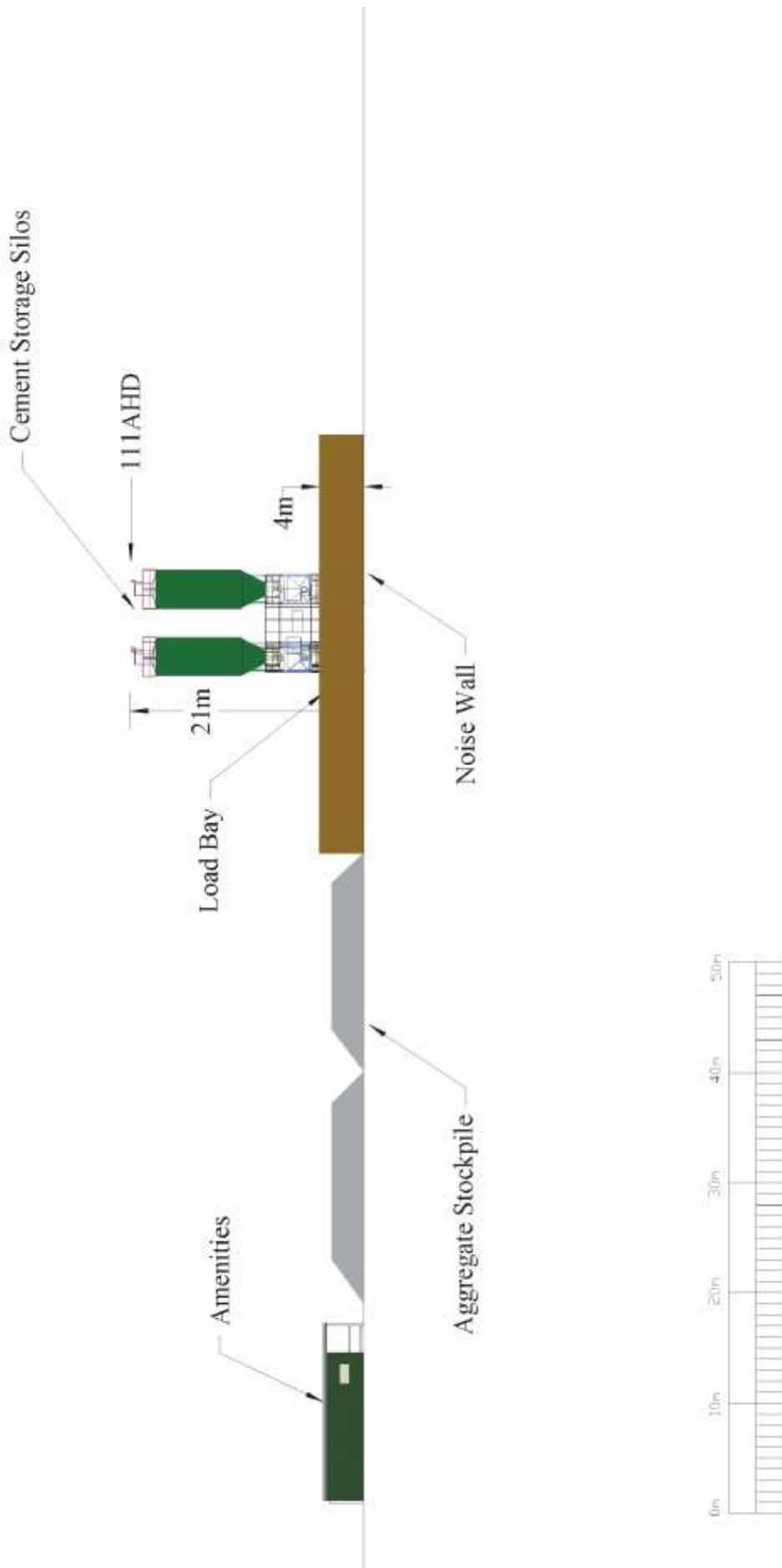
- (20) **Air Quality Emission Control Factors** – The development site as a minimum must provide the following: monthly sweeping of paved roads / surfaces, water sprays operating in unloading and storage areas, cement supplement silo loading, hopper loading additives and mixer activities, CBP material transfer points. These provision must be consistent with “Section 6.3 – Emission reduction Factors” of the report titled “Air Quality Impact Assessment: Proposed Bringelly Concrete Batching Plant, Prepared by Ramboll Environ, Dated April 2016.”
- (21) **Pre-mixed Concrete Permitted** - Only pre-mixed concrete can be produced by this development.
- (22) **Production Capacity** – Concrete production is restricted to a maximum 125,000 tonnes of concrete per annum.
- (23) **Noise Mitigation 31 Greendale Road Bringelly** - Upon receiving a written request from the land owner of Lot 1 DP 252040 (31 Greendale Road, Bringelly), the Applicant must negotiate a suitable noise mitigation solution in accordance with the following:
- The negotiation process outlined in Chapter 8 of the NSW Environment Protection Authority’s Industrial Noise Policy, January 2000 (INP, 2000);
 - The noise mitigation measures are to achieve compliance with the noise limits for 31 Greendale Road as specified in Table 1 of EPA’s correspondence dated 30 June 2017;
 - Within 6 months of receiving a written request from the landowner, the applicant must install the agreed noise mitigation to the satisfaction of the landowner; and
 - Pay the reasonable costs in association with the installation of the agreed noise mitigation measures.



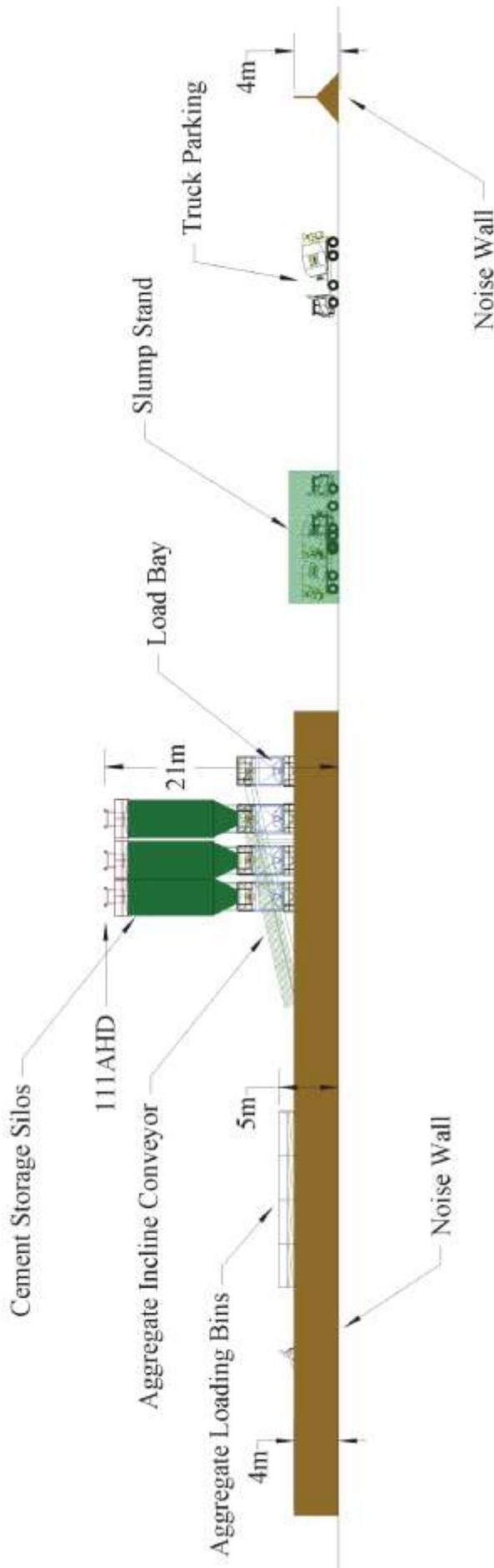
Project area
Bringelly Concrete Batching Plant
Environmental Impact Statement
Figure 11







Revision	Drawn	Date	Scale	Drawn	RF
1 Elevation View	BORAL RESOURCES (NSW) P/L	Sep 2016	1:500 @ A3		
2	Bringelly Birlah Plant				
	Title				
	Elevation View - East				



Revision	Date	Drawn	RF
1	Elevation View		
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Scale	1:500 @ A3
Drawing Number	
Project Name	Bringing Middle Batch Plant
Date	Sep 2016

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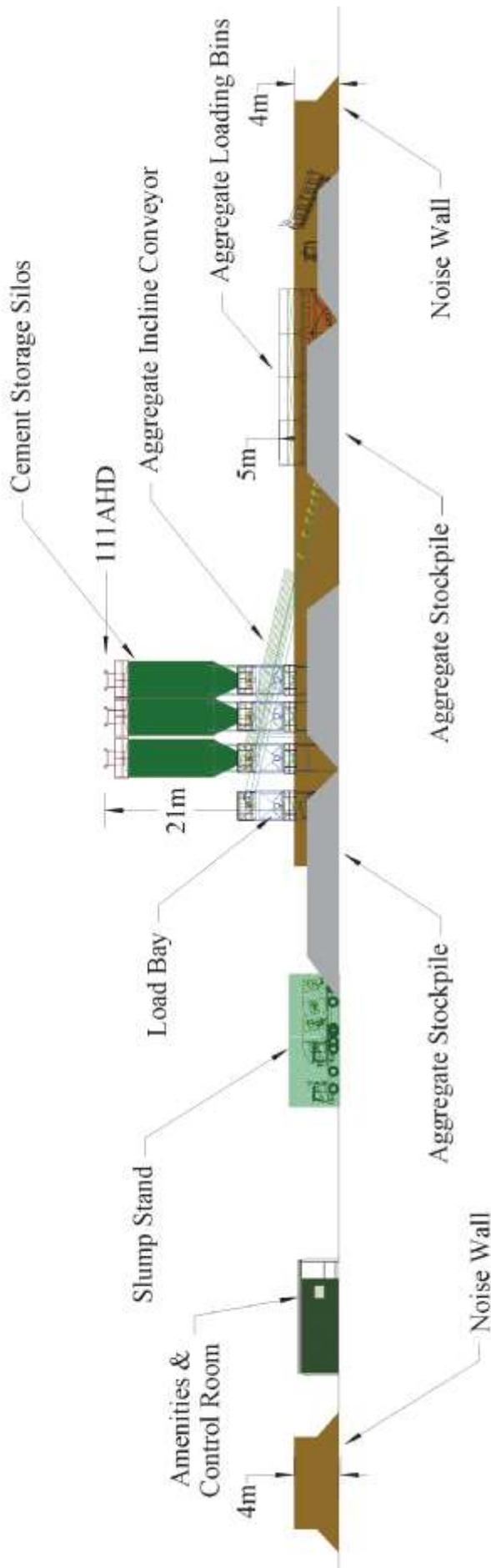
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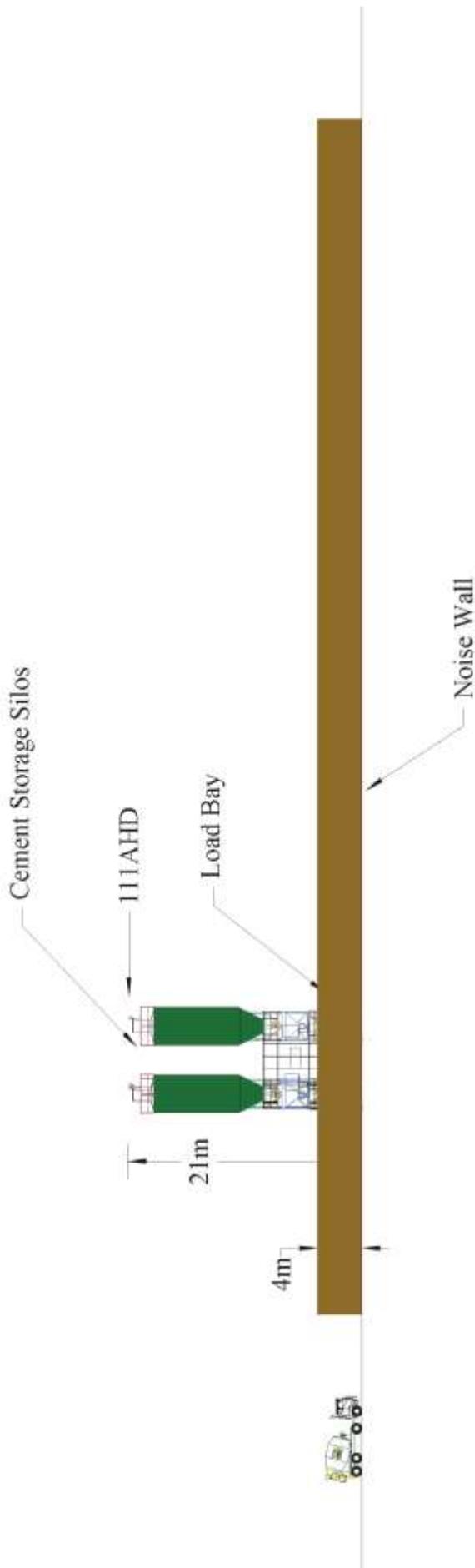
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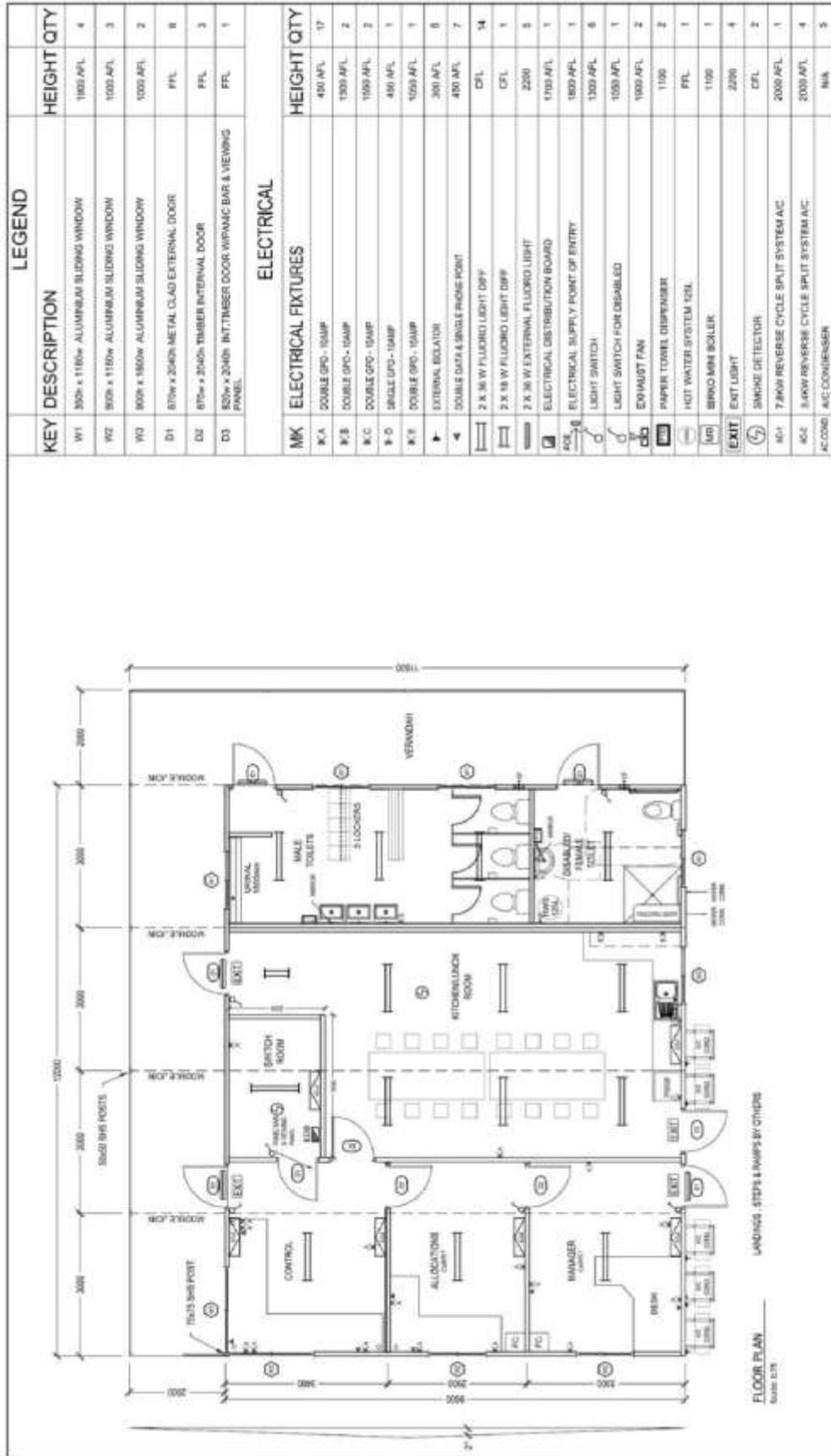
Revision		Dim.	Date	BORAL RESOURCES (NSW) P/L		Drawn	RF.
1	Elevation View			Bingally Basin Plant		Date	Sep 2016
2				Title		Scale	1:500 @ A3
				Elevation View - South		Drawing Number	Bingally Mobile Basin Plant
							Sep 2016



Revision	View	Drn.	Date	BOJAL RESOURCES (NSW) P/L Bingelly Batch Plant	Drawn	R/F.
1	Elevation View			Title Elevation View - West	Date	Sep. 2016
2					Scale	1:500 @ A3
					Drawing Number	
					Project Name	Bingelly Mobile Batch Plant
					Date	Sep. 2016

Bringelly Concrete Batching Plant
Signage Plan





CLIENT: BORAL CONCRETE PLANT		DATE: 26/10/2016 DRAWN BY: JH CHECKED BY: JH SCALE: 1/50 QUOTATION NUMBER: 102112 REV: 6 SHEET 2/3
CLIENT APPROVAL SIGNATURE: _____ NAME: _____ DATE: _____		PROJECT: 12.0 x 9.6m MULTI-PURPOSE BUILDING BUILDING NUMBER: _____
No. DESCRIPTION 1 FOR APPROVAL 2 FOR APPROVAL 3 REVISED TO CHANGE RELOCATION 4 REVISED TO CHANGE RELOCATION 5 TITLE CHANGE FROM CONCRETE PLANT TO CONCRETE PLANT		DATE: 26/10/2016 DATE: 17/10/2016 DATE: 02/07/2016 DATE: 23/03/2016 DATE: 20/08/2014
MBS modular building systems 31 STURT STREET, SMITHFIELD NSW 2164 TEL: 1800 217 131 FAX: (02) 8718 2999 www.modularbuilding.com.au		DRAWING NUMBER: MS-102112-100

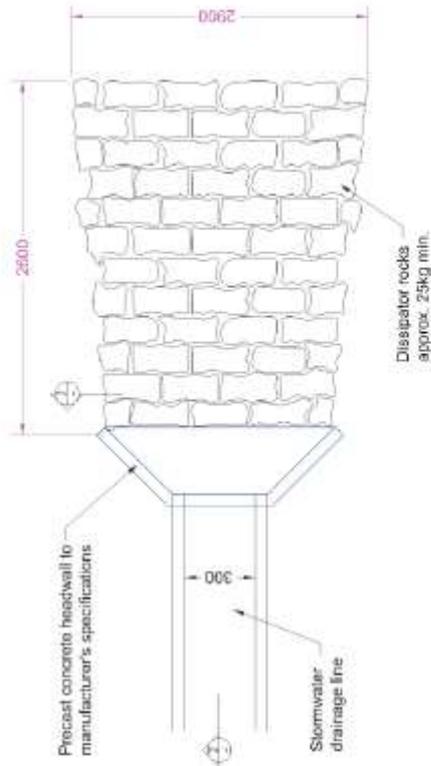
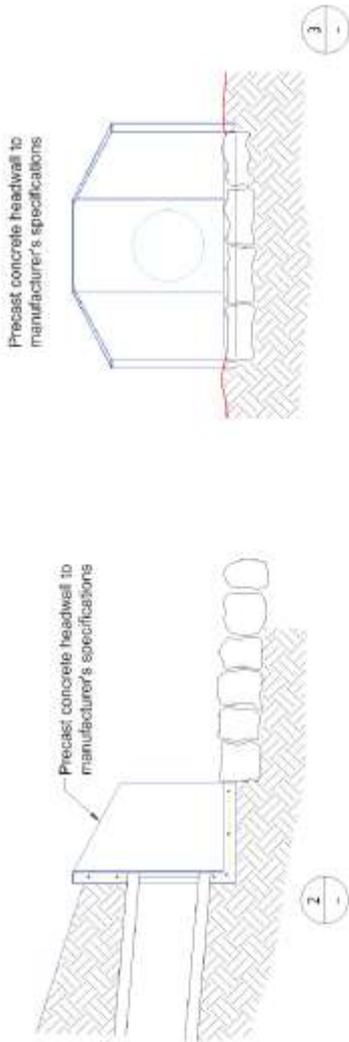
Attachment 2
ORD01





TASMAN ENGINEERING CONSULTANTS STRUCTURAL, CIVIL AND GEOTECHNICAL ENGINEERS OFFICE 1, MAIN STREET CENTRE, 82 MAIN ST, NIERMIBULLA NSW 2548 Tel: 02 6495 4776 2/1208 CAMP STREET BECCA NSW 2000 Tel: 02 6482 3718		Client: BORAL Project: BRINGELLY PLANT	Drawn: SS Checked: MS Scale: 1:200 Date: 20/11/17
C: MOVE FROM BIRD B: MOVE FROM WALLING A: ORIGINAL	20/11/17 18/11/17 18/11/17		

Attachment 2 **ORD01**



CONCRETE HEADWALL & ROCK DISSIPATOR PLAN

C	NOVE KORE BIRD	28/11/17	Client	BORAL	Drawn	SS	Scale	1:200
B	NOVE KORE BIRDS	04/11/17	Project	BRINGELLY PLANT	Designed	MS	Date	28/11/17
A	ORIGINAL	31/11/17	Checked	MS	Client	Project Manager	Drawn	SS

TASMAN ENGINEERING CONSULTANTS
 STRUCTURAL, CIVIL AND GEOTECHNICAL ENGINEERS
 OFFICE 1, MAIN STREET CENTRE, 82 MAIN ST, NERMBULLA NSW 2548 Tel: 02 6495 4776
 2, 1708 CAMP STREET, BRCA, NSW 2030 Tel: 02 6482 3718



ORDINARY COUNCIL

ORD01

SUBJECT: ADDENDUM REPORT - CONSTRUCTION AND OPERATION OF A MOBILE CONCRETE BATCHING PLANT AND ASSOCIATED SITE WORKS - 60 GREENDALE ROAD, BRINGELLY
FROM: Acting Director Planning and Environment
TRIM #: 17/152632

APPLICATION NO: 578/2016
PROPERTY ADDRESS: 60 Greendale Road, Bringelly
APPLICANT: Boral Resources (NSW) Pty Ltd
OWNER: Boral CSR Bricks Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly.

The DA is referred to Council for determination following the deferral of this item at the 23 May 2017 meeting for a site inspection and a meeting with submitters and residents.

A copy of the original report and original report attachments is provided as an attachment.

SUMMARY OF RECOMMENDATION

That Council determine DA 578/2016 for the construction and operation of a mobile concrete batching plant and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

MAIN REPORT

Summary of Events

Following the deferral of this item from the 23 May 2017 meeting, the following actions have been undertaken.

Date	Action
7 June 2017	Meeting with submitters and residents
5 June and 15 June	Site meetings held with Councillors
23 May	Submissions sent to EPA
30 June	Response received from EPA

Summary of Changes since 23 May 2017

The applicant has agreed to the following additional conditions:

- Revised operating hours of:

This is the report submitted to the Ordinary Council held on 11 July 2017

Page 1



Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm
Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday. No operation of the plant or material deliveries is permitted after 6:00pm on any day.	

Concrete agitator truck movements are considered acceptable up to 7:00pm Monday to Saturday to allow trucks to return to the site for parking.

- A condition that requires the applicant to provide suitable noise attenuation to 31 Greendale Road in the event that it is requested by the landowner.
- A condition, as recommended by the NSW Environmental Protection Authority (EPA), requiring a noise verification report within 3 months after the commissioning of the plant. The condition requires that if the Noise Verification Report identifies any non-compliance with the predicted noise levels, the proponent must detail additional measures to be implemented to achieve the DA levels, clearly indicate who will implement these measures, when these measures will be implemented and how the effectiveness of these measures could be measured and reported.
- A condition, as recommended by the EPA, requiring an air quality verification report within three months after the commissioning of the plant. The condition requires that if the air quality verification report identifies any emissions in excess of those reported in the DA the proponent must detail additional measures to be implemented to achieve the DA levels, clearly indicate who will implement these measures, when these measures will be implemented, and how the effectiveness of these measures could be measured and reported.
- A condition, as recommended by the EPA, requiring the proponent to maintain a telephone complaints line. Records of the complaints are to be made available to the EPA or Council when requested.

Meeting with Submitters and Residents

Following Council's resolution on 23 May 2017 to defer the matter, a meeting was held at Council on 7 June 2017 with Council Officers, Councillors, submitters and local residents to discuss their concerns in relation to the proposed development. Eighteen residents were in attendance.

Since the DA was deferred on 23 May 2017, seven additional submissions were received (one submission in support of the application).

The concerns raised at the meeting of 7 June 2017 and in the additional submissions received are summarised below:



- Excessive hours of operation;
- Unsuitability of the site;
- Noise and visual impacts;
- Vehicles degrading the roads and insufficient contributions to maintain roads;
- Safety concerns for residents and the Bringelly Public School due to additional vehicles;
- Vehicle access concerns for nearby properties;
- Impacts upon domestic animals;
- Additional water run-off from the site;
- Health concerns related to dust generation and vehicle emissions;
- Signage is incompatible with the rural landscape; and
- Location of the development within a buffer originally provided as part of the Brickworks.

The above concerns are addressed below.

1. *The proposed operating hours are excessive (seven days per week); other plants have more restrictive hours, including the existing brickworks development.*

The hours of other plants could be increased as an alternative to this proposal.

When Boral undertook initial community consultation before DA lodgement, the hours were different (more restrictive).

Officer Comment

The existing hours of operation for the brickworks approved by the NSW Department of Planning and Environment (DPE) are as follows:

Activity	Hours of Operation
Quarrying, deliveries, dispatch	6:00am to 6:00pm Monday to Friday 6:00am to 1:00pm Saturday No activities on Sunday or Public Holidays
Brick Making	Twenty four hours a day, seven days a week

The original proposed hours of operation of the mobile concrete batching plant, as reported to Council at its 23 May 2017 meeting, are as follows:

Day	Hours of Operation
Monday	7:00am to 10:00pm
Tuesday	7:00am to 10:00pm

This is the report submitted to the Ordinary Council held on 11 July 2017 - Page 3



Wednesday	7:00am to 10:00pm
Thursday	7:00am to 10:00pm
Friday	7:00am to 10:00pm
Saturday	7:00am to 10:00pm
Sunday and Public Holidays	8:00am to 10:00pm
No material deliveries are permitted after 6:00pm on any day.	

Council Officers considered a reduction in the proposed hours necessary, noting that the proposed development is located within an existing rural area with nearby residences and that peak production is not expected to occur beyond 6:00pm.

It is therefore recommended to impose the following revised hours of operation via a condition of consent:

Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm
Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday. No operation of the plant or material deliveries is permitted after 6:00pm on any day.	

Concrete agitator truck movements are considered acceptable up to 7:00pm Monday to Saturday to allow trucks to return to the site for parking.

It is noted that the applicant has agreed to the imposition of this condition.

- The proposed development is not needed given the existence of other concrete batching plants.*

Officer Comment

The applicant advises that Boral operates 18 concrete batching plants in the greater Sydney metropolitan area. These plants range in size from the production of 700,000 tonnes to 52,500 tonnes of concrete per annum. The perishable nature of concrete results in a limited concrete delivery time (between 35 to 90 minutes). Due to this delivery timeframe, concrete batching plants are required within proximity to their markets.

There are no concrete plants in the northern portion of the Camden Local Government Area (LGA). The closest concrete plants to Bringelly are located at Smeaton Grange, Prestons and Narellan.

A copy of the applicant's justification for the proposed development is provided as an attachment.

- The subject site is not suitable for the proposed development considering the existing rural character of the area. The development should be sited further into*



the site, away from dwellings and outside of an original buffer provided for the Brickworks.

Officer Comment

The applicant advises that Bringelly and the specific development area have been selected for the following reasons:

- There is volume and nature of future projects within the region and the need for a mobile concrete batching plant in a strategic location to deliver concrete within limited timeframes.
- There are a limited number of concrete batching plants capable of servicing the future market.
- The development area has been located as far away from existing residences as possible considering other site constraints such as:
 - Topography (a flat area of the site has been chosen to reduce the level of site disturbance);
 - Watercourses;
 - The need to provide a setback to Greendale Road to allow the inclusion of the acoustic bund / fencing;
 - The preservation of existing vegetation;
 - The location of an Endeavour Energy easement; and
 - The need for an efficient internal site layout to ensure functionality of the development and compliance with relevant site operation criteria.

Council officers consider that the proposed siting is acceptable noting the constraints of the site. The development exceeds the required 20m setback as prescribed by the Camden Development Control Plan 2011 (Camden DCP) and will have no unacceptable impacts on the locality as detailed within the Council Report dated 23 May 2017.

Further, there is no buffer requirement to Greendale Road provided on the 88B Instrument or Deposited Plan or contained in a planning control for this allotment. The Development Consent and approved plans for the State Significant Development Application SSD_5684 approved by the NSW DPE (for the existing Brickworks) does not reference a buffer requirement to limit further development of the site.

A copy of the approved development layout plan for the brickworks is provided as an attachment.

4. *Camden Council envisages residential development, not industrial development on the site. Why does Boral state a future industrial zoning?*

Council staff should assess the DA based on the Rural zoning, not a potential future Industrial zone as there is no certainty the land will be rezoned industrial.



Officer Comment

The site is zoned RU1 Primary Production by the Camden Local Environmental Plan 2010 (Camden LEP). The proposed development is defined as an 'Industry' by the LEP, which is a prohibited land use in this zone.

Permissibility of the proposed development is established via State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, which overrides the Camden LEP 2010.

Bringelly has been identified as part of the South West Growth Centre but has not yet been formally released for rezoning. Any future rezoning of the land will be facilitated by the NSW DPE, which will be required to undertake community consultation as part of determining the future zoning of the land.

5. *Additional vehicle movements on Greendale Road (one truck every three to four minutes) will cause safety concerns for residents and the school, and for people walking along Greendale Road.*

Officer Comment

A traffic and transport assessment report was submitted with the application. The report found that the average daily traffic movement on Greendale Road will increase by 13% to 15% and concluded there will be no detrimental impact on the existing road network for the following reasons:

- The existing road remains suitable and road widening is not required.
- Truck movements will have a minimal impact on the surrounding road network.
- The number of vehicle movements is restricted based upon the maximum permitted tonnage of concrete production being 125,000 tonnes per annum.

Based upon the maximum permitted concrete production, the traffic report notes that up to 86 loads of concrete would be produced on an average day and up to 20 truck deliveries of aggregates and seven truck deliveries of cement powder per day will be required to service the plant.

Council's Traffic Engineers have assessed the proposal and raise no objection on traffic grounds, subject to the following conditions:

- The safe intersection sight distance must be in accordance with the Austroad Guidelines for an 80km/hr road.
- The passing lanes must be designed and constructed in accordance with Austroad guidelines.
- The access driveway and parking area must be designed and constructed in accordance with Australian Standards.
- An accessible car parking space must be provided on site.
- All vehicles must enter and exit the site in a forward direction.

This is the report submitted to the Ordinary Council held on 11 July 2017 - Page 6



-
- A restriction on the number of truck loads of concrete leaving the site per day, being up to 86 truck loads of concrete;
 - A restriction on the number of truck loads of aggregates being delivered per day, being 20 truck loads; and
 - A restriction on the number of truck loads of cement powder being delivered per day, being up to seven truck loads.
6. *Has consideration been given to the cumulative traffic generation from the proposed development, brickworks and other recently approved land uses (crematorium, cemeteries, church)?*

Officer Comment

The traffic survey was carried out on 7 October 2015. Council's Traffic Engineers consider an updated survey is not required given the survey was carried out within the past two years and there have not been any significant changes to the traffic environment.

The traffic survey took account of the traffic generation from surrounding development at the time, including the existing brickworks.

The traffic survey indicates that the projected increased traffic volume on Greendale Road after the proposed concrete batching plant commences will be approximately 2,300 vehicles per day (230 vehicles per hour).

The capacity of a single lane of traffic on Greendale Road is between 700 and 800 vehicles per hour. Noting this, the road has sufficient capacity to accommodate further increased traffic volumes, including the potential additional traffic generated by the approved developments within the Liverpool LGA, which are noted below and shown on the figure.

- 321 Greendale Road – Cemetery approved August 2014 (currently subject to a S96(1A) Modification (construction not yet started));
- 992 Greendale Road – Crematorium and temple for worship approved August 2011 (construction not yet started);
- 41 Greendale Rd – Cemetery masterplan approved by the NSW Land and Environment Court on January 2013 (Stage 2 approved December 2014 and currently subject to a S96(1A) Modification - construction has yet started).



Figure: Approved cemetery development sites on Greendale Road.

7. Additional vehicle movements will result in a more dilapidated road, and:

- no timeline has been provided for road upgrades / maintenance.
- the contributions required for road maintenance based on tonnage will not be enough to fix the current state of Greendale Road.
- upgrade works have not been specified; will this include kerb and gutter and footpaths?

Officer Comment

Camden Council's Contribution Plan No. 7 – Extractive Industry (CP No. 7) applies to the site. In accordance with CP No. 7, the owner will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent. A condition is recommended to ensure these contributions are paid at a rate for every tonne of raw material that enters the site and every tonne of product that leaves the site.

The operator is required to report this total tonnage to Camden Council each calendar year. In accordance with CP No. 7, monetary contributions are required to be paid each calendar year and are indexed in accordance with the Consumer Price Index.

Upgrade works to Greendale Road are ongoing and are being jointly undertaken by Liverpool and Camden Councils. Upgrade works between The Northern Road and 600m east of Tyson Road are anticipated to commence in 2018/2019.



8. *The existing intersection at Greendale / The Northern Road is dangerous due to trucks negotiating the sharp bend. Trucks will access Dwyer Road, which is not suitable given sharp bends and dwellings that will be impacted by noise.*

Officer Comment

The traffic and transport assessment report advises that the existing road network is sufficient to support the additional generated traffic.

The intersection of Greendale Road and the Northern Road is an approved B-Double access route as approved by the RMS. Further, it is noted that the RMS is upgrading the Greendale/Bringelly/The Northern Road intersection, which is expected to be completed by 2020. This work will improve road traffic movement within the surrounding road network.

With regards to acoustic impacts on Dwyer Road, the noise and vibration assessment report demonstrates that the proposed development will comply with the traffic generating noise criteria in accordance with the NSW Road Noise Policy 2011.

9. *The 80km/hr speed limit will limit the ability for vehicles to enter and exit the site. The location of the proposed entrance will impact nearby entrances, in particular 33 Greendale Road, Bringelly.*

Officer Comment

The proposed development incorporates passing lanes on either side of Greendale Road opposite the proposed entrance. These lanes will allow vehicles to pass trucks turning into the site. The proposed development complies with the safe intersection sight distance in accordance with the Austroad Guidelines for an 80kmh road. A condition is recommended to ensure compliance with the Austroad Guidelines.

The passing lanes and the proposed entrance are not considered to impact upon the safety and functionality of nearby driveways.



Figure: Insert from architectural drawings showing turning lanes and neighbouring driveways



10. *Disruption to the locality from trucks during construction.*

Officer Comment

Impacts associated with the construction of the plant will be for approximately 12 weeks given the pre-fabricated nature of the development. A condition is recommended to restrict construction hours to be outside of sensitive residential hours as follows:

- All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.

In addition, a condition is recommended requiring the 2m high acoustic mound and a 2m acoustic fence to be constructed within the first four weeks of construction so to minimise construction noise on surrounding residents.

11. *Additional vehicle movements and 80kmr speed limit will result in brake noise from trucks slowing to enter the site and engine noise from trucks accelerating to merge onto Greendale Road.*

Officer Comment

The Noise and Vibration Report submitted with the application assessed road traffic noise against the NSW Road Noise Policy 2011 (RNP). The proposed development will comply with traffic generating noise criteria specified by the RNP.

12. *Noise output will be above acceptable noise levels considering the existing rural environment has a low background noise level.*

Officer Comment

The proposal includes the construction of a 2m high earth mound with a 2m high solid wall/barrier on top of the mound (total height 4m) located around the parts of the northern, eastern and western perimeter of the site as illustrated in orange (bund wall) below.



negotiations with the property owner) and this residence complies with 'Recommended Acceptable Noise Level - Rural Residence' and the 'Recommended Maximum Noise Level – Rural Residence' of the Industrial Noise Policy.

Council officers recommend a condition to require the applicant to provide suitable noise attenuation to 31 Greendale Road in the event that it is requested by the landowner.

13. *Noise output will spook horses causing safety concerns for riders, and will stress domestic pets.*

Officer Comment

Acoustic impacts on residents are considered as part of the Industrial Noise Policy, not on domestic animals (which includes domestic horses). However, as acoustic impacts are considered acceptable for residents (as discussed previously), impacts to animals are not considered significant.

14. *The height limit has been considerably breached and should not be supported given visual impacts. The three silos will not be sufficiently screened by proposed vegetation and acoustic bund/fence when viewed from properties opposite the site, which are within 200m of the development.*

Officer Comment

As discussed in the 23 May 2017 Council Report, a variation to the height control of 9.5m, as specified by Clause 4.3 of the Camden LEP 2010, is requested. The three cement storage silos will be 21m above natural ground level.

The variation is supported for the following reasons:

- The silos are set back 46m from Greendale Road (20m min setback required) and will be painted a natural colour to blend with the existing and proposed vegetation screening.
- The majority of the proposed development across the site is less than 5m in height.
- The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.
- The proposed development has been designed to minimise visual impacts and to minimise conflicts between land uses.
- The development will not result in an adverse impact on view lines or visual corridors within the locality.
- The height breach does not result in any adverse amenity impacts on surrounding development.
- The height of the silos is required for the operation of the mobile concrete batching plant.



- The proposed development is consistent with the objectives of RU1 Primary Production zone as it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works.

15. *The proposal is not in accordance with the Camden Rural Land Strategy, in particular impacts on scenic quality and the view corridor.*

Officer Comment

The draft Camden Rural Lands Strategy contains broad planning principles about retaining Camden's valued scenic and cultural landscapes. It should be noted the actions included in the draft Strategy are predominantly related to rural land outside of the South West Priority Growth Area (SWPGA).

The draft Strategy does contain an action to undertake a detailed visual study of Camden's rural lands (excluding the SWPGA). As the subject site is located within the SWPGA, it is not intended that the detailed visual study referred to above will include this land.

16. *Dust will be generated from the operation of the plant and from trucks leaving the site, which will increase health concerns such as asthma and respiratory disease for residents and occupants of Bringelly School, and will impact potable water supply (all residents are on tank water).*

Dust impacts will be exacerbated due to the wind tunnel that exists due to topography and landscaping.

Officer Comment

An Air Quality Assessment was submitted with the application, which concluded that the development will not exceed the NSW EPA criteria. Existing air quality monitoring was carried out and meteorological conditions were analysed to review the potential increase in air pollutants from dust/cement materials. The results determined it was unlikely there would be exceedances of emissions above EPA criteria.

Dust impacts on potable water supply sourced from rainwater tanks will be reduced through dust mitigation measures as outlined within the Air Quality Assessment.

Council officers have reviewed the Air Quality Assessment Report and recommend approval of the development, subject to conditions to enforce the proposed dust mitigation measures as outlined within the Air Quality Assessment, which include:

- Regular sweeping of paved roads;
- Water sprays on all stockpiles;
- Water sprays used during aggregate and sand unloading; and
- Cement loaded into silos in an enclosed system.



17. *Health concerns related to additional vehicle emissions.*

Officer Comment

The proposed development is not considered to give rise to increased health impacts as a result of the additional vehicle movements.

18. *The clean water diversion drain will discharge water to 33 Greendale Road, exacerbating existing water run-off/flooding issues.*

Officer Comment

Stormwater discharge is proposed to the existing watercourse to the east of the development area. Post-development flow from the site must meet pre-development flows in accordance with Council's Engineering Specifications. The stormwater will be controlled by a stormwater detention pit, which stores runoff and gradually releases it into the watercourse at pre-development flow rates.

19. *A rural environment is generally not suitable for the proposal as it will impact upon the amenity and character of the area.*

Officer Comment

Impacts on the existing character will be reduced through setbacks greater than that required by the Camden DCP, the proposed colour scheme, visual screening via the proposed acoustic bund / fencing, and additional vegetative screening across the road frontage.

20. *Life expectancy of the development is not clear.*

Officer Comment

While the development is referred to as a Mobile Concrete Batching Plant, the mobile component refers to the modular nature of the plant and reduced ground preparation works required for installation. The life expectancy of the plant is unknown as this is dependent upon concrete demand. Once there is no longer a demand for concrete, the plant (given its pre-fabricated design) can be easily disassembled and the site reinstated.

21. *Dust impacts will damage property.*

Officer Comment

Dust impacts will be acceptable subject to conditions to enforce dust mitigation measures as outlined within the Air Quality Assessment.

22. *Sediment run-off will pollute waterways and dams.*

Officer Comment

Sediment will be controlled during construction via sediment fences, and during the plants ongoing use through the inclusion of a stormwater detention pit.



23. *Approval of this development will result in a later modification to increase the hours or generation of product (such as has occurred for the Brickworks), resulting in a 24hr operation. What's to stop another DA being proposed for a similar development on the same site?*

Officer Comment

A Section 96 Modification or a new DA would be required to amend the operating hours, which would be notified to surrounding residents. Any application would need to be assessed on its merits having regard to any submissions received.

24. *The proposed signage exceeds requirements of the Camden DCP and is not compatible with the rural environment.*

Officer Comment

A variation to the Camden DCP with respect of the signage was acknowledged and supported as detailed within the Council Report dated 23 May 2017 for the following reasons:

- The signage will not obstruct key view corridors along Greendale Road.
- The signage does not dominate the streetscape.
- The size is required to ensure legibility for road directional purposes.

Referral of Submissions to the NSW Environment Protection Authority (EPA)

Following the 23 May 2017 Council meeting, a copy of all submissions received was forwarded to the EPA for their comment.

On 30 June 2017, the EPA provided a response which did not note any objection to the proposed development however provided the following comments/conditions for Council's consideration:

(Note: Previous comments and conditions were provided by the EPA on 11 October 2016 and were included as an attachment to the 23 May 2017 Council report. The 30 June 2017 EPA response supersedes those previous comments/conditions.)

A copy of the 30 June 2017 EPA response is provided as an attachment.

- *The Protection of the Environment Operations Act 1997 defines mobile plant as "operated temporarily for a total of not more than 6 months in any 12 month period".*

Officer Comment

While the development is referred to as a Mobile Concrete Batching Plant, the mobile component refers to the modular nature of the plant and reduced ground preparation works required for installation. The life expectancy of the plant is unknown as this is dependent upon concrete demand. Once the need to generate concrete is diminished, the plant (given its pre-fabricated design) can be easily disassembled and the site reinstated.



- *The Air Quality Impact Assessment has potentially under predicted peak impacts for PM₁₀ and PM_{2.5} by up to a factor of three for a 24-hour period because emissions were based on average daily production rather than peak daily production. The EPA recommends that if project approval is granted an Air Quality Verification Report should be required which includes assessment of peak production rates.*

Officer Comment

Subsequent to the above comments from the EPA, the applicant's air quality consultant has remodelled PM₁₀ and PM_{2.5} to reflect peak daily throughputs. The modelling shows that there is not predicted to be an exceedance of the 24 hour average PM₁₀ or PM_{2.5} criterion.

Notwithstanding, the EPA conditions of consent are recommended that require an Air Quality Verification report within 3 months after the commissioning of the premises. The condition requires that, if the Air Quality Verification Report identifies any emissions in excess of those reported in the DA, the proponent must detail additional measures to be implemented to achieve the DA levels, clearly indicate who will implement these measures, when these measures will be implemented and how the effectiveness of these measures could be measured and reported.

A copy of the Applicant's Air Quality Assessment response is provided as an attachment.

- *An operational Air Quality Management Plan (AQMP) should be included as a condition of consent.*

Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.

- *A condition is requested requiring mains power until a more detailed air assessment has been provided to the EPA.*

Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.

- *Project-specific noise levels at 31 Greendale Road exceeded. The EPA recommends that if project approval is granted a Noise Verification Report should be required.*

The Interim Construction Noise Guideline should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses. The proponent should ensure that all feasible and reasonable construction noise mitigation and management measures are implemented, particularly in relation to 31 Greendale Road.

Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.

In addition, Council officers recommend conditions to restrict the operating hours to the following:

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Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm
Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday. No operation of the plant or material deliveries is permitted after 6:00pm on any day.	

Concrete agitator truck movements are considered acceptable up to 7:00pm Monday to Saturday to allow trucks to return to the site for parking.

Council officers also recommend the following additional condition to require the applicant to provide suitable noise attenuation to 31 Greendale Road in the event that it is requested by the landowner:

- *Upon receiving a written request from the land owner of Lot 1 DP 252040 (31 Greendale Road, Bringelly), the Applicant must negotiate a suitable noise mitigation solution in accordance with the following:*
 - *The negotiation process outlined in Chapter 8 of the NSW Environment Protection Authority's Industrial Noise Policy, January 2000 (INP, 2000).*
 - *The noise mitigation measures are to achieve compliance with the noise limits for 31 Greendale Road as specified in Table 1 of EPA's correspondence dated 30 June 2017.*
 - *Within six months of receiving a written request from the landowner, the applicant must install the agreed noise mitigation to the satisfaction of the landowner.*
 - *Pay the reasonable costs in association with the installation of the agreed noise mitigation measures.*
- *Construction activities should only be undertaken during the recommended standard construction hours in Section 2.2 of the NSW Interim Construction Noise Guideline (DECC, 2009).*

Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.

Confirmation of the owner of the brickworks

Boral no longer has a stake in the brickworks. However, there are no implications associated with the two separately owned companies operating on the same site. Boral has advised the proposed mobile concrete batching plant will not be regulated as part of the Bringelly Brickworks Environmental Protection Licence (EPL) and the EPA has advised a separate EPL is not required.



Clause 4.6 Variation Request – Maximum building height

As discussed in the 23 May 2017 Council Report, a Clause 4.6 variation to the height control of 9.5m, as specified by Clause 4.3 of the Camden LEP 2010, is requested. The three cement storage silos will be 21m above natural ground level.

The variation is supported for the following reasons:

- The silos are set back 46m from Greendale Road (20m min setback required) and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.
- The majority of the proposed development across the site is less than 5m in height.
- The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.
- The proposed development has been designed to minimise visual impacts and to minimise conflicts between land uses.
- The development will not result in an adverse impact on view lines or visual corridors within the locality.
- The height breach does not result in any adverse amenity impacts on surrounding development.
- The height of the silos is required for the operation of the mobile concrete batching plant.
- The proposed development is consistent with the objectives of RU1 Primary Production in that it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works.

Based on the above considerations and in the particular circumstances of the case, the proposed variation to the development standard is acceptable.

The development is considered to be in the interest of the public given that the relevant objectives of the building height standard and objectives of RU1 Primary Production zone are met despite its numerical non-compliance with the development standard.

The variation is not considered to raise any matter of regional and state significance, and concurrence of the Minister in approving this variation can be assumed by Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA578/2016 is recommended for approval subject to the conditions attached to this report.



RECOMMENDED

That Council:

- i. support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of CLEP 2010 – Height of Building standard for the proposed development at 60 Greendale Road, Bringelly for the following reasons:
 - a. The height of the silos is critical for operation of the mobile concrete batching plant.
 - b. The silos are set back 46m from Greendale Road and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.
 - c. The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.
 - d. The height breach does not result in any adverse amenity impacts on surrounding development.
 - e. The objectives of the control and zone are considered to have been met despite the numerical non-compliance.
- ii. approve DA578/2016 for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly, subject to the recommended conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Council Report & Attachments 23 May 2017
4. EPA Response - 30 June 2017
5. Applicants Justification for Site Location
6. Brickworks Development Layout Plan
7. Applicant's Air Quality Assessment Response - 3 July 2017
8. Public Exhibition and Submissions Map - *Supporting Document*
9. Original Submissions - *Supporting Document*
10. Additional Submissions - *Supporting Document*



DOC16/392471-36

Mr William Jones
Town Planner
Camden Council
PO Box 186
CAMDEN NSW 2570

Dear Mr Jones

**DA/2016/578/1 Boral Resources (NSW) Pty Ltd
Proposed Mobile Concrete Batching Plant**

I am writing in response to an email from Camden Council dated 24 May 2017 inviting comments from the Environment Protection Authority (EPA) on any revised recommended conditions of approval in relation to the above development application.

The EPA provides the attached revised recommended conditions (Attachment A) for Council to consider in its assessment and determination of this development. In providing these recommended conditions the EPA has taken into consideration the following:

- The recommended conditions of approval provided by EPA to Council dated 11 October 2016 (EPA Reference DOC16/392471-20).
- Public submissions on the exhibited development application provided to EPA by Council on 24 May 2017.
- The opportunity for EPA to reconsider the Noise and Vibration Assessment (NVA) and Air Quality Impact Assessment (AQIA) in light of these public submissions.
- Advice that EPA has recently provided to Council and Boral in letter dated 23 June 2017 (EPA Reference DOC16/392471-32) on regulatory requirements for the proposed development following consideration of these public submissions.

In developing the attached recommended conditions, the EPA provides the following comments:

- The *Protection of the Environment Operations Act 1997* defines mobile plant as "operated temporarily for a total of not more than 6 months in any 12 month period".
- The AQIA has potentially underpredicted peak impacts for PM₁₀ and PM_{2.5} over a 24-hour averaging period, as emission estimates are based on annualised throughputs and not peak daily throughputs. Underestimations could be in the order of a factor of 3, based on the ratio of maximum proposed daily throughput of 1,250 tonnes and a daily throughput calculated from 125,000 tonnes per annum and 300 operational days per year. The EPA recommends that if project approval is granted an Air Quality Verification Report should be required which includes assessment of peak production rates.

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- An operational Air Quality Management Plan (AQMP) should be included as a condition of consent. Any mitigation or management measures identified as an outcome of the Verification assessment should be included within the AQMP.
- The information in Boral's letter (8 June 2017) addresses the operation of the diesel generator from a noise emission perspective. The EPA has recommended a condition requiring mains power until a more detailed air assessment has been provided to the EPA.
- The NVA predicts that operational noise levels under peak production, following the implementation of feasible and reasonable mitigation measures, will still exceed the project-specific noise levels at 31 Greendale Road (R1) by 5dB (evening) and 4dB (day). If any non-compliances are identified during the preparation of the Noise Verification Report, the Proponent must detail what additional measures will be implemented to ensure compliance.
- Construction activities should only be undertaken during the recommended standard construction hours in Section 2.2 of the NSW Interim Construction Noise Guideline (DECC, 2009).
- The Interim Construction Noise Guideline should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses. The proponent should ensure that all feasible and reasonable construction noise mitigation and management measures are implemented, particularly in relation to 31 Greendale Road (R1).

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely

30/06/17

PETER BLOEM
Regional Manager Operations Illawarra
Environment Protection Authority

Contact officer: CHRIS KELLY
(02) 4224 4100

Attachment A

ATTACHMENT A**GENERAL**

1. The proponent must install and operate equipment in line with best practice to ensure that the Development does not impact on the environment or community amenity.
2. The proponent must ensure all activities are undertaken in compliance with the *POEO Act* and any associated Regulations. This includes but is not limited to:
 - a. Section 120 – *Prohibition of pollution of waters*
 - b. Part 5.4 – *Air pollution*
 - c. Part 5.5 – *Noise pollution*
 - d. Part 5.6 – *Land Pollution of the POEO Act 1997*
 - e. Part 5.7 – *Duty to notify pollution incidents*
3. All plant and equipment installed at the premises or used in connection with the activity:
 - a. Must be maintained in a proper and efficient condition
 - b. Must be operated in a proper and efficient manner.

AIR

4. The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises;
5. All conveyors belts and transfer point must be fully enclosed and designed and operated to minimise or prevent dust emissions;
6. Belt scrapers must be installed to effectively remove material from the underside of each belt;
7. All material stockpile and storage shall be shrouded on three side to minimise or prevent dust emissions;
8. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading
9. The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises. Offensive odour is defined as an odour:
 - (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted.
10. Three months after the commissioning of the premises the proponent must submit an Air Quality Verification Report to Council to confirm the findings of the Air Quality Impact Assessment included in the Environmental Impact Statement (EIS). A copy of the report should also be provided to EPA.

The assessment must be:

 - a. Be prepared by suitably qualified consultant
 - b. Be undertaken in accordance with the EPA Approved Methods for the Modelling and Assessment of Air Pollutants in NSW
 - c. Consider actual peak daily production rates

If the Air Quality Verification Program identifies any emissions in excess of those reported in the EIS the Proponent must detail additional measures to be implemented to achieve the EIS levels, clearly indicate who will implement these measures, when these measures will be implemented, and how the effectiveness of these measures could be measured and reported.

11. Prior to commencement of project operations, the proponent must prepare and implement an Air Quality Management Plan (the Plan). The Plan must incorporate:
 - a. Proactive and reactive management strategies for minimising particulate emissions.
 - b. Key performance indicator(s) for emission controls;
 - c. Monitoring method(s) including location, frequency and duration;
 - d. Response mechanisms;
 - e. Responsibilities for demonstrating and reporting achievement of key performance indicator(s)
 - f. Record keeping;
 - g. Compliance reporting.
12. No diesel generator is permitted, unless approval in writing is obtained from the EPA. In obtaining written approval, the proponent must:
 - a. Evaluate compliance with prescribed discharge concentrations contained in the *Protection of the Environment Operations (Clean Air) Regulation 2010*; and
 - b. Adequately assess the potential impacts from any diesel generator.

WATER

13. The premises and activities carried out therein must not pollute waters and comply with Section 120 of the *POEO Act*.
14. Paved and sealed areas classified as 'dirty areas' must be provided with a first flush stormwater management system designed to capture the first 20mm of stormwater for each square meter of catchment area for subsequent reuse.
15. Facilities must be provided to enable the contents of the first flush system to be extracted in a manner for reuse, which does not pollute waters, and maintains the first flush system capacity.

WASTE

16. The proponent must not cause, permit or allow any waste to be received at the premises.
17. The proponent must ensure that any waste generated and/or stored at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

NOISE

18. In accordance with Section 2.2 of the NSW Interim Construction Noise Guideline construction should only take place within the hours of 7:00am to 6:00pm Monday to Friday, 8:00am to 1:00pm Saturday. No construction may take place on Sundays or Public Holidays.

Note 1: The proponent should ensure that all feasible and reasonable construction noise mitigation and management measures are implemented, particularly in relation to 31 Greendale Road (R1).

Note 2: The *Interim Construction Noise Guideline* (DECC, 2009) should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses.

Note 3: The EIS states the use of broadband reverse alarms during construction but has not made any commitment during on-going operation. The EPA recommends that Council secure the use of broadband reverse alarms during both construction and operational activities as a condition of approval.

19. Noise generated at the premises must not exceed the noise limits in the Table 1 below.

TABLE 1

Location (Bringelly)	NOISE LIMITS dB(A)	
	Day <i>L_{Aeq}</i> (15 minute)	Evening <i>L_{Aeq}</i> (15 minute)
31 Greendale Road	45	45
162 Greendale Road, 170 Greendale Road	40	40
33 Greendale Road, 5 Tyson Road	39	39
37 Greendale Road	38	38
29 Greendale Road	37	37
39 Greendale Road, 196 Greendale Road, 196A Greendale Road	36	36
All other residential receivers	35	35

Note 1: The proponent should confirm the locations of all assessed receivers.

20. For the purposes of the above noise limits in Table 1,

- Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sunday and Public Holidays.
- Evening is defined as the period 6pm to 10pm.

21. The above noise limits in Table 1 apply under all meteorological conditions except for the following:

- a) Wind speeds greater than 3 metres/second at 10 metres above ground level.
- b) Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions.

For the purposes of this condition

- a) Data recorded via an onsite meteorological station (if installed) or the closest Bureau of Meteorology station is to be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in Part E4 of Appendix E to the NSW Industrial Noise Policy.

22. To determine compliance:

- a) with the above *L_{Aeq}*(15 minute) noise limits the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - within 30 metres of a dwelling façade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable
 - within approximately 50 metres of the boundary of a National Park or a Nature Reserve.
- b) with the above noise limits, the noise measurement equipment must be located:
- at the most affected point at a location where there is no dwelling at the location; or
 - at the most affected point within an area at a location prescribed by this condition 22(a).
23. Three months after the commissioning of the premises the proponent must submit a Noise Verification Report to Council confirm the findings of the Noise Impact Assessment included in the EIS. A copy of the report should also be provided to EPA.

The assessment must:

- a. incorporate intermediate assessment locations as necessary
- b. assess compliance with Noise Limits in Table 1
- c. be attended noise monitoring undertaken in accordance with Condition 22.
- d. occur during each day and evening period as defined in the NSW Industrial Noise Policy for a minimum of 1.5 hours
- e. occur for three consecutive days
- f. be prepared by a suitably qualified acoustical consultant
- g. be undertaken in accordance with the EPA Industrial Noise Policy.
- h. provide a proposal for ongoing noise compliance monitoring by the proponent.

If the noise monitoring identifies any non-compliance with predicted noise levels, the Proponent must detail what additional measures will be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported.

Telephone Complaints Line

24. The proponent must maintain and advertise a phone number and email address for the purpose of receiving and responding to any complaints from members of the public in relation to activities conducted at the premises. The proponent must notify the public of the complaints line details and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

The proponent must also keep a legible record of all complaints made in relation to pollution arising from any activity at the premises. The record must include details of the following:

- the date and time of the complaint
- the method by which the complaint was made
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect
- the nature of the complaint
- the action taken by the proponent in relation to the complaint, including any follow-up contact with the complainant
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least four years after the complaint was made. The record must be produced to any authorised officer of the EPA or Council who asks to see them.

Independent Environmental Audit

25. Within two years from the date of commissioning, the proponent must commission and pay the cost for an Independent Environmental Audit of the premises. The scope and methodology must be agreed to in writing by Council and the EPA prior to undertaking the Audit.

This audit:

- i. must be conducted by a suitably qualified, experienced, and independent person, agreed to in writing
- ii. must assess the project's environmental performance and its effects on the surrounding environment
- iii. must assess compliance with all relevant Development Consent requirements
- iv. review the adequacy of dust controls and management for the project against relevant standards and performance measures
- v. recommend measures or actions to improve the environmental performance of the project, and/or its environmental management and monitoring systems.

A copy of the audit report must be submitted in writing to Council and the EPA.

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9 June 2017

Will Jones
Town Planner, Camden Council
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CAMDEN NSW 2570

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Dear Will,

**PROPOSED CONCRETE BATCHING PLANT
60 GREENDALE ROAD, BRINGELLY**

Boral Resources (NSW) Pty Limited (Boral) proposes to develop and operate a concrete batching plant in Bringelly. The proposed plant will have a maximum capacity of 125,000 tonnes (50,000 m³) per annum (tpa).

Concrete is a mixture of cement, water, coarse and fine aggregates, and additives. When mixed with water, cement powder forms a paste which holds the aggregates together. Water and cement powder constitute roughly 15% of the mix volume, while aggregates are between 65–80%.

A concrete batching plant combines cement, sand, aggregate, and additives into a large enclosed bin. Concrete agitator trucks park beneath this bin (known as an alley or load bay) and the required amount of product is gravity fed into the truck's barrel. The truck then drives to the slumping stand, where the driver manually adds additional water to the mix to make concrete.

Boral operates 18 concrete batching plants in the greater Sydney metropolitan area. These plants range in size from the largest which is approved to produce 700,000 tpa down to the smallest plant which produces 52,500 tpa. Production volumes at any concrete batching plant are constrained by the number of load bays. The Bringelly concrete batching plant is proposing only one load bay and hence the proposed peak daily production rates are constrained by this, as this limits the number of trucks that can be filled with raw materials at any one time.

The proposed plant will be located adjacent the Bringelly Brickworks, on Lot 100 DP 1203966. While Lot 100 DP 1203966 is zoned RU1 within the Camden Local Environment Plan (LEP), clause 7(4) of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (the Mining SEPP), permits concrete batching plant operations where they are co-located with an extractive industry (the Brickworks). There are many examples of concrete batching plants located on RU1 and RU2 zoned land, including Boral plants located at Maldon, Dunmore, Hall, Seaham, Beryl, Macksville and Maryvale.

The perishable nature of concrete means there is a limited amount of time to deliver and pour the product (between 35 to 90 minutes, depending on the design specification for the concrete's

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use). Due to this relatively small delivery timeframe, concrete batching plants are therefore required to be located within short distances of their markets.

Bringelly has been selected as an ideal location for a concrete batching plant for a number of reasons as follows:

1. Size and layout of Lot 100 DP 1203966

The site location was chosen based on three key factors; proximity to residences, topography, and sufficient area for setback from Greendale Road and noise/visual bund. The proposed location allows:

- location near the least number of residences. The number of residences with houses within 40m of Greendale Road increases east of the proposed location;
- minimal requirement for cut and fill earthworks due to favourable topography. Allows sufficient space for a 40m setback from the unnamed tributary to Bardwell Gully;
- noisiest equipment (loading bays and slumping stands) to be positioned to maximise the attenuation afforded by the bund, while also allowing a one way traffic flow around the site. This limits the need for reversing, which compromises site safety and creates a noise nuisance from reversing beepers; and
- sufficient room for a 20m setback from Greendale Rd and noise bund base area.

The proposed location for the plant within Lot 100 is considered the best option based on the above factors.

2. The volume and nature of future projects within the region.

The project area is located in the South West Growth Centre (SWGC) and forms part of the Lowes Creek precinct, though parts of Lot 100 are within the Bringelly precinct. The project area and land to the east along Greendale Road is designated for future industrial and employment lands under the South West Growth Centre Structure Plan (Edition 3). It is anticipated that significant urban growth will occur in the SWGC and in the local area over the next 30 years. All of this development will require concrete.

There are also a number of existing, new and potential local and regional infrastructure projects, including upgrade works for The Northern Road, Bringelly Road and Elizabeth Drive. The provision of housing and infrastructure will require an increase in the supply of heavy construction materials such as concrete and its constituents. The project area is ideally situated to provide concrete to housing within SWGC, and local and regional infrastructure projects.

3. Future Western Sydney Aerotropolis and associated infrastructure.

Following the announcement by the Federal Government to build the Western Sydney Airport at Badgery's Creek, the Greater Sydney Commission has developed plans for the future employment areas surrounding the airport, known collectively as the Western Sydney Aerotropolis. It is estimated that by the early 2030's, there are expected to be over 9,000 direct jobs at the Western Sydney Airport, with many more service and support businesses expected to be located within close proximity to the airport. Significant volumes of concrete will be required to construct these developments and the

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proposed Bringelly concrete plant will be within 15 minutes driving time to service these builds.

4. Relatively small number of existing concrete plants capable of servicing the future market.

There are no concrete plants in the northern portion of the Camden LGA. The closest concrete plants to Bringelly are located at Smeaton Grange, Prestons and Narellan. There are no concrete plants located within 12.5 km of Bringelly or within 11.5 km of the future Western Sydney Aerotropolis (approximately 20-30mins from the proposed plant). The proposed Boral plant at Bringelly will be within 500m of the future upgrade works at the intersection with The Northern Road and Bringelly Road, and 6 km of the Western Sydney Aerotropolis. It will be able to service future developments within the Lowes Creek and Bringelly Precincts, and serve as a back-up plant for Boral's plants at Prestons and Narellan.

Due to the scale of future plans and the relatively un-developed nature of the Bringelly area, it is anticipated that the proposed concrete plant will service both larger public infrastructure works, such as roads and railways, through to subdivision works and smaller residential contracts. Future customers will range from the Roads and Maritime Services (RMS), through to developers and individual residential contractors.

In summary, the benefits of the proposed batch plant on Greendale Road are as follows:

- A co-location of industry, with the proposed batch plant located in close proximity (200m) to PGH brickworks.
- Employment opportunities for plant operators, local truck drivers, and ancillary contractors (plumbers, electricians etc).
- Close proximity of the batch plant to future projects, thereby reducing truck numbers across the wider road network.
- Within a designated future corridor of industrial/employment lands under the South West Growth Centre Structure Plan (Edition 3).
- Close to areas that will experience significant growth within the next 30 years, including the Western Sydney Aerotropolis and the North West Growth Centre precincts.

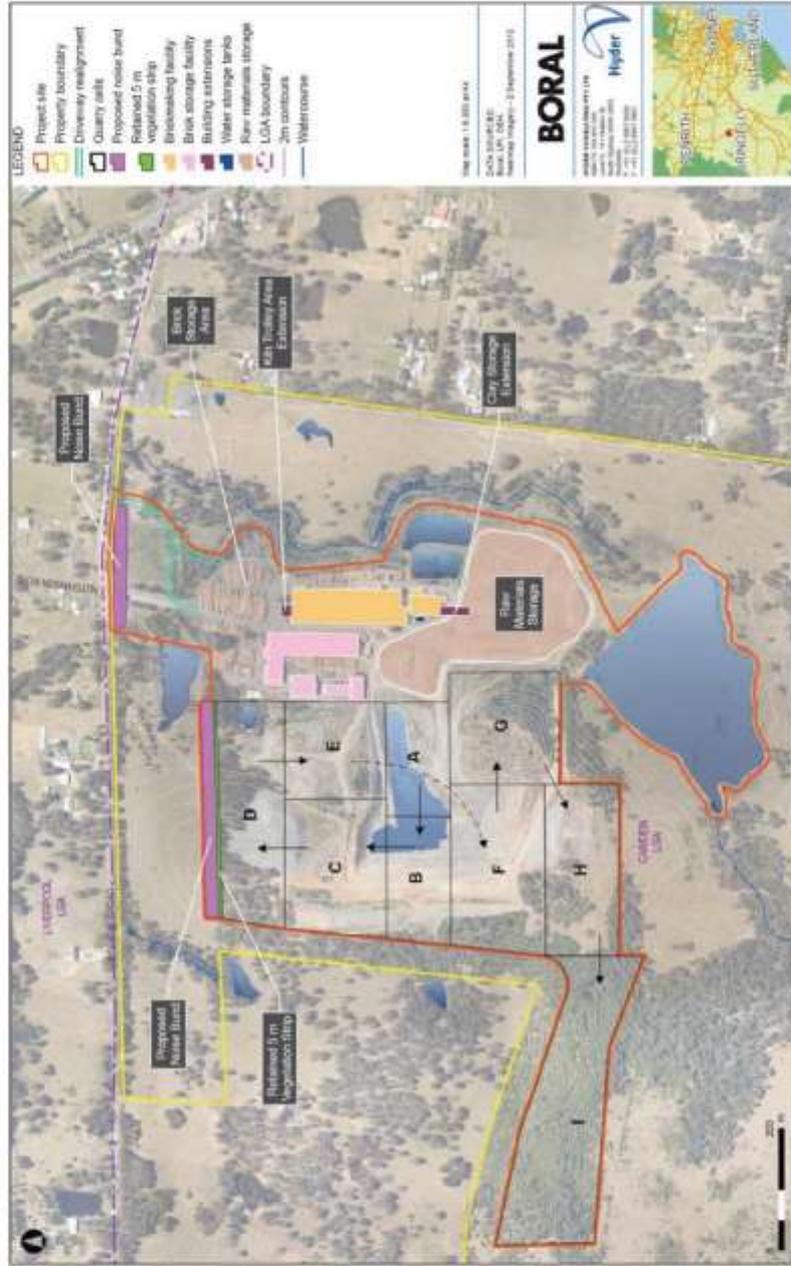
Based on the above, it is considered that the proposed batch plant is well situated to enable concrete to be produced efficiently and cost effectively for the future developments proposed in the area.

Should you wish to discuss the above further, please do not hesitate to contact me directly on 02 9033 5546.

Yours faithfully

Kate Jackson
Senior Planning and Development Manager (NSW/ACT)

APPENDIX 2
DEVELOPMENT LAYOUT





**ENVIRONMENT
& HEALTH**

Phil Towler
EMM Consulting Pty Ltd
Via email: ptowler@emmconsulting.com.au

**BORAL RESOURCES (NSW) PTY LTD PROPOSED CONCRETE
BATCHING PLANT, BRINGELLY**

Date: 03/07/2017

Ramboll Environ
Level 3, 100 Pacific Highway
PO Box 560 North Sydney
NSW 2060 Australia

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Dear Phil,

This letter has been prepared in response to comments received from the NSW Environment Protection Authority (EPA) dated 30 June 2017 regarding the air quality impact assessment (AQIA) completed for the proposed Boral Resources (NSW) Pty Ltd proposed concrete batching plant (CBP) at Bringelly. The NSW EPA raised concerns that the AQIA conducted has underestimated peak particulate matter impacts by up to a factor of 3 for a 24-hour period because emissions were based on average daily production rather than peak daily production.

To investigate the potential implications for predicted air quality impacts from the proposed CPB, a scaling analysis has been undertaken by Ramboll Environ.

24-hour average PM₁₀ concentrations

As per Table 8-1 of the AQIA, the predicted maximum 24-hour average PM₁₀ incremental (CPB-only) concentration is less than 1µg/m³ at all assessment locations, with the exception of receptor R1. The maximum 24-hour average PM₁₀ incremental concentration at R1 is 3.7µg/m³.

To derive cumulative 24-hour average PM₁₀ concentrations in the AQIA, the NSW EPA 100th Percentile cumulative approach as specified in the NSW EPA *Approved Methods for the Modelling and Assessment of Air Pollutants* in NSW (2016), conservatively combining the maximum recorded 24-hour average PM₁₀ concentration during 2014 at the NSW OEH Bringelly monitoring station (42.6µg/m³) with the maximum predicted 24-hour PM₁₀ concentration at each sensitive receptor.

Assuming that the daily emissions in the AQIA are underestimated by a factor of 3, as indicated by NSW EPA, and that there is a linear relationship between emissions and concentrations at R1, the maximum incremental 24-hour PM₁₀ concentration would be 11.1µg/m³ and the maximum 24-hour PM₁₀ cumulative concentration would be 53.7µg/m³. This is above the maximum 24-hour average PM₁₀ criterion (50µg/m³).

To investigate this result further, a more refined cumulative analysis was undertaken for R1, whereby daily-varying 24-hour average PM₁₀ concentrations recorded at the NSW OEH Bringelly monitoring station were paired in time with the corresponding 24-hour average PM₁₀ model prediction at receptor R1. The results of this paired analysis returned a maximum 24-hour average PM₁₀ concentration of

Ramboll Environ Australia Pty Ltd
ACN 095 437 442
ABN 49 995 437 442



44.2µg/m³ at receptor R1. Consequently, there would be no exceedance of the 24-hour average PM₁₀ criterion.

24-hour average PM_{2.5} concentrations

As per Table 8-1 of the AQIA, the predicted maximum 24-hour average PM_{2.5} incremental (CPB-only) concentration is less than 0.1µg/m³ at all assessment locations, with the exception of receptors R1, R10 and R11. The maximum 24-hour average PM_{2.5} incremental concentration is 1.0µg/m³ at R1.

Similar to the assessment of PM₁₀, cumulative 24-hour average PM_{2.5} concentrations were derived by applying the NSW EPA 100th Percentile cumulative approach, conservatively combining the maximum recorded concentration during 2014 at the NSW OEH Camden (PM_{2.5} was not recorded at Bringelly in 2014) monitoring station (18.5µg/m³) with the maximum predicted 24-hour average PM_{2.5} concentration at each sensitive receptor.

Assuming that the daily emissions in the AQIA are underestimated by a factor of 3, as indicated by NSW EPA, and that there is a linear relationship between emissions and concentrations at R1, the maximum incremental 24-hour PM_{2.5} concentration would be 3.0µg/m³ and the maximum 24-hour PM_{2.5} cumulative concentration would be 21.5µg/m³. This maximum cumulative 24-hour average PM_{2.5} concentration remains below the maximum 24-hour average PM_{2.5} criterion (25µg/m³). As compliance was predicted under the conservative 100th percentile cumulative approach, further paired cumulative analysis to demonstrate criteria compliance for PM_{2.5} was not required.

Please do not hesitate to contact the undersigned directly if you would like to discuss the above response further or require additional information.

Kind Regards,

Signed:	
Contact:	Scott Fishwick Manager - Air Quality D +61 2 9954 8126 sfishwick@ramboll.com



ORDINARY COUNCIL

ORD05

SUBJECT: CONSTRUCTION AND OPERATION OF A MOBILE CONCRETE BATCHING PLANT AND ASSOCIATED SITE WORKS - 60 GREENDALE ROAD, BRINGELLY

FROM: Director Planning & Environmental Services

TRIM #: 17/92192

APPLICATION NO: 578/2016
PROPERTY ADDRESS: 60 Greendale Road, Bringelly
APPLICANT: Boral Resources (NSW) Pty Ltd
OWNER: Boral CSR Bricks Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly.

The DA is referred to Council for determination as there remain unresolved issues contained in 14 submissions received from 13 property addresses in objection to the DA and a variation to the height control in the Camden LEP.

SUMMARY OF RECOMMENDATION

That Council determine DA 578/2016 for the construction and operation of a mobile concrete batching plant and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 578/2016 seeks approval for the construction and operation of a mobile concrete batching plant and associated site works.

Specifically the proposed development involves:

- Construction and operation of a mobile concrete batching plant with a production capacity of up to 125,000 tonnes of concrete per annum;
- Removal of 46 trees and their replacement with 46 new trees;
- Erection of business identification signage;
- Construction of a new access from Greendale Road including turning lanes;
- Construction of three storage silos (21m high);
- Construction of a control room, amenities building, workshop, lunchroom and toilet;
- Construction of a four metre high acoustic mound/wall;
- Construction of a 24 space car park and separate truck parking;

This is the report submitted to the Ordinary Council held on 23 May 2017

Page 1



- Operation of four hoppers, one enclosed agitator load bay, two enclosed slump stands, four open aggregate stockpiles, one electricity generator, and one front-end loader;
- Installation of one concrete admixtures container, two water management pits, water tanks and a sediment pit;
- Provision of services, drainage and associated site works;
- Concrete production using standard agitator trucks (up to 86 loads of concrete per day); and
- Material deliveries (up to 20 loads of aggregate per day and up to seven loads of cement powder per day).

Hours of operation / staff

- 7:00 am to 10:00pm Monday to Saturday;
- 8:00am to 10:00pm Sundays and public holidays;
- No raw material deliveries after 6:00pm; and
- 13 full time staff (three plant staff and 10 drivers).

The cost of work for the development is \$1,155,000.

The applicant advises that the development will service the upgrade of Bringelly Road and other future road and infrastructure projects in the local and regional area.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development tab, then click on 'Check/Find a Development Application Online'.

THE SITE

The site is known as 60 Greendale Road, Bringelly and is legally described as Lot 100 DP 1203966.

The site area is approximately 104 hectares and has a 1km road frontage to Greendale Road. The proposed development is located towards the western side of the site with a development area of approximately 1.7 hectares.

The development area is elevated above the road level and comprises scattered vegetation. A watercourse (Bardwell Gully) is located to the east and an electricity easement (owned by Endeavour Energy) is located to the south. The proposed development area is currently used for stock agistment and grazing.

An extractive industry is also located on the site known as the Boral CSR Bringelly Brickworks (now trading as PGH Bricks), which undertakes extraction activities and manufactures bricks.

Land on the northern side of Greendale Road is within the Liverpool LGA and is zoned RU4 Primary Production Small Lots subject to the Liverpool Local Environmental Plan (LEP) 2008. This zone permits primary industry production with some residential land uses.

The subject site is zoned RU1 Primary Production subject to the Camden Local Environment Plan (LEP), which permits similar land uses. The surrounding character is largely rural in nature.

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The site is located within the South West Growth Centre.

The nearest residential dwelling being 31 Greendale Road, Bringelly is approximately 120m north of the development on the northern side of Greendale Road. Bringelly Reserve is approximately 900m to the northeast and is adjacent to the Bringelly Community Centre.



An additional aerial image identifying surrounding sensitive land uses is provided as an attachment to this report.

Road Upgrades / Maintenance

An upgrade to the Greendale/Bringelly/The Northern Road intersection adjacent to the Bringelly Public School is to be completed by NSW Roads and Maritime Services (RMS) by 2020. The upgrades include the following works in proximity to the project area:

- Realigning The Northern Road approximately 300m east of the existing alignment at the Bringelly Road intersection;
- Widening of The Northern Road and Bringelly Road from two to four lanes with a central median to allow for six lanes in the future; and
- A grade separated interchange at the intersection to Bringelly Road/Greendale Road/The Northern Road.

An insert from the RMS upgrade plan is as an attachment to this report.

KEY DEVELOPMENT STATISTICS

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The development has been assessed against the relevant planning controls and is compliant with the exception of the variations noted below. Below is a summary of the key development statistics associated with the DA, and variations are discussed at the end of the table.

Camden Local Environmental Plan 2010			
Clause	Standard	Proposed	Compliance
4.3 Height of Buildings	Maximum 9.5m.	The three silos will be 21m above natural ground level.	LEP Variation 1
5.9 Trees / Vegetation	Development consent is required for the removal of tree species prescribed by the Camden DCP.	46 trees are proposed to be removed. The tree species being removed include Grey Box and Forest Red Gum. These will be replaced with 46 trees of the same species within the environmentally sensitive land along the street frontage. Council's Vegetation Management Officer supports the application subject to conditions.	Yes

Camden Development Control Plan 2011			
Clause	Standard	Proposed	Compliance
B4 Advertising and Signage	No greater than one 0.7m ² business identification sign is permitted in rural zones.	A 2m ² business identification sign is proposed.	DCP Variation 1
B5.1 Car Parking	For an Industry/Light Industry use, a minimum of one parking space per 70m ² of Gross Floor Area (GFA) is required.	The total GFA is 160m ² ; three parking spaces are required. 24 parking spaces are proposed including an additional dedicated truck parking area.	Yes
D1.1 Rural Accommodations, Dwellings and Outbuildings	A 20m minimum front building setback.	33m to the nearest building.	Yes
	5m minimum	93m to the western side	Yes

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	side and rear building setback.	boundary and 33m to the rear boundary (the lunchroom).	
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ASSESSMENT

Designated Development

Pursuant to Schedule 3 of the NSW *Environmental Planning and Assessment Regulation 2000* (the Regulation), the proposed development is classified 'designated development' as the facility will produce more than 30,000 tonnes of concrete per year.

As a result, an Environmental Impact Statement (EIS) is required to support the DA. The EIS was reviewed by Council staff together with the supporting documents and the documentation is considered to be adequate.

The DA was publically exhibited in accordance with the requirements for designated development outlined by the Regulations.

Zoning and Permissibility

Zoning:	RU1 Primary Production
Permissibility:	<p>The proposed development is defined as an 'Industry by the LEP, which is a prohibited land use in this zone.</p> <p>However the development has established its permissibility under Part 2 Clause 7 (4) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 as it is located within the site of an approved extractive industry being the Boral CSR Bringelly Brickworks. (State Significant Development Application 5684 approved 3 March 2015).</p>

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 33 - Hazardous and Offensive Development</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 55- Remediation of Land</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 64- Advertising and Signage</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Infrastructure) 2007</u> - Compliant with conditions recommended where necessary.</p> <p><u>Sydney Regional Environmental Plan No 9- Extractive Industry (No 2-1995)</u> - Compliant with</p>
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	conditions recommended where necessary. <u>Deemed SEPP Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)</u> - Compliant with conditions recommended where necessary. <u>State Environmental Planning Policy (Sydney Region Growth Centres) 2005</u> - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Generally compliant with one variation proposed as discussed below.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	<u>Draft Infrastructure State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016</u> - Compliant with conditions recommended where necessary.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden DCP 2011</u> - Generally compliant with one variation proposed as discussed below.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues and Submissions sections of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	Fourteen submissions were received from 13 property addresses, which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies

LEP Variation 1 – Maximum building height

LEP Development Standard

Clause 4.3 of the Camden LEP requires the height of a building on the site to not exceed 9.5m.

The three cement storage silos will be 21m above natural ground level.

Variation Request

The applicant has requested a height variation be supported based on the following:

- The height of the silos is required in order to allow dry cement materials to be gravity fed.
- The project area is designated as future industrial/employment lands and is adjacent to the Boral CSR Bringelly Brickworks, which has a 17.5m building height.
- It is considered that maintaining the development standard would have little public benefit, namely elimination of some minor adverse visual impacts.
- The project's public benefits are considered to substantially outweigh the benefit of maintaining the development standard.
- The project is considered to be consistent with the objectives of the height control and the RU1 Primary Production zone.

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Council Staff Assessment

The submitted Clause 4.6 variation request to Clause 4.3 (Height of buildings) development standard is supported by Council staff and, there are sufficient environmental planning grounds to vary the standard as outlined below:

- The silos are set back 46m from Greendale Road (20m min setback required) and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.
- The majority of the proposed development across the site is less than 5m in height.
- The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site;
- The proposed development has been designed to minimise visual impacts and to minimise conflicts between land uses.
- The development will not result in an adverse impact on view lines or visual corridors within the locality.
- The height breach does not result in any adverse amenity impacts on surrounding development.
- The height of the silos is required for the operation of the mobile concrete batching plant, which is considered to have public benefit.
- The proposed development is consistent with the objectives of RU1 Primary Production in that it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works. Further, the development is temporary and the rural lands can be restored once the use ceases.

Based on the above considerations and in the particular circumstances of the case, the proposed variation to the development standard is acceptable.

The development is considered to be in the interests of the public given that the relevant objectives of the building height standard and objectives of RU1 Primary Production zone are met despite its numerical non-compliance with the development standard.

The variation is not considered to raise any matter of regional and state significance, and concurrence of the Minister in approving this variation can be assumed by Council.

DCP Variation 1 – Signage

DCP Control

The Camden DCP permits one business identification sign within rural zones to a maximum area of 0.7m². One 2m² business identification sign is proposed (1m high x 2m wide).

Variation Request

The applicant has requested the variation be supported based on the following:

- The sign is compatible with the amenity and character of the area.
- The sign is considered in keeping with the future industrial use of the land.

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Council Staff Assessment

The proposed variation is supported based on the following:

- The signage will not obstruct key view corridors along Greendale Road.
- The signage does not dominate the streetscape.
- The size is required to ensure legibility for road directional purposes.

Key Issues

Traffic Impacts

A traffic and transport assessment report was submitted with the application. **This report is provided under separate cover.**

The report found that the average daily traffic movement on Greendale Road will increase by 13% to 15% and concludes there will be no detrimental impact on the existing road network for the following reasons:

- The existing road remains suitable and road widening is not required.
- Future truck movements within the site will have a minimal impact on the surrounding road network.
- The number of vehicle movements is restricted based upon the maximum permitted tonnage of concrete production being 125,000 tonnes per annum.

Council's Traffic Engineer has assessed the proposal and raised no objection on traffic grounds, subject to conditions.

As noted above, the RMS is currently upgrading the Greendale/Bringelly/The Northern Road intersection with works expected to be completed by 2020. This work will improve traffic movement within the surrounding road network.

Camden Council's Contribution Plan No. 7 – Extractive Industry applies to the site. The applicant will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent, requiring a monetary contribution per tonnage of material transported to and from the site.

Acoustic Impacts

An acoustic report was submitted with the application. **This report is provided under separate cover.**

The acoustic report considered the impacts to the residential properties located on the opposite side of Greendale Road, Bringelly Primary School and the adjoining brickworks site.

The proposed development is consistent with the EPA Industrial Noise Policy.

While the most sensitive noise criteria is not met at one residential property (being the closet residence), the operational noise level is below the 'Recommended Acceptable Noise Level - Rural Residence' and the 'Recommended Maximum Noise Level – Rural Residence' of the policy.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 8



The applicant has offered upgrade works to the closet residence to mitigate potential noise impacts.

Council staff contacted the closest resident to discuss the applicant's proposed upgrade works. The owner has advised that they object to the development and upgrade works do not satisfactorily address their concerns.

Council staff are satisfied that the proposal is acceptable having regard to the Industrial Noise Policy and noting compliance with the Recommended Acceptable Noise Level and Recommended Maximum Noise Level for this type of industrial development.

Conditions are recommended to ensure the hours of operation and the recommendations of the acoustic report are enforced, and that the maximum permitted tonnage of concrete production per annum and offensive noise is not exceeded.

Air Quality

An air quality assessment report was submitted with the application. **(This report is provided under separate cover).**

Existing air quality and meteorological conditions were analysed with respect to the potential increase in air pollutants resulting from the dust / cement materials associated with the proposed development. The emissions are to be controlled by the use of paved roads, sweeping of roads, use of water sprays, cement supplements and mixer additives. The results determined it was unlikely there would be exceedances of the relevant emissions standards.

Conditions have been recommended to enforce the proposed dust mitigation measures, which include:

- Regular sweeping of paved roads;
- Water sprays on all stockpiles;
- Water sprays used during aggregate and sand unloading; and
- Cement loaded pneumatically into silos in an enclosed system.

The DA was referred to the NSW Environment Protection Authority (EPA) given they are the Appropriate Regulatory Authority for the proposed concrete works.

The EPA provided a series of conditions related to the control of noise, dust, air, water and waste. A condition is recommended to ensure compliance with the EPA conditions, which will be provided as an attachment to the development consent.

A copy of the EPA's advice is attached.

Siting of the Development

Future Zoning

Bringelly is located within the South West Growth Centre. The South West Growth Centre Structure Plan (Edition 3) prepared by the Department of Planning and Environment indicates the site will likely be zoned 'Industrial', with industrial land located immediately north, 'transitional land' located to the south, and walkable neighbourhoods' located to the east.



The South West Growth Centre Structure Plan is provided as an attachment to this report.

In the future, the development will likely be sited amongst similar industrial land uses. The subject site is considered an appropriate location for the proposed development given it is co-located with the Boral CSR Bringelly Brickworks site.

Siting within the existing lot

Council officers requested the development be setback as far as possible from Greendale Road to mitigate visual and acoustic impacts.

The applicant has advised that the location of the development has been selected taking into consideration site topography, the location of the watercourse, the preservation of the existing vegetation and an Endeavour Energy easement, which is located across the rear boundary of the development area.

In addition, the applicant notes that the site layout has been designed to maximise the operation's efficiency and functionality and to ensure compliance with relevant site operation criteria.

The proposed siting is considered acceptable noting the constraints of the site. The development exceeds the required 20m setback as prescribed by the DCP and will have no unacceptable impacts on the locality.

Heritage Impacts

The Bringelly Road/Greendale Road corridor is listed as a potential heritage item in the Camden DCP. The majority of the proposed development is less than 5m in height and will be screened on approach along Greendale Road via the proposed earth mound and acoustic fence together with the existing and proposed vegetation. The acoustic fence will be painted a natural colour to ensure it blends into its setting. The development is not considered to adversely impact the potential heritage item.

The site is not within a Heritage Conservation Area nor is it located within proximity to any local or state heritage items. Council's Heritage Officer contacted Liverpool City Council to determine whether any heritage items/conservation areas exist in proximity to the proposed development. The nearest local heritage item is within the Liverpool City Council LGA and relates to the Bringelly Public School. Given there is a separation distance of 1.2km, there will be no heritage impacts.

Flora and Fauna Impacts

Environmentally sensitive land is located along the Greendale Road frontage of the development area, comprising Cumberland Plain Woodland (CPW). Forty seven new trees (Forest Red Gum and Grey Box) are proposed within the environmentally sensitive land along the street frontage. The additional planting will embellish the environmentally sensitive land and provide an improved landscape outcome.

Submissions

The DA was publically advertised in accordance with the requirements for designated development pursuant to the *Environmental Planning and Assessment Regulation 2000*. The DA was advertised for 30 days with the exhibition periods being 29 June 2016 to 28 July 2016 and 25 January 2017 to 23 February 2017.

This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 10



Fourteen submissions were received from 14 property addresses objecting to the proposed development. Five submissions were received from addresses within the Camden LGA and eight submissions were received from addresses within the Liverpool LGA. The address of one submission could not be identified.

One submission was received from Liverpool City Council, however the concerns raised were addressed and the submission was withdrawn.

The following discussion addresses the issues and concerns raised in the remaining submissions.

1. *Excessive plant operation hours. Suggested hours: 7.00am to 5.00pm Monday to Friday.*

Officer Comment:

The proposed hours of operation are 7.00 am to 10.00pm Monday to Saturday and 8.00am to 10.00pm Sundays and public holidays.

The applicant has advised the proposed hours of operation are required to ensure economic viability of the development.

The proposed development will not operate during sensitive residential hours being before 7.00am or after 10.00pm. Further, the noise generated by the operation is below the acceptable limits of the NSW EPA Industrial Noise Policy.

Noting the above, the proposed hours of operation are considered acceptable.

2. *Built form incompatible with existing rural landscape.*

Officer Comment:

The built form is comparable to the existing extractive industry on the site (Boral CSR Bringelly Brickworks), which has a stack height of 17.5m.

Impacts on the existing character are reduced through setbacks greater than required by the Camden DCP, neutral and recessive colours and materials and landscape screening.

3. *Poor state of roads to be worsened by proposed development. Traffic report states B-Doubles approved to the current Boral CSR Bringelly Brickworks entrance and this is to be extended.*

Officer Comment:

A B-Double vehicle access route currently ends at the site entrance to the brickworks. The applicant can apply to the National Heavy Vehicle Regulator, Camden Council and Liverpool City Councils to extend the existing B-Double vehicle access route as part of a separate process after the DA is determined.

The applicant has advised that the proposed development can rely on semi-trailers. A condition is recommended that restricts access to the site to vehicles no greater than 19m in length (semi-trailer) unless otherwise approved by the appropriate authorities.



Contribution Plan No. 7 – Extractive Industry applies to the site. The applicant will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent, which will require a monetary contribution per tonnage of material transported to and from the site.

4. *80km/hr speed limit near proposed site entrance likely to result in accidents.*

Officer Comment:

The proposed entrance complies with the required sight lines. The construction of the entrance will be conditioned to comply with relevant Australian Standards. Subject to these conditions, the proposed entrance is considered satisfactory.

5. *Safety concerns for the existing school during peak pick-up and drop-off times. Concerns for trucks turning left onto The Northern Road that currently occupy the adjacent lane to make the turn. Traffic light timing at the intersection is not sufficient to allow trucks to turn.*

Officer Comment:

The proposed development has been assessed and is not considered to result in increased safety concerns during peak school drop off and pick up times.

The turning paths at the Greendale/Bringelly/The Northern Road intersection are considered adequate.

An upgrade to the Greendale/Bringelly/The Northern Road intersection adjacent to the Bringelly Public School is scheduled for completion by the NSW Roads and Maritime Services (RMS) by 2020. This work will improve traffic movement within the surrounding network.

6. *The traffic report did not take account future traffic on Greendale Road from recently approved cemeteries at 41 Greendale Road, Bringelly, 321 Greendale Road, Greendale, and the crematorium at 992 Greendale Road, Greendale, and the Vietnamese St Joseph Convention Centre at Tyson Road, Bringelly, or the increased production of the Boral CSR Bringelly Brickworks, or the new airport. Also potential for water delivery trucks should other water sources not be available.*

Officer Comment:

The traffic report concludes there is sufficient capacity in the current road network to accommodate the proposed development.

This is discussed in more detail within the 'Key Issues' section of the report.

7. *Generation of dust, which will exacerbate health problems and affect quality of tank water supply to surrounding dwellings. A dust report that takes account simultaneous operation of the proposed batching plant and existing brick works should be carried out.*

Officer Comment:

An air quality assessment, which concluded the development will not exceed NSW Environment Protection Authority criteria, was submitted with the DA. Council's



Environmental Health Officer has reviewed the report and raised no objection, subject to conditions.

This is discussed in more detail within the 'Key Issues' section of the report.

8. *Vehicle emissions will affect health.*

Officer Comment:

The proposed development is not considered to give rise to increased health impacts as a result of the additional vehicle movements.

9. *Generation of noise. An acoustic report that takes account simultaneous operation of the proposed batching plant and existing brick works should be carried out. Noise generation from the electricity generator also of concern. Noise concerns for 33 Greendale Road, Bringelly and the existing school due to passing trucks.*

Officer Comment:

An acoustic assessment was submitted with the DA that assessed the operations of the proposed development, including the generator and other operational facilities within the immediate locality.

The noise generated by the operation is below the acceptable limits of the NSW EPA Industrial Noise Policy at 33 Greendale Road.

This is discussed in more detail within the 'Key Issues' section of the report.

10. *Water supply is ambiguous. No certainty of water supply for dust suppressions and for bush fire protection.*

Officer Comment:

Water supply will be provided by the first flush pit, which will collect natural water runoff from the site. The sedimentation basin is also available for water supply. Water can also be sourced from the Boral CSR Bringelly Brickworks water management dam.

11. *Watercourses are said to have no name; however on a report map Bardwell Gully is marked.*

Officer Comment:

Council staff have assessed the likely impacts on the existing watercourse to the east, identified as Bardwell Gully, and consider there will be no detrimental impacts to the watercourse or water quality.

The NSW Department of Primary Industries – Water (DPI – Water) raised no concern with the proposed works.

12. *Proposed water flow under the road to 33 Greendale Road might impede placement of a future dwelling on this property. The change in natural surface flow is likely to increase flooding of the existing driveway.*

Officer Comment:

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There will be no increased water flow from the site as a result of the development.

A stormwater detention pit is proposed to ensure the post development flow from the site meets pre-development flows in accordance with Council's Engineering Specifications.

13. Impacts to native flora and fauna.

Officer Comment:

A biodiversity assessment was submitted with the application, which concludes there will be no significant impact on the threatened biodiversity recorded or predicted to occur within the project area.

This is discussed in more detail within the 'Key Issues' section of the report.

14. Proximity to heritage properties.

Officer Comment:

The site is not within a Heritage Conservation Area or within proximity to any local or state heritage items.

The nearest local heritage item is within the Liverpool City Council LGA and relates to the Bringelly Public School. Given the distance to the school from the development (1.2km), there will be no heritage impacts.

This is discussed in more detail within the 'Key Issues' section of the report.

15. Impacts on a potential future heritage listed property at 33 Greendale Road (not currently heritage listed).

Officer Comment:

According to the Liverpool City Council LEP, 33 Greendale Road is not identified as a local heritage item nor is it within a heritage conservation area.

The proposed development is not expected to have a significant impact upon any future local heritage status of the dwelling given visual impacts will be reduced through the proposed earth mound and acoustic fence and existing and proposed vegetation screening.

16. Inconsistent with the RU1 zone and surrounding RU4 zone.

Officer Comment:

A concrete batching plant is permissible under the Mining, Petroleum Production and Extractive Industries SEPP. Concrete works may be carried out on land that is subject to an already existing, approved extractive industry.

The proposed development is consistent with the objectives of RU1 Primary Production in that it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works. Further, the development is temporary and the rural lands can be restored once the use ceases.

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17. *Liverpool City Council requires a 50m setback to Greendale Road. The proposed development should have at least the same setback as the existing Boral CSR Bringelly Brickworks (approximately 250m).*

Officer Comment:

The Camden DCP requires a 20m front boundary setback. The majority of the development is set back greater than 40m, which includes the three cement silos.

The front boundary setback cannot be increased given an existing Endeavour Energy easement straddles the rear boundary of the development area.

This is discussed in more detail within the 'Key Issues' section of the report.

18. *Life expectancy of the development has not been specified.*

Officer Comment:

The applicant has indicated this is a temporary batching plant however an end date cannot be provided at this point as it is being constructed to service the development of the south west growth areas.

Noting the site is located within the South West Growth Centre and is identified for future industrial land, the operation of the plant is not considered to result in future land use conflicts.

19. *Evacuation plan for the site not specified.*

Officer Comment:

The applicant has advised the proposed development will operate in accordance with all SafeWork NSW health and safety regulations.

20. *The vegetation screening is insufficient. Landscape screening will likely perish and will not become established quickly enough to provide screening.*

Officer Comment:

The proposed vegetation screening has been assessed by Council staff and is considered the most appropriate species for inclusion with the existing environmentally sensitive area (Forest Red Gum and Grey Box). A condition is recommended requiring a 12 month maintenance and establishment period.

While the trees are being established, the existing vegetation along with the proposed setbacks, and earth mound/acoustic fence are considered sufficient to limit visual impacts.

21. *Concerns with the number of signs.*

Officer Comment:

The number of signs proposed has been reduced from 11 to one business identification sign. The one sign is considered acceptable and reasonable for site identification purposes.

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22. *The proposed development may dictate what adjacent properties will be zoned into the future as part of the future growth centre precinct. An industrial zone is not desirable.*

Officer Comment:

Any future rezoning of the land will be carried out by the Department of Planning and Environment, which will undertake community consultation to inform the rezoning.

23. *The existing Boral CSR Bringelly Brickworks will have no need for the proposed development.*

Officer Comment:

The existing Boral CSR Bringelly Brickworks will operate independently of the proposed development.

24. *Boral may make applications for future plants adjacent to the subject site.*

Officer Comment:

Depending on the viability of any future proposal, any use that is permitted via the Camden LEP or SEPP may be considered on the site and will be assessed on merit.

25. *Loss of property values.*

Officer Comment:

The value of surrounding properties is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

In accordance with the Planning for Bushfire Protection (2006), any DA that does not comply with the local LEP must be referred to the RFS.

The DA was referred to the RFS and a response was received with the General Terms of Approval (GTA) of the RFS. A condition is recommended to ensure compliance with the GTAs, which will be provided as an attachment to the development consent.

Office of Environment and Heritage (OEH)

The DA was referred to the OEH as Integrated Development in that it requires the grant of an Aboriginal heritage impact permit pursuant to the *National Parks and Wildlife Act 1974* given known Aboriginal artefacts are located within proximity to the proposed development on the subject site.

A response was received from OEH containing its GTAs, which require an application be submitted to OEH for an Aboriginal Heritage Impact Permit should any artefacts be required to be removed. A condition is recommended to ensure compliance with the OEH GTAs, which will be provided as an attachment to any development consent issued.

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Department of Primary Industries – Water (DPI – Water)

The DA was referred to the DPI – Water. A response was received from the DPI – Water advising that, for the purpose of the *Water Management Act 2000*, a controlled activity approval is not required and no further assessment by the DPI - Water is necessary.

NSW Roads and Maritime Services (RMS)

The DA was referred to the RMS as the applicant requested that the speed limit be reduced from 80kmh to 60kmh along Greendale Road. The RMS advised a speed limit reduction would not be supported.

Noting the above, the applicant undertook a sight distance assessment for an 80kmh speed limit in accordance with the Austroad Guidelines. The assessment showed that the proposed site access will comply with the required sight lines for vehicles entering and exiting the site.

Council's Traffic Engineers have reviewed the sight distance assessment submitted by the applicant and advised that the proposed access is adequate and acceptable.

Endeavour Energy

The DA was referred to Endeavour Energy given various easements exist across the site benefiting Endeavour Energy.

A response was received from Endeavour Energy, noting the southern boundary of the project area is within close proximity to an easement. Endeavour Energy provided a list of conditions, which are recommended for inclusion as part of the development consent, to ensure protection of the easement

NSW Environment Protection Authority (EPA)

The DA was referred to the EPA. The EPA has confirmed it will be the Appropriate Regulatory Authority for the development under the *Protection of the Environment Operations Act 1997*.

The EPA has provided a series of conditions related to the control of noise, dust, air, water and waste. A condition is recommended to ensure compliance with the EPA conditions, which will be provided as an attachment to the development consent.

Department of Trade and Investment (DTI)

The DA was referred to the DTI for general comment as to the likely impacts the proposed development might have upon trade and investment within the wider community. The DTI raised no objection to the proposed development.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental*



Planning and Assessment Act 1979 and all relevant instruments, plans and policies. Accordingly, DA 578/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

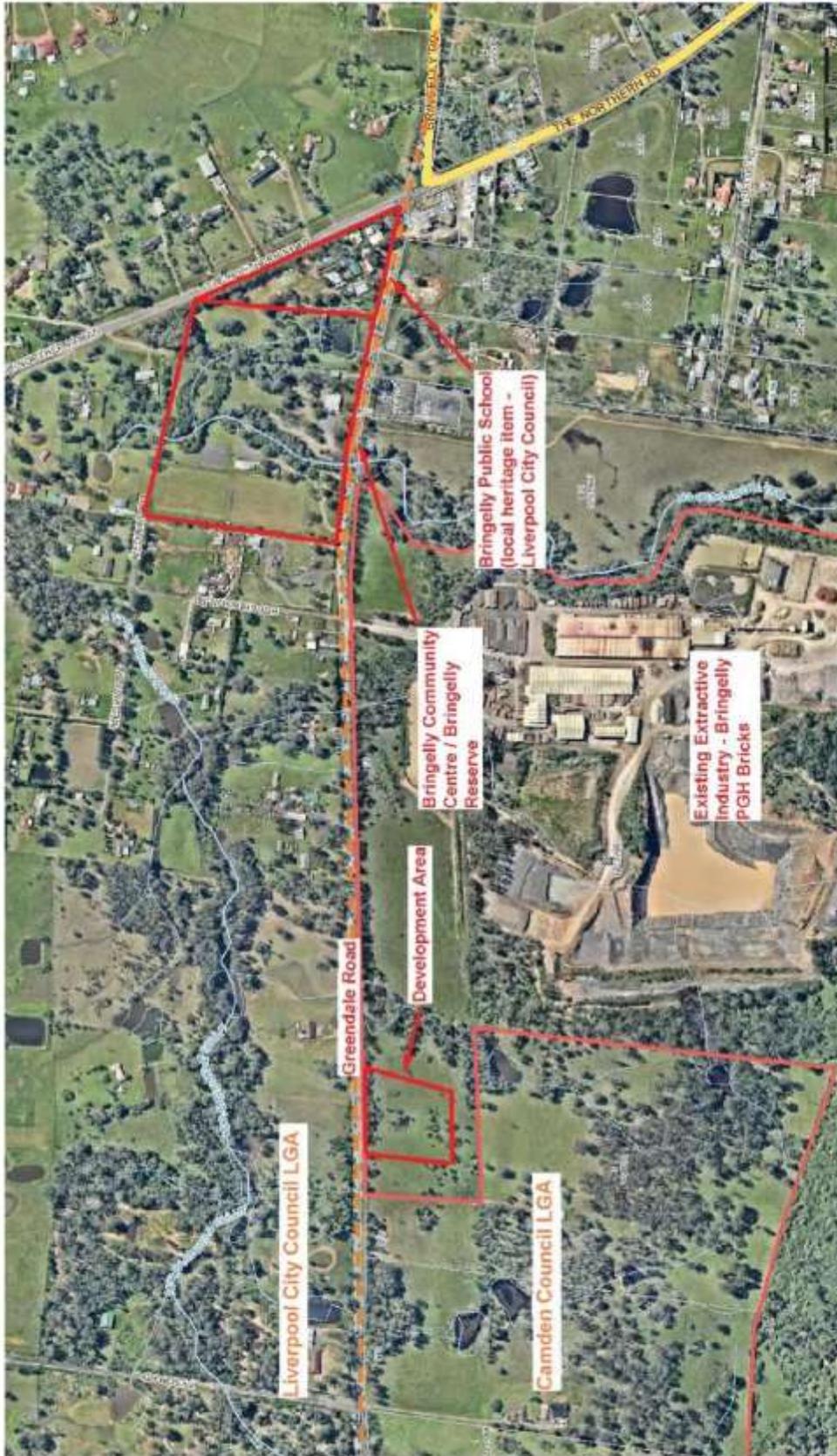
That Council:

- i. **supports the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of CLEP 2010 – Height of Building standard for the proposed development at 60 Greendale Road, Bringelly for the following reasons:**
 - a) **the height of the silos is critical for operation of the mobile concrete batching plant which is considered to be of public benefit.**
 - b) **The silos are setback 46m from Greendale Road and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.**
 - c) **The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.**
 - d) **The height breach does not result in any adverse amenity impacts on surrounding development.**
 - e) **The objectives of the control and zone are considered to have been met despite the numerical non-compliance.**
- ii. **approve DA 578/2016 for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly, subject to the recommended conditions.**

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Structure Plan
4. Surrounding Land Uses Map
5. RMS Road Upgrade Map
6. Endeavour Energy response and conditions
7. EPA Response and conditions
8. Office of Environment & Heritage response and conditions
9. NSW RFS response and conditions
10. Public Exhibition and Submissions Map - *Supporting Document*
11. Submissions - *Supporting Document*

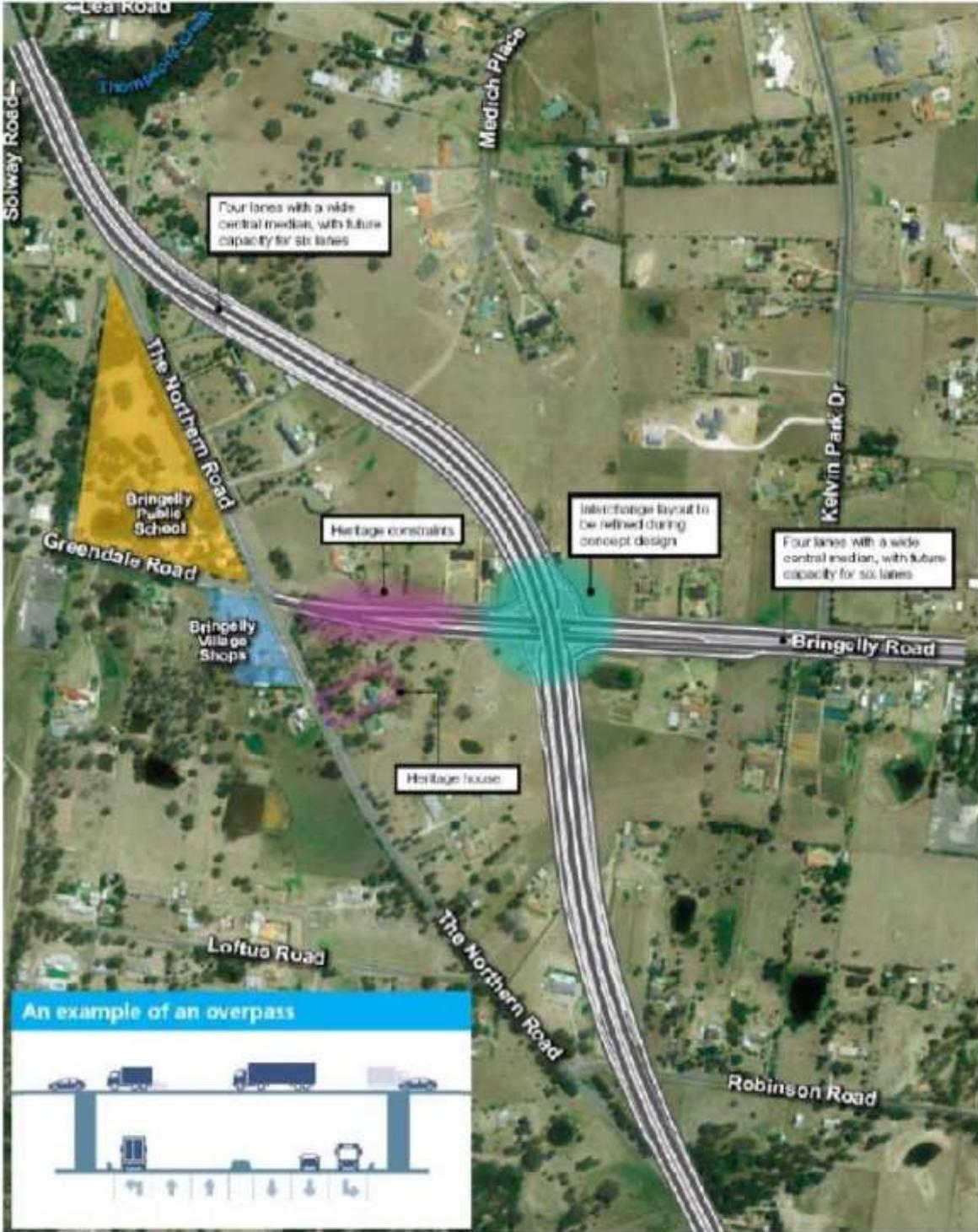
This is the report submitted to the Ordinary Council held on 23 May 2017 - Page 18



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Project lead: GDA's / WGA units DC
 Date: 1/8/2017
 Map Scale: 1:5000 at A3

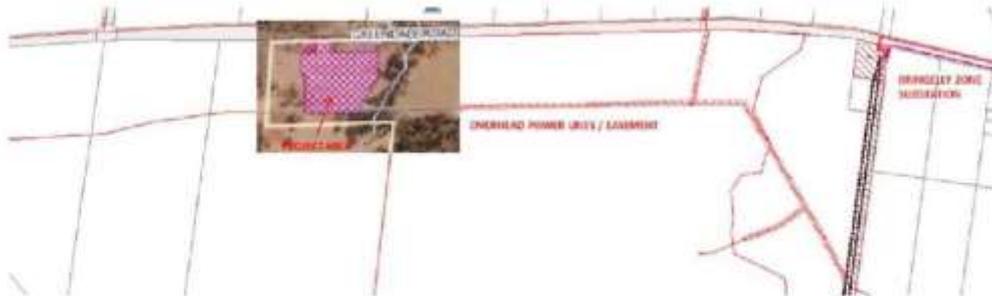


Dear Sir or Madam

I refer to Council's letters of 22 and 23 June 2016 regarding Development Application No. 578/2016/1 at 60 Greendale Road BRINGELLY (LOT: 100 DP: 1203966) for 'Construction and operation of a mobile concrete batching plant with an intended production capacity of 125,000 tonnes of concrete per annum within the Boral/CSR Bringelly Brickworks site, including construction of an amenities building, tree removal, 11 advertising signs, a new access from Greendale Road and associated site works'. Submissions need to be made to Council by 28 July 2016.

As shown in the below site plan from Endeavour Energy's G/Net master facility model, there are various easements over the site benefitting Endeavour Energy (indicated by red hatching) associated with Endeavour Energy's nearby Bringelly Zone Substation at 30 Greendale Road Bringelly (Lot 1 DP 733115; Lot 10 DP 1125892). Please note the location of any electricity infrastructure, boundaries etc. shown on the plan is indicative only and this plan is not a 'Dial Before You Dig' plan under the provisions of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

The following is the site plan showing the 'Project Area' overlaid onto Endeavour Energy's G/Net master facility model which shows that the 'Project Area may encroach the easement?'



Please find attached for the applicant's reference a copy of Endeavour Energy's 'General Restrictions for Overhead Power Lines'. The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the land owner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

If any proposed works will encroach/affect Endeavour Energy's easements on the adjoining site, contact must first be made with the Endeavour Energy's Easements Officer, Easement Officer, Philip Wilson, on 9853 7110 alternately Philip.Wilson@endeavourenergy.com.au.

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time.

Subject to the foregoing Endeavour Energy has no objections to the development application. Its further comments and recommendations are:

Whilst Endeavour Energy has no objections to the development proposal, its recommendations and comments are as follows:

- Network Capacity / Connection

Although there is an existing customer connection service to the site, in due course the applicant for the future proposed development of the site will need to submit an application for connection of additional load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please find attached for the applicant's reference is a copy of Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

- Safety Clearances

Any future proposed buildings, structures, etc. must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in AS/NZS 7000:2010 'Overhead line design - Detailed procedures' and the 'Service and Installation Rules of NSW'. Different voltages are kept at different heights, the higher the voltage, the higher the wires are positioned on the pole. Similarly, the higher the voltage, the greater the required building setback. These distances must be maintained at all times a eg. for the erection of scaffolding etc., and regardless of the Council's allowable building setbacks etc. under its development controls, allowance must be made for the retention of appropriate / safe clearances. Any work in proximity of the overhead power lines must be undertaken in accordance with the requirements of SafeWork NSW / Work Cover 'Work Near Overhead Power Lines Code of Practice 2006' a copy of which is attached.

- Earthing

The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk.

- Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Low growing shrubs not exceeding 3.0 metres in height, ground covers and smaller shrubs with non-invasive root systems are the best plants to use. Ideally larger trees should be planted well away from electricity infrastructure, including underground cables (or installed with a root barrier around the root ball of the plant), as they can restrict safe access by maintenance workers and may damage the electricity network eg. falling branches. Landscaping that interferes with electricity infrastructure may become subject to Endeavour Energy's

Vegetation Management program and/or the provisions of the *Electricity Supply Act 1995* (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- Dial before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the *Dial before You Dig 1100* service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical infrastructure across the sites, but also to identify them as a hazard and to properly assess the risk.

- Public Safety

As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/community/nsw/safety/safety+brochures>

- Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note Emergencies Telephone is 131 003 which can be contact 24 hours/7 days.

Could you please pass on the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me. As I am working on different projects across the company's franchise area, to ensure a response contact by email is preferred.

Yours faithfully

Cornelis Duba

Acting Public Safety Advisor

T: 9853 7896

E: cornelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148

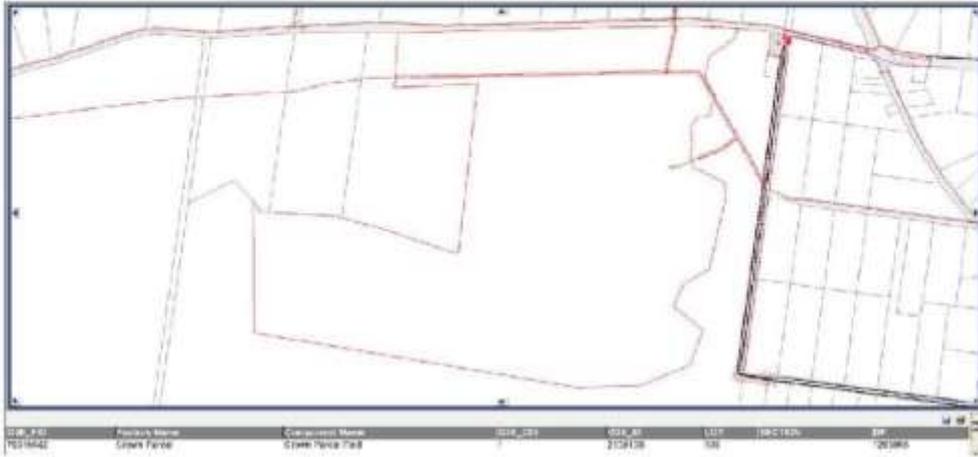
www.endeavourenergy.com.au



ORD01

Attachment 6

Endeavour Energy response and conditions



Attachment 4



DOC16/392471 20

Mr William Jones
Town Planner
Camden Council
PO Box 186
CAMDEN NSW 2570

Dear Mr Jones.

**DA/2016/578/1 Boral Resources (NSW) Pty Ltd
Proposed Mobile Concrete Batching Plant**

The Environment Protection Authority (EPA) makes reference to Development Application DA/2016/578/1 lodged by Boral Resources Pty Ltd (Boral) with Camden Council for a proposed mobile concrete batching plant at Lot 100 DP 1203986, Greendale Road, Bringelly. The proposed mobile concrete batch plant will have a maximum production capacity of 125,000 tonnes per annum (a daily output of up to 1,250 tonnes per day).

The EPA advises that under Clause 92 of the *Protection of the Environment Operations (General) Regulation*, the EPA is declared to be the appropriate regulatory authority (ARA) for the following non-scheduled activities:

The production of pre-mixed concrete or concrete products (for example, concrete batching plants) having a capacity to produce more than 30,000 tonnes per year of concrete or concrete products.

The EPA wrote to Boral on 23 August 2016 seeking further information regarding the proposal. Boral has subsequently advised EPA:

- It is not the intention of the Company to have the proposed concrete batch plant regulated as part of the Bringelly Brickworks Environment Protection Licence (EPL) 1808.
- management of the brickworks and proposed batching plant rests with two separate Companies.

While the activity will not require an EPL, the EPA will be the ARA under the *Protection of the Environment Operations Act 1997* (POEO Act).

The EPA provides the attached recommended Conditions of Approval (**Attachment A**) to assist Council in the assessment and determination of this development application. In providing this advice the EPA has not considered any public submissions as these have not been provided.

PO Box 513, Wollongong NSW 2520
Level 3, 84 Crown Street Wollongong NSW 2500
Tel (02) 4224 4100 Fax (02) 4224 4110
ABN 43 602 285 758
1300 000 000

Given our ARA role under the POEO Act, the EPA requests the opportunity to review draft consent conditions to ensure the attached requirements have been considered (if approved).

If you have questions regarding the above, please phone the contact officer on (02) 4224 4100.

Yours sincerely



11/10/16

PETER BLOEM
Manager Illawarra
Environment Protection Authority

Contact officer: CHRIS KELLY
(02) 4224 4100

Attachment A

ATTACHMENT A**General**

1. The proponent must install and operate equipment in line with best practice to ensure that the Development does not impact on the environment or community amenity.
2. The proponent must ensure all activities are undertaken in compliance with the *POEO Act* and any associated Regulations. This includes but is not limited to:
 - a. Section 120 - *Prohibition of pollution of waters*
 - b. Part 5.4 - *Air pollution*
 - c. Part 5.5 - *Noise pollution*
 - d. Part 5.6 - *Land Pollution of the POEO Act 1997*
 - e. Part 5.7 - *Duty to notify pollution incidents.*
3. All plant and equipment installed at the premises or used in connection with the activity:
 - a. must be maintained in a proper and efficient condition
 - b. must be operated in a proper and efficient manner.

Air

4. The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
5. All conveyors belts and transfer points must be fully enclosed and designed and operated to minimise or prevent dust emissions.
6. Belt scrapers must be installed to effectively remove material from the underside of each belt.
7. All material stockpile and storage shall be shrouded on three sides to minimise or prevent dust emissions.
8. Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.
9. The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises and comply with Section 129 of the *POEO Act*.
10. Three months after the commissioning of the premises the proponent must submit an Air Quality Verification Report to Council to confirm the findings of the Air Quality Impact Assessment included in the Environmental Impact Statement (EIS). A copy of the report should also be provided to EPA.

The assessment must:

 - a. be prepared by a suitably qualified consultant
 - b. be undertaken in accordance with the EPA Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.

The methodology must consider the relevant sections of the *POEO (Clean Air) Regulation 2010*.

If the Air Quality Verification Program identifies any emissions in excess of those reported in the EIS the Proponent must detail what additional measures could be implemented to achieve the EIS levels, clearly indicate who could implement these measures, when these measures could be implemented, and how the effectiveness of these measures could be measured and reported.

Water

11. The premises and activities carried out therein must not pollute waters and comply with Section 120 of the *POEO Act*.
12. Paved and sealed areas classified as 'dirty areas' must be provided with a first flush stormwater management system designed to capture the first 20mm of stormwater for each square meter of catchment area for subsequent reuse.
13. Facilities must be provided to enable the contents of the first flush system to be extracted in a manner for reuse, which does not pollute waters, and maintains the first flush system capacity.

Noise

14. The *Interim Construction Noise Guideline* (DECC, 2009) should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses.
15. The EIS states the use of broadband reverse alarms during construction but has not made any commitment during on-going operation. The EPA recommends that Council secure the use of broadband reverse alarms during both construction and operational activities as a condition of approval.
16. Three months after the commissioning of the premises the proponent must submit a noise Verification Report to Council confirm the findings of the Noise Impact Assessment included in the EIS. A copy of the report should also be provided to EPA.

The assessment must:

- a. incorporate intermediate assessment locations as necessary
- b. be prepared by a suitably qualified acoustical consultant
- c. be undertaken in accordance with the EPA Industrial Noise Policy.

If the noise monitoring identifies any non-compliance with predicted noise levels, the Proponent must detail what additional measures will be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported.

Waste

17. The proponent must not cause, permit or allow any waste to be received at the premises.
18. The proponent must ensure that any waste generated and/or stored at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

Independent Environmental Audit

19. Within two years from the date of commissioning, the proponent must commission and pay the cost for an Independent Environmental Audit of the premises. The scope and methodology must be agreed to in writing by Council and the EPA prior to undertaking the Audit.

This audit:

- i. must be conducted by a suitably qualified, experienced, and independent person, agreed to in writing
- ii. must assess the project's environmental performance and its effects on the surrounding environment
- iii. must assess compliance with all relevant Development Consent requirements
- iv. review the adequacy of dust controls and management for the project against relevant standards and performance measures

- v. recommend measures or actions to improve the environmental performance of the project and/or its environmental management and monitoring systems;

A copy of the audit report must be submitted in writing to Council and the EPA.

Attachment 8

Office of Environment & Heritage response and conditions



Office of Environment & Heritage

Your reference: IDA 578/2016/1
Our reference: DDC16/346718
Contact: Sam Higgs (02) 9995 6824

Mr W. H. K. Jones
Town Planner
Camden Council
PO Box 183
CAMDEN, NSW, 2570

Dear Mr Jones,

I refer to the Integrated Development Notice dated 23 June 2016, sent to the Office of Environment and Heritage (OEH) for the proposed construction and operation of a mobile concrete batching plant and associated works at 60 Greendale Road Bringelly (Lot 100 DP 1203966). This letter contains OEH's general terms of approval for those known Aboriginal sites which would require an Aboriginal Heritage Permit (AHIP) pursuant to s.90 of the National Parks and Wildlife Act 1974 (the Act).

OEH has the following requirements in relation to Aboriginal Cultural Heritage associated with the above development:

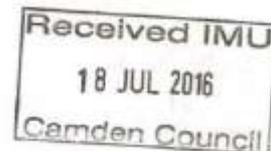
- If Aboriginal objects will be harmed as a result of this development a s90 Aboriginal Heritage Impact Permit (AHIP) must be sought and granted for these objects prior to the commencement of works.
• The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants (OEH 2011).
• Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the OEH Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010.
• Any AHIP application must clearly articulate what area it applies to and should consider the management and appropriate mitigation measures for all Aboriginal objects within the application area, including long term management and protection of any objects that may not be impacted by the proposed development.

If you have any further questions in relation to this matter, please contact Sam Higgs, Archaeologist, on (02) 9995 6824.

Yours sincerely,

S. Harrison 13/07/16

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Region
Office of Environment and Heritage



PO Box 644 Parramatta NSW 2124
Level 6, 10 Valentine Avenue, Parramatta NSW 2150
ABN 30 641 387 271
www.environment.nsw.gov.au

Attachment 8

Office of Environment & Heritage response and conditions



ORD01

Attachment 4



NSW RURAL FIRE SERVICE



The General Manager
Camden Council
PO Box 183
CAMDEN NSW 2670

Your reference: No Ref.
Our reference: D16/1943

1 July 2016

Attention: William Jones

Dear Sir/Madam,

Construction and operation of a concrete batching plant – 60 Greendale Road Bringelly

Reference is made to Council's correspondence dated 17 June 2016 seeking comments in relation to the above development which seeks to construct and operate a concrete batching plant.

The New South Wales Rural Fire Service has reviewed the proposal and raises no objections, subject to the application of the following conditions to the proposed development:

Asset Protection Zones (APZs)

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity the property shall be managed as an inner protection area (IPA) for a width of 10 meters within the project area, shown in Figure 1.1 of the architectural plans referred within the development application. The IPA shall be maintained as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's (RFS) document *Standards for asset protection zones*.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. Water, electricity and gas are to comply with the following requirements of section 4.2.7 of *Planning for Bush Fire Protection (PBP) 2006*.
 - > In recognition that an no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes at each occupied building.
 - > A hardened ground surface for truck access is to be supplied up to and within 4 metres of the water source.
 - > A 65mm metal Storz outlet with a gate or ball valve shall be provided.

Postal address
NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address
NSW Rural Fire Service
Planning and Environment Services (East)
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8741 5433
E esc@rfs.nsw.gov.au
www.rfs.nsw.gov.au

- Above ground tanks are manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
- Underground tanks shall have an access hole of 200mm to allow tankers to refill direct from the tank. A hardened ground surface for truck access is to be supplied within 4 metres of the access hole.
- Tanks and associated fittings on the hazard side of the building shall be provided with adequate shielding to mitigate the impact of flame contact and radiant heat and provide safe access for fire fighters.
- A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply

If you have any queries regarding this advice, please contact <<name>>, Development Assessment and Planning Officer, on 1300 NSW RFS.

Yours sincerely,



Nika Pomin
Manager, Planning and Environment Services (East)

Details of Conditions:

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Requirements of State Authorities** – The requirements from the following state authorities shall be complied with prior to, during, and at the completion of the development.

The requirements are:

1. Transgrid, correspondence dated 10th April 2017.
2. Roads and Maritime Services, correspondence dated 25th May 2017.

- (2) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
NA50613004-032-CI-DA-1002 Revision 4	Notes and legends	Cardno	2/05/2017
NA50613004-032-CI-DA-1005 Revision 4	General Arrangement Plan	Cardno	2/05/2017
NA50613004-032-CI-DA-1010 & NA50613004-032-CI-DA-1011 Revision 4	Cut and Fill Plan Sheets 1 of 2 and 2 of 2	Cardno	2/05/2017
NA50613004-032-CI-DA-1020, NA50613004-032-CI-DA-1021 NA50613004-032-CI-DA-1022, NA50613004-032-CI-DA-1023, NA50613004-032-CI-DA-1024, NA50613004-032-CI-DA-1025 NA50613004-032-CI-DA-1026 Revision 4	Bulk earthworks, sediment & erosion control plan Sheets 1 - 7	Cardno	2/05/2017
NA50613004-032-CI-DA-1031 Revision 4	Sediment and erosion control details	Cardno	2/05/2017
NA50613004-	Sediment basin	Cardno	2/05/2017

032-CI-DA-1040, NA50613004- 032-CI-DA-1041, NA50613004- 032-CI-DA-1042 Revision 4	plan Sheets 1 - 3		
NA50613004- 032-CI-DA-1050 Revision 4	Site grading sections Sheet 1	Cardno	2/05/2017
NA50613004- 032-CI-DA-1051 Revision 4	Site grading sections Sheet 2	Cardno	2/05/2017
NA50613004- 032-CI-DA-1052 Revision 4	Site grading sections Sheet 3	Cardno	2/05/2017
NA50613004- 032-CI-DA-1053 Revision 4	Site grading sections Sheet 4	Cardno	2/05/2017
NA50613004- 032-CI-DA-1054 Revision 4	Site grading sections Sheet 5	Cardno	2/05/2017
NA50613004- 032-CI-DA-1055 Revision 4	Site grading sections Sheet 6	Cardno	2/05/2017
NA50613004- 032-CI-DA-1056 Revision 4	Site grading sections Sheet 7	Cardno	2/05/2017
NA50613004- 032-CI-DA-1057 Revision 2	Site grading sections Sheet 8	Cardno	2/05/2017
NA50613004- 032-CI-DA-1060 Revision 4	Transgrid overhead electrical clearance section Sheet 1	Cardno	2/05/2017
NA50613004- 032-CI-DA-1061 Revision 2	Transgrid overhead electrical clearance section Sheet 2	Cardno	2/05/2017
NA50613004- 032-CI-DA-1062 Revision 2	Transgrid overhead electrical clearance section Sheet 3	Cardno	2/05/2017
NA50613004- 032-CI-DA-1070 Revision 4	Catchment plan	Cardno	2/05/2017

Document Title	Prepared by	Date
Engineering Development Report – Stage 7 -11 Early Works – Emerald Hills Estate	Cardno	16/02/2017

Report on Salinity Investigation and Management Plan – Proposed Residential subdivision, Emerald Hills Estate, Leppington – Project No. 76553.00 Revision 1	Douglas Partners	June 2013
Supplementary Salinity Investigation – Project No. 76553.02	Douglas Partners	15 April 2014
Issue of Aboriginal Heritage Impact Permit	NSW Office of Environment & Heritage	27 February 2015

- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (4) **Fill Plan** – A fill plan shall be provided to the Consent Authority upon completion of works. The plan must:
- Show lot boundaries;
 - Show final cut / fill contours and boundaries, and
 - Show depth in filling in maximum 0.5m increments.

The fill plan must be provided electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (5) **Prohibition of Burning** - The open burning of waste and other refuse is prohibited throughout the Camden LGA.
- (6) **Noxious Weeds Management** - Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

Pursuant to the *Noxious Weeds Act 1993*, the applicant must at all times ensure that any machinery, vehicles or other equipment entering or leaving the site are clean and free from any noxious weed material.

Earth moved containing noxious weed material must be disposed of at any approved waste management facility and be transported in compliance with the *Noxious Weeds Act 1993*.

- (7) **Bio-banking Statement** – The development must comply with all conditions relating to off-site measures specified in the biobanking statement (ID Number 168).
- (8) **Interpretation Strategy** – An Interpretation Strategy shall be prepared by a suitably qualified and experienced heritage consultant in consultation with Council's Heritage Officer, which identifies the former alignment and story of the Remembrance Driveway. The Interpretation Strategy shall include an implementation plan with prioritised actions that identify specific locations, recommended means of interpretation and how recommended means of interpretation can be integrated into those locations.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
A stormwater plan is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

Note – Under the *Roads Act 1993*, only the Roads Authority can approve commencement of works within an existing road reserve.
- (2) **De-Watering Plan** – A de-watering plan for the site's existing waterbody must be prepared.
- (3) **Desilting Dams or Creeks** - A geotechnical report prepared by a suitably qualified geotechnical engineer and detailing works required to desilt any existing dams or creek beds, shall be provided to the Certifying Authority in conjunction with the engineering drawings with the Construction Certificate application.
- (4) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (5) **Validation Report** – Remediation works approved by DA/2014/1031/1 must be completed and a validation report prepared by a suitability qualified person shall be provided to the Certifying Authority and Council within 30 days following completion of the remediation works, which demonstrates:
 - a) compliance with the approved RAP;
 - b) that the remediation acceptance criteria (in the approved RAP) has been fully complied with;
 - c) that all remediation works undertaken comply with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Management of Contaminated Lands Policy;
and includes:
 - d) Works-As-Executed Plan(s) that identify the extent of the remediation works undertaken (that includes any encapsulation work) prepared by a registered surveyor;
 - e) a "notice of completion of remediation work" as required under Clause 18 of SEPP 55; and

- f) statement confirming that the site following remediation of contamination is suitable for the intended use.
- (6) **Site Audit Statement** - Remediation works approved by DA/2014/1031/1 must be completed and the Validation Report shall be reviewed by a NSW EPA Accredited Site Auditor (Site Auditor) as defined under the *Contaminated Land Management Act 1997* at the conclusion of the remediation works.
The Site Auditor shall provide a Site Audit Statement (SAS) in accordance with the contaminated lands planning guidelines, *Contaminated Lands Management Act 1997*, SEPP 55 and Council's Contaminated Lands Policy, confirming the land is suitable for the intended use. The SAS shall be provided to the Consent Authority within 30 days following the completion of the remediation works and submission of the Validation Report.
- (7) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (8) **Damages Bonds** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

Note – An administration fee is payable upon the lodgement of a bond with Council.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Biodiversity Credits** – The development must comply with all conditions relating to the retirement of all required biodiversity credits (ecosystem and species credits) specified in the biobanking statement ID Number 168, before the development is physically commenced.
- (2) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (3) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;

- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (4) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (7) **Site is to be Secured** - The site shall be secured and fenced.
- (8) **Archival Recording / Relocation of Remembrance Driveway Monuments** – A photographic archival recording of the existing vegetation along the sites entire frontage between St Andrews Road and Raby Road shall be made prior to the removal of any vegetation granted within this consent.

In addition, should any discovery be made on site of memorial remnants of the Remembrance Driveway (e.g. Monuments, memorial stone, placards etc.) an photographic archival recording of any such monuments and their location shall be completed and provided to the Certifying Authority and Council.

The recording shall be in accordance with the NSW Heritage Office guidelines "Photographic Recording of Heritage Items using Film or Digital Capture" (2006) (or as amended).

Any such discovery of memorial remnants shall be retained, protected and stored on site and relocated within the future road reserve in close proximity to its original location on site.

- (9) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (10) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the PCA and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (11) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the PCA.
- (12) **Fill Management Plan** – A fill management plan (FMP) must be submitted with the Construction Certificate application. The FMP shall include procedures and controls for certifying that all material imported onto the site is VENM only and the management of the imported fill to facilitate earth and construction works as part of the approved development. The FMP must also facilitate compliance with the condition entitled " Fill Material (VENM) ".
- (13) **Environmental Management Plan** - An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the PCA.

The EMP shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment are not unacceptably impacted upon by the proposal. The EMP shall include but not be necessarily limited to the following measures:

- a) measures to control noise emissions from the site;
 - b) measures to suppress odours and dust emissions;
 - c) soil and sediment control measures;
 - d) measures to control air emissions that includes odour;
 - e) measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) any other recognised environmental impact;
 - g) work, health and safety; and
 - h) community consultation.
- (14) **Protection of Adjoining Bushland and/or Waterfront Areas** – To limit the potential for damage to the adjoining bushland areas located upon Lot 204 DP1210950 50 St Andrews Road, Leppington and/or waterfront areas, the boundaries to these areas must be fenced prior to the commencement of any earthworks, demolition, excavation or construction works. As well as the fencing prior to any earthworks commencing, other protection measures must be completed in accordance with the standards as specified in AS 4970.

The fencing must be kept in place until the completion of development and maintenance works and be marked by appropriate signage notifying all site visitors that the subject trees and vegetation areas are protected. The fencing should be a minimum of a 1.8 metres high chain link or welded mesh fencing.

- (15) **Fauna Exit Points** – When installing construction fencing ensure that exit points are available so that fauna does not become stuck within the fenced area.
- (16) **De-Watering Activities** – Measures must be taken consistent with *National Parks and Wildlife Act 1974* to ensure that any fauna inhabiting the water body, or surrounding vegetation, are treated humanely and relocated before development activities commence. A qualified ecologist or wildlife carer must be present throughout de-watering activities to relocate fauna or take fauna into care where appropriate (i.e. juvenile or nocturnal fauna). Nesting animals must be left in situ until young have fledged and/or left the nest.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.

- (2) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (3) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (4) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the completion of all works. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (5) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i. do not track soil and other waste material onto any public road adjoining the site; and
 - ii. fully traverse the site's stabilised access point.
- (6) **Fill Compaction** - All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (7) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (8) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (9) **Noise During Work** - Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.
- (10) **Fill Assessment Reporting Requirements** - A fill assessment report prepared as a requirement of the approved fill management plan must be provided to the PCA on a monthly basis to facilitate an audit for compliance with the fill management plan.
- (11) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Delivery Register** - The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.

- (14) **Fill Material (VENM)** - Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the PCA.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics; and
- c) be prepared in accordance with;

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity;" and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- d) confirm that the fill material;
 - i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - iv) is suitable for its intended purpose and land use; and
 - v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations; and
- f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for contamination and salinity must be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note)	1000 or part thereof

Note – Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (15) **Reuse or Placement of Remediated or Validated Fill Material** - The placement or reuse of remediated or validated fill material on Council land (this includes under roads, open space) or on land to be dedicated to Council is prohibited.
- (16) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (17) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

Soil erosion and sediment control measures shall only be removed upon completion of the works when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (18) **Fill Management** – All fill material approved to be imported onto the site must be assessed and determined to comply with all procedures, controls and protocols contained within the approved fill management plan before the material is placed on the site.

All fill assessment reports (including those where material is considered not suitable for importation onto the development site) assessed under the approved fill management plan must be provided to Council on a monthly basis to facilitate an audit for compliance with the fill management plan.

- (19) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

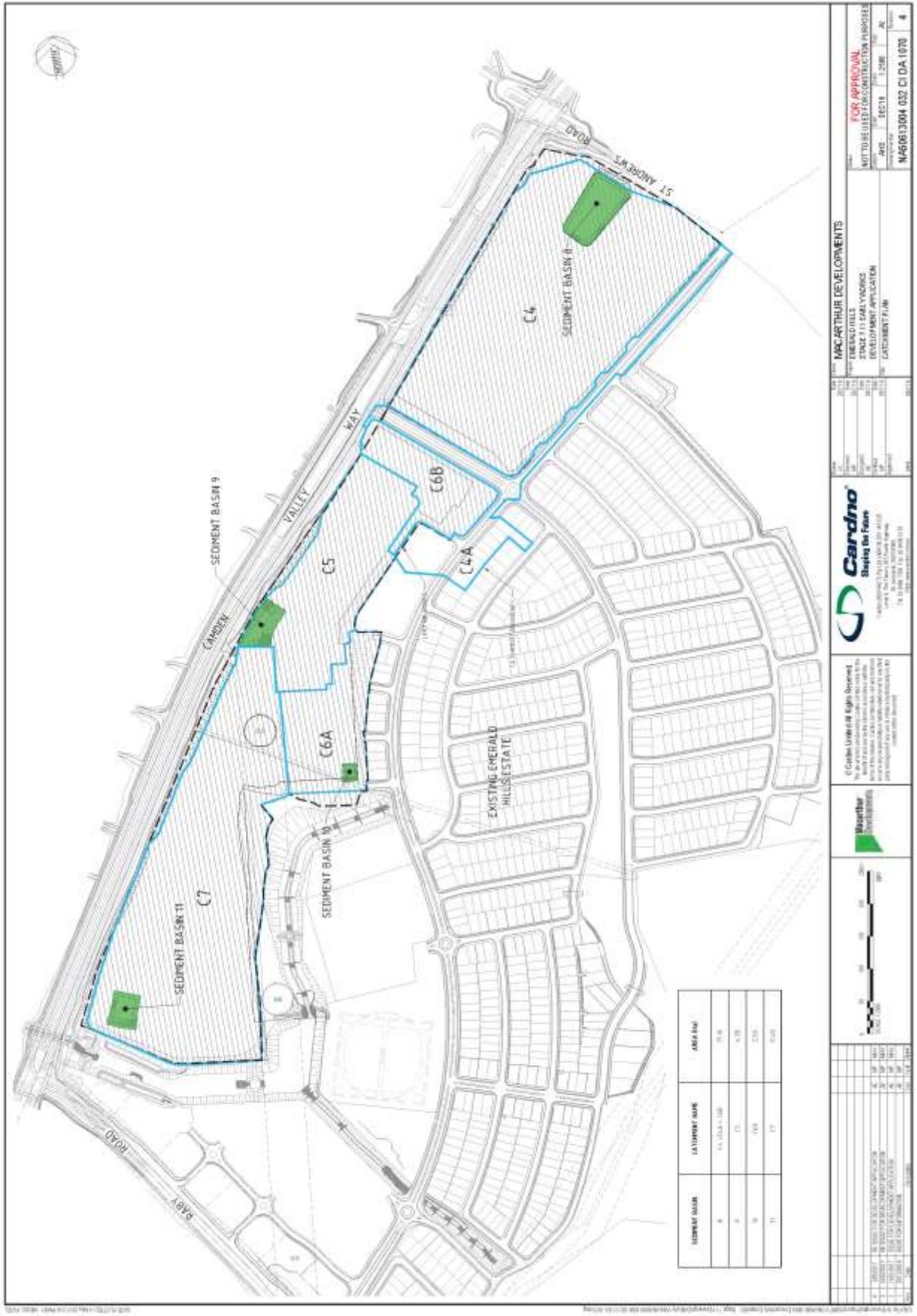
Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (20) **Salinity Management Plan** - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the report; *Report on Salinity Investigation and Management Plan, Proposed Residential*

Subdivision, Emerald Hills Estate, Leppington, Prepared by Douglas Partners, Project Number 76553.00 Revision 1, dated June 2013, and Supplementary Salinity Investigation, prepared by Douglas Partners, project number 76553.02, dated 15 April 2014.

- (21) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).



The Minister administering the *Threatened Species Conservation Act 1995*

And

South West Land Holdings Pty Ltd ATF South West Land Holdings Trust
D Vitocco Constructions Pty Ltd ATF The Glenmore Trust
Shaun Newing
Palolem Pty Ltd ATF Newing Family Trust

And

D&AI Pty Ltd

Biodiversity Certification Agreement

Threatened Species Conservation Act 1995

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Agreement made at _____ **on** _____

Parties **Minister for the Environment** as the Minister administering the *Threatened Species Conservation Act 1995* (NSW)

and

South West Land Holdings Pty Ltd ATF South West Land Holdings Trust
ACN 143 981 113

and

D Vitocco Constructions Pty Ltd ATF The Glenmore Trust **ACN 001 681 465**

and

Shaun Newing

and

Palelem Pty Ltd ATF Newing Family Trust **ACN 166 996 005**

(Owners)

and

D&AI Pty Ltd **ACN 136 122 220**

(Developer)

Background

- A. The Minister has conferred biodiversity certification on land (the Biodiversity Certification Area) at Emerald Hills within the Camden Council local government area upon application by Camden Council.
- B. The order conferring biodiversity certification identifies several approved conservation measures, including: the entering into of BioBanking Agreements under Part 7A of the *Threatened Species Conservation Act 1995* over land proposed for conservation both within and outside the Biodiversity Certification Assessment Area; and the retirement of appropriate Biodiversity credits from those BioBanking sites.
- C. The Owners own land, being Lot 1 DP 1101523, outside of the Biodiversity Certification Assessment Area have made a Biobanking Agreement application in respect of part of that land.
- D. The proposed Biobanking Agreement in respect of part of Lot 1 DP 1101523 provides for the creation of biodiversity credits.
- E. The Owners have agreed to transfer the biodiversity credits referred to in paragraph D to the Developer in accordance with Part 1 of Schedule 1 of this Agreement.
- F. The Developer has agreed to apply to the Chief Executive to retire the biodiversity credits referred to in paragraph D in accordance with Part 2 of Schedule 1 of this

Agreement, to enable the impact of Stages 7 to 11 of the development of the Biodiversity Certification Area to be offset.

- G. The Developer has agreed not to carry out any work associated with Stages 7 to 11 of the development of the Biodiversity Certification Area before the biodiversity credits referred to in paragraph E have been retired.

Operative provisions

1. Definitions and Interpretation

1.1 Definitions

In this Agreement, unless the context indicates otherwise:

Act means the *Threatened Species Conservation Act 1995* (NSW).

Agreement means this biodiversity certification agreement and includes all schedules.

Biobanking agreement application means the application for a Biobanking Agreement made under the Act by the Owners on 26 March 2015 and numbered ID 168 in respect of part of Lot 1 DP 1101523.

Biobanking Regulation means the *Threatened Species Conservation (Biodiversity Banking) Regulation 2008*.

Biobanking Trust Fund means the fund established under section 127ZW of the Act.

Biodiversity certification has the same meaning as in the Act and, in this Agreement, refers to the biodiversity certification of land described in the biodiversity certification application.

Biodiversity certification application means the application for biodiversity certification in respect of land known as the Emerald Hills Estate at 1150 Camden Valley Way, Leppington made on 6 July 2015 by Camden Council under section 126J of the Act, as amended by:

- (a) letter from D&AI Pty Ltd to OEH dated 3 August 2015, and
- (b) email from Robert Humphries, Eco Logical Australia Pty Ltd to OEH dated 1 September 2015 revising Figure 3 of the Biodiversity Certification Strategy.

Biodiversity Certification Area means the land proposed for biodiversity certification and described and mapped as development (122.49ha) in Figure 3 on page 7 of the Biodiversity Certification Strategy.

Biodiversity Certification Assessment Area means the land assessed for biodiversity values as part of the biodiversity certification application and described in Figure 3 on page 7 of the Biodiversity Certification Strategy.

Biodiversity Certification Strategy means the Biodiversity Certification Assessment Report and Biocertification Strategy prepared for Camden Council in accordance with section 126K of the Act and dated 30 June 2015, as amended.

Biodiversity credit means a biodiversity credit created under Part 7A (Biodiversity Banking) of the Act.

Business Day means any day except for Saturday or Sunday or a day which is a public holiday in Sydney.

Conservation Measures has the same meaning as in section 126L of the Act.

Chief Executive means the Chief Executive, Office of Environment and Heritage (OEH) and includes any person for the time being acting as such or in such alternative position or office from time to time.

EP&A Act means the *Environmental Planning & Assessment Act 1979* (NSW).

Minister means the Minister of the State of New South Wales administering the Act and includes his or her successors in office and where not repugnant to the context includes the servants and agents of the Minister.

OEH means Office of Environment and Heritage.

Party means a party to this Agreement, including their respective successors and assigns.

State means the State of New South Wales.

1.2 Interpretation

In this Agreement:

- (a) headings are for convenience only and do not affect interpretation;
- and unless the context indicates a contrary intention:
- (b) "**person**" includes an individual, the estate of an individual, a corporation, an authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
 - (c) a reference to a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation;
 - (d) a reference to a document is to that document as varied, novated, ratified or replaced from time to time;
 - (e) a reference to a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
 - (f) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;
 - (g) a reference to a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this Agreement, and a reference to this Agreement includes all schedules, exhibits, attachments and annexures to it;

- (h) if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- (i) **"includes"** in any form is not a word of limitation;
- (j) the Schedules and Annexures to this Agreement form part of this Agreement;
- (k) where a Schedule contains obligations of the Owners then the obligation so expressed shall be read and construed and shall constitute obligation on the part of the Owners, as the case may be, to be performed or observed under this Agreement; and
- (l) if a party to this Agreement is made up of more than one person:
 - (i) an obligation of those persons is joint and several;
 - (ii) a right of those persons is held by each of them severally; and
 - (iii) any references to that party is a reference to each of those persons separately, so that (for example), a representation, warranty or undertaking is given by each of them separately.

2. Commencement

This Agreement commences on the day on which it has been executed by all of the parties.

3. Status of this Agreement

The parties agree that this Agreement is a biodiversity certification agreement within the meaning of section 126ZH of the Act.

4. Obligations in relation to biodiversity certification and biobanking

4.1 Owners' obligations

The Owners agree to carry out the obligations of the Owners set out in Part 1 of Schedule 1 to this Agreement within the timeframes specified in that Schedule.

4.2 Developer's obligations

The Developer agrees to carry out the obligations of the Developer set out in Part 2 of Schedule 1 to this Agreement within the timeframes specified in that Schedule.

4.3 Minister's obligations

This Agreement does not impose any obligation on the Minister to:

- (a) Confer biodiversity certification on any specified land, or

- (b) Enter into a Biobanking Agreement with the owner of any land.

5. Enforcement

In accordance with section 126ZK of the Act, the Minister or a person acting with the written consent of the Minister, may bring proceedings in the Land and Environment Court for an order to remedy or restrain a contravention of this Agreement.

6. Security

- (a) The Developer has agreed to provide security for the performance of its obligations under this Agreement by providing to the Minister executed credit retirement applications in accordance with subclauses (b) and (c).
- (b) The Developer must deliver to the Minister at least 20 Business Days prior to intending to commence works relating to Stage 7 to 11 of the development of the Biodiversity Certification Area an executed credit retirement application in respect of all of the biodiversity credits required to be retired pursuant to Schedule 1 to this Agreement.
- (c) The credit retirement application must be in the form approved under the Biobanking Regulation and be properly executed by the Developer.
- (d) The Owners have agreed to provide security for the performance of their, and the Developer's, obligations under this Agreement by providing to the Minister a bank guarantee in accordance with subclauses (e) and (f).
- (e) The Owners must provide to the Minister prior to the commencement of this Agreement a bank guarantee in a form acceptable to the Minister in the amount of \$402 000.
- (f) In the event that the Developer or Owners breach this Agreement by failing to meet any of their respective obligations set out in Schedule 1 of this Agreement, the Minister may:
- (i) Complete the relevant credit retirement application by entering the outstanding number of biodiversity credits required to be retired and submit that application to the Chief Executive for processing;
 - (ii) Call upon the bank guarantee to satisfy, in whole or in part, any requirement under the Biobanking Regulation to pay the Total Fund Deposit (or relevant proportion thereof) prior to processing a credit retirement application; or
 - (iii) Call upon the bank guarantee, in whole or in part, to enable the sourcing of 202 biodiversity credits (HN529) from an alternative source.
- (g) Should the Minister use the part or whole of monies under the bank guarantee under subclause (g), the Owners shall, on being notified by the Minister, promptly take steps to ensure that the amount of the bank

guarantee referred to in subclause (e) is restored for the benefit of the Minister.

- (h) The Minister will release the bank guarantee within one month of all of the biodiversity credits required to be retired under this Agreement having been retired in accordance with Schedule 1 to this Agreement.

7. Permissions, consents and authorisations

The Owners and Developer are responsible for obtaining all necessary licences, consents, authorisations, permits or approvals in order to lawfully comply with and carry out their respective obligations under this Agreement.

8. Dispute resolution

- 8.1 Where there is a dispute, difference or claim (**dispute**), the party raising the dispute must notify the other parties of the nature of the dispute, including the factual and legal basis of the dispute.
- 8.2 Within 14 days of the notice, the parties, or nominated senior representatives of the parties, must confer to attempt to resolve the dispute, and if the dispute cannot be resolved within 21 days of the written notice, the parties will refer the matter to mediation.
- 8.3 The parties will agree on the terms of appointment of the mediator and the terms of the mediation in writing within 28 days, failing which the mediation will be at an end and either party may commence court proceedings in respect of the dispute.
- 8.4 If the matter has not been resolved within 28 days of the appointment of the mediator, the mediation process will be at an end and either party may commence court proceedings in respect of the dispute.
- 8.5 Notwithstanding the above clauses, the Minister, or a person duly authorised by the Minister, may enforce this Agreement under the Act, or institute proceedings without first entering into the dispute resolution procedure set out in clauses 8.1, 8.2, 8.3 and 8.4.

9. GST

- (a) The Owners and the Developer agree that the transfer of biodiversity credits is a taxable supply, that additional amounts will be payable on account of GST and that tax invoices will be exchanged between the Owners and the Developer.
- (b) The parties to this Agreement agree that the retirement of biodiversity credits by the Chief Executive is not a taxable supply, and that no additional amounts will be payable on account of GST and no tax invoices will be exchanged between the Chief Executive and the Developer on the retirement of biodiversity credits.

- (c) The parties to this Agreement acknowledge and agree that for any taxable supply made by one party to another party under this Agreement the party which has received the supply will on receipt of a tax invoice from the supplier make a payment to the supplier that covers both the value of the supply and the GST liability of the party that has made the supply.
- (d) This clause will not merge on completion or termination of this deed.
- (e) Words used in this clause that are defined in the GST Law have the meaning given in that legislation.
- (f) **GST Law** has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

10. Releases and indemnities

- (a) The Owners and Developer agree to carry out their respective obligations under this Agreement at their own risk.
- (b) The Owners and Developer release and indemnify the Minister from any claim, liability or loss arising from, and costs incurred in connection with, the Owners or Developer's respective obligations except to the extent caused or contributed to by the Minister's negligent act or default under this Agreement.
- (c) The indemnity in subclause (b) is a continuing obligation, independent of the Owners and Developer's other obligations under this Agreement and continues after the Agreement ends.

11. Costs

Each party bears its own costs in connection with the preparation and execution of this Agreement.

12. Registration of this agreement

- (a) The Owners agree as soon as practicable (and in any event within 10 Business Days) after execution of this Agreement, and at their own expense, to procure the registration of this Agreement in the relevant folio of the Register relating to Lot 1 DP 1101523 in accordance with section 126ZJ of the Act.
- (b) The Owners warrant that on the date of this Agreement, they have the consent of each person who has an estate or interest in the land registered under the *Real Property Act 1900* or seized or possessed of an estate or interest in the land.
- (c) The Owners, at their own expense and risk, must take all practical steps and otherwise do anything the Minister reasonably requires, to, and must, procure:
 - i. The execution of any documents
 - ii. The production of the relevant duplicate certificates of title

- iii. The registration of this Agreement by the Registrar-General in the relevant folio of the Register.
- (d) The Owners must, within 10 days of registration of this Agreement, provide the Minister with evidence of registration of this Agreement.

13. General provisions

13.1 Entire Agreement

This Agreement contains everything to which the parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, anything said or done by another party, or by an authorised Officer, agent or employee of that party, before the Agreement was executed.

13.2 Further acts

Each party must promptly execute all documents and do all things that another party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

13.3 Governing law and jurisdiction

This Agreement is governed by the laws of the State of New South Wales and the parties agree to submit to the jurisdiction of the courts of that State.

13.4 Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by two or more persons binds them jointly and each of them individually, and any benefit in favour of two or more persons is for the benefit of them jointly and each of them individually.

13.5 No fetter

(a) This Agreement is not intended to operate to fetter, in any unlawful manner:

- (i) The sovereignty of the Parliament of the State of New South Wales to make any law;
- (ii) The power of the Executive Government of the State of New South Wales to make any statutory rule; or
- (iii) The exercise of any statutory power or discretion of any Minister of the State.

(b) Nothing in this Agreement is to be construed as requiring any party to do anything that would cause it to be in breach of any of its obligations at law, and without limitation and nothing in this Agreement is to be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

13.6 Representations and warranties

The parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under this Agreement and that entry into this Agreement will not result in the breach of any law.

13.7 Severability

- (a) If any part of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- (b) If any part of this Agreement is illegal, unenforceable or invalid, that part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

13.8 Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by all the Parties.

13.9 Waiver

- (a) The fact that a party fails to do, or delays in doing, something the party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or a breach of obligation by, another party.
- (b) A waiver by a party is only effective if it is in writing.
- (c) A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

13.10 Good Faith

Each party must act in good faith towards all other parties and use its best endeavours to comply with the spirit and intention of this Agreement.

14. Notices**14.1 Form**

Any notice, consent, information, application or request that must or may be given or made to a party under this Agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) delivered or posted to that party at its address set out below; or
- (b) faxed to that party at its fax number set out below:

The Minister

Address: Office of Environment and Heritage

PO Box A290
SYDNEY SOUTH NSW 1232

Fax: (02) 9996 6795

Attention: Tom Grosskopf

Owners c/o Macarthur Developments Pty Ltd

Address: PO Box 1010
NARELLAN NSW 2567

Telephone: 02 8007 7700

Attention: Stephen McMahon

Developer D& AI Pty Ltd
c/o Macarthur Developments Pty Ltd

Address: PO Box 1010
Narellan NSW 2567

Telephone: 02 8007 7700

Attention: Stephen McMahon

- 14.2** The name or title of the nominated officer or the address for the Minister referred to in clause 14.1 above may be updated from time to time by a further written notice being sent to the other parties by an officer of OEH advising of the new officer (or title of an office) and address to which such documents, information or notification may be sent.

14.3 Receipt

- (a) Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (i) if it is delivered, when it is left at the relevant address;
 - (ii) if it is sent by post, 2 Business Days after it is posted; or
 - (iii) if it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number.
- (b) If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day or after 5pm on any Business Day in the place of the party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

Schedule 1 – Owners' and Developer's obligations

Part 1 Owners' obligations

1. The Owners' obligations apply in circumstances where:
 - a) Biodiversity certification has been conferred by the Minister on the Biodiversity Certification Area; and
 - b) the Owners have made a Biobanking Agreement application in relation to part of Lot 1 DP 1101523.
2. The Owners agree to use their best endeavours in doing all things necessary to:
 - a) support the application to enter into a Biobanking Agreement in relation to part of Lot 1 DP 1101523,
 - b) duly execute that Biobanking Agreement,
 - c) ensure that a biobank site is registered in relation to part of Lot 1 DP 1101523, and
 - d) ensure that at least 202 biodiversity credits (HN529) are created in respect of the biobank site.
3. The Owners agree not to sell or transfer the biodiversity credits referred to in clause 2(d) of this Schedule to any third party (other than the Developer), other than credits that exceed the total number of credits required to be retired under this Agreement.
4. The Owners agree to make an application to the Chief Executive to transfer 202 biodiversity credits (HN529) created in respect of the biobank site to the Developer.

Part 2 Developer's obligations

5. The Developer agrees to pay the Total Fund Deposit into the Biobanking Trust Fund in accordance with Part 6 of the Biobanking Regulation prior to or at the same time as the Owners make the application referred to in clause 4 of this Schedule.
6. Once the biodiversity credits referred to in clause 4 of this Schedule have been transferred to the Developer, the Developer agrees to:
 - a) make an application to the Chief Executive to retire 202 (HN529) biodiversity credits, and
 - b) do all things necessary to support, without delay, the application to retire biodiversity credits being processed immediately, including any direction by the Chief Executive to rectify any error or omission in the application.
7. The Developer agrees that prior to receiving notification from the Chief Executive that the biodiversity credits referred to in clause 6 of this Schedule have been retired, it will not, in relation to land within stages 7 to 11 in the Biodiversity Certification Area, carry out, apply for, or allow or facilitate the carrying out, of any of the following:
 - a) the granting of an approval for an activity, or any part of an activity, by a determining authority within the meaning of Part 5 of the EP&A Act;

- b) the carrying out by a determining authority of any part of an activity to which Part 5 of the EP&A Act applies;
- c) the granting of approval for State significant infrastructure, or any part of State significant infrastructure; or
- d) any work associated with Stages 7 to 11 of the development.

In this Schedule, unless the context indicates a contrary intention:

apply means to make an application under clause 19 of the Biobanking Regulation.

relevant proportion of the total Fund deposit has the same meaning as in clause 25(4) of the Biobanking Regulation;

Total Fund deposit is the amount determined by the Chief Executive in accordance with clause 26 of the Biobanking Regulation. This will be set out in the Biobanking Agreement.

Executed as a Deed of Agreement

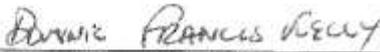
Signed by The Honourable Mark Speakman, SC MP
Minister for the Environment for the State of New South
Wales as the Minister administering the Threatened
Species Conservation Act 1995 (NSW)



The Hon. Mark Speakman, SC MP.
Minister for the Environment



Signature of Witness



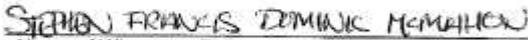
Name of Witness in full

Executed by South West Land Holdings Pty Ltd ATF
South West Land Holdings Trust ACN 143 981 113 in
accordance with s127 of the Corporations Act 1902
Signed by MALCOLM ERNST GRODSE-KATO
ASSUMING TO POWER OF ATTORNEY
REGISTERED BOOK 4692 No. 846

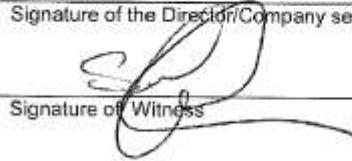


Signature of the Director/Company secretary

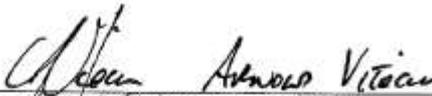
Name of the Director/Company secretary



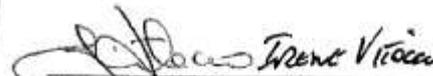
Name of Witness in Full


Signature of Witness

Executed by D Vitocco Constructions Pty Ltd ATF The
Glenmore Trust ACN 001 681 465 in accordance with
s127 of the Corporations Act 1902



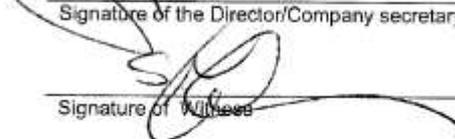
Name of the Director/Company secretary



Signature of the Director/Company secretary



Name of Witness in Full


Signature of Witness

STEPHEN FRANCIS DOMINIC McMAHON

STEPHEN FRANCIS DOMINIC McMAHON

ORD02

Attachment 3

Executed by Shaun Newing

SHAUN NEWING
Shaun Newing

[Signature]

STEPHEN FRANCIS DOMINIK
Name of Witness in Full
MCMAHAN

[Signature]
Signature of Witness

Executed by Palolem Pty Ltd ATF Newing Family Trust
ACN 166 996 005 in accordance with s127 of the
Corporations Act 1902

SOPHIE NEWING
Name of the Director/Company secretary

[Signature]
Signature of the Director/Company secretary

STEPHEN FRANCIS DOMINIK
Name of Witness in Full
MCMAHAN

[Signature]
Signature of Witness

Executed by D&AI Pty Ltd ACN 136 122 220 in
accordance with s127 of the Corporations Act 1902

[Signature] ANWAR VITOCO
Name of the Director/Company secretary

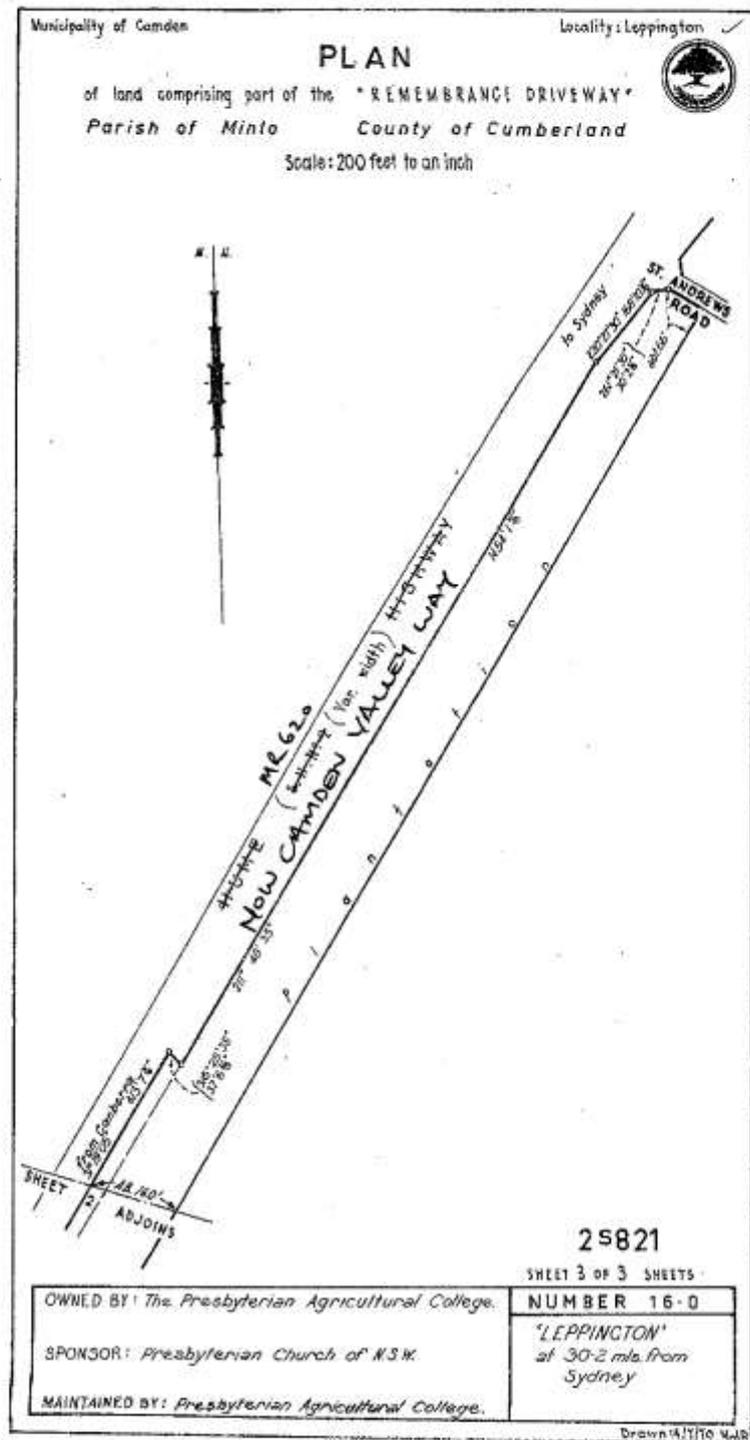
[Signature] WINTON ANTON
Signature of the Director/Company secretary

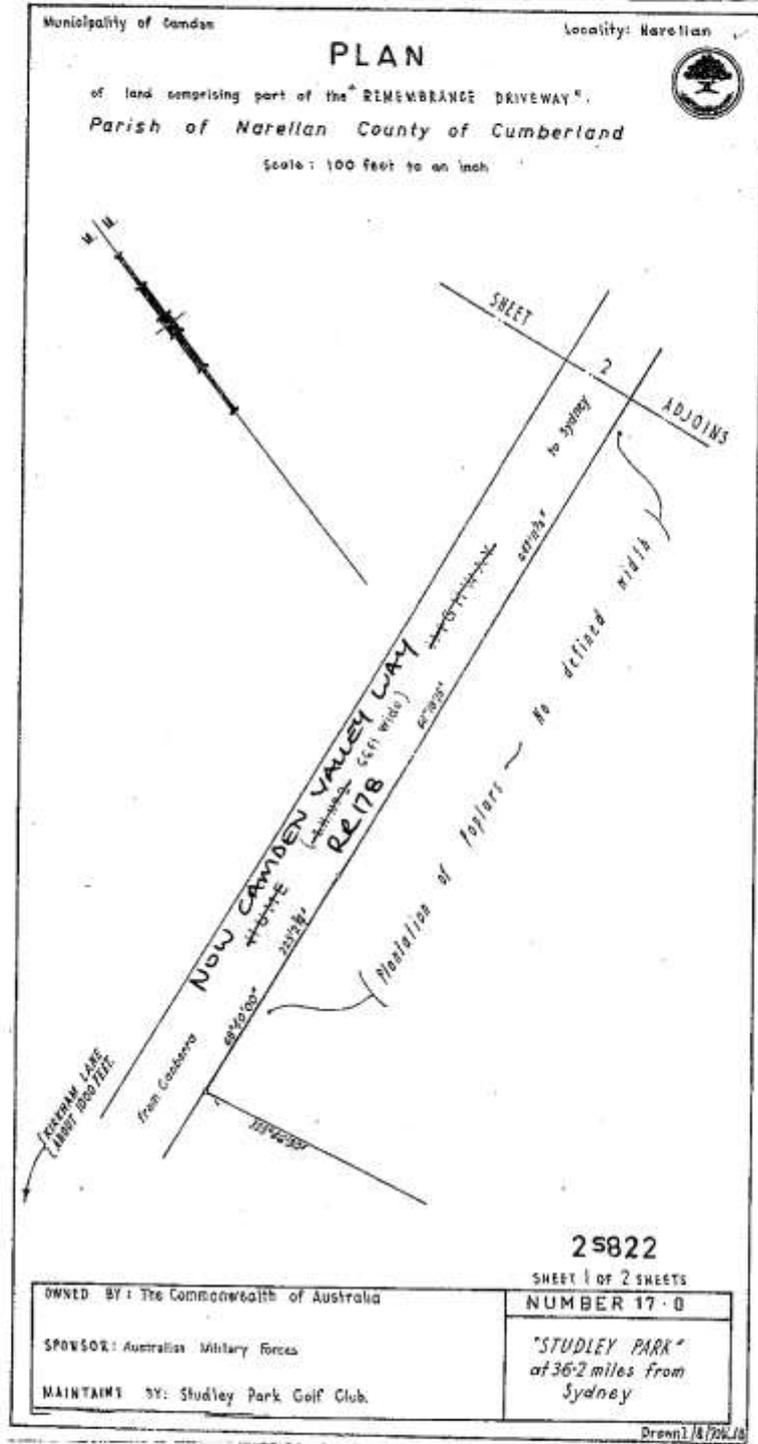
[Signature]
Name of Witness in Full

[Signature]
Signature of Witness

STEPHEN FRANCIS DOMINIK MCMAHAN

STEPHEN FRANCIS
DOMINIK MCMAHAN







Monthly Report

Camden Council

June 2017

Investment Exposure

Standard & Poor's downgraded much of the Australian bank sector in May. This was followed in June by Moody's downgrading a smaller number of banks (including the major banks).

This again reflected a reduction in "standalone credit profiles" – largely due to a fear that a property market correction was becoming more likely.

Council's investment portfolio is directed to the higher rated ADIs, and this is expected to continue.

Banks such as Rabobank and ING have a reduced capacity due to being a foreign subsidiary. A-2 banks have lower counterparty limits.

It is noted that while BoQ has a higher long-term rating at Moody's, all agencies currently rate it an equivalent to A-2 (Moody's P-2 / Fitch F-2) short-term.

Separating long and short-term assets shows the following capacity:

Short Term Institutional Exposure By Credit Rating					
ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
BankWest	\$7.0M	A-1+	25.0%	6.6%	\$19.35M
CBA	\$12.5M	A-1+	25.0%	11.9%	\$13.85M
NAB	\$13.0M	A-1+	25.0%	12.3%	\$13.35M
AMP	\$5.0M	A-1	15.0%	4.8%	\$10.75M
Macquarie	\$1.0M	A-1	15.0%	0.9%	\$14.81M
Suncorp	\$15.7M	A-1	15.0%	14.9%	\$0.11M
BoQ	\$4.0M	A-2	10.0%	3.8%	\$6.54M
Bendigo-Adelaide	\$3.0M	A-2	10.0%	2.9%	\$7.48M
Rural	\$7.0M	A-2	10.0%	6.6%	\$3.54M
ING^	\$5.0M	A-2	5.0%	4.8%	\$0.21M
Total	\$73.20M			69.5%	

Long Term Institutional Exposure by Credit Rating					
ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$14.5M	AA-	15.0%	13.8%	\$1.31M
NAB	\$1.5M	AA-	15.0%	1.4%	\$14.31M
Rabobank^	\$3.2M	A+	5.0%	3.0%	\$2.07M
Macquarie	\$1.0M	A	15.0%	0.9%	\$14.81M
BoQ	\$10.5M	BBB+	5.0%	10.0%	-\$5.23M
Bendigo-Adelaide	\$1.5M	BBB+	5.0%	1.4%	\$3.77M
Total	\$32.20M			30.5%	

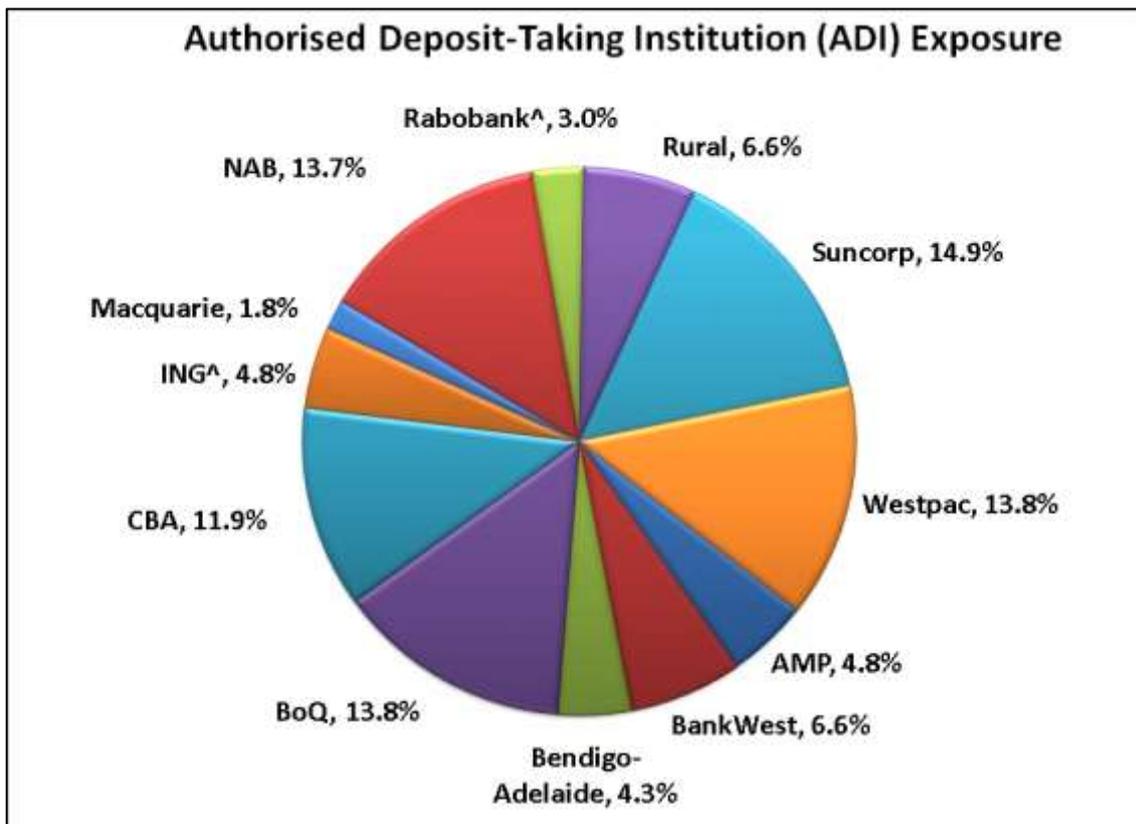
Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.

Total Exposure By Credit Rating				
S & P Long Term Rating	S & P Short Term Rating	Exposure \$M	Policy limit	Actual
AAA	A-1+	\$32.5M	100.00%	30.8%
AA	A-1	\$37.7M	75.00%	35.8%
A	A-2	\$23.2M	30.00%	22.0%
BBB	A-3	\$12.0M	10.00%	11.4%
Total		\$105.4M		100.00%

BoQ has no further maturities scheduled until Q4. Over time, long-dated deposits will reclassify as short-term and portfolio targets will be restored. The current intention is not to break excess deposits, but to divest maturing investments as soon as practicable.

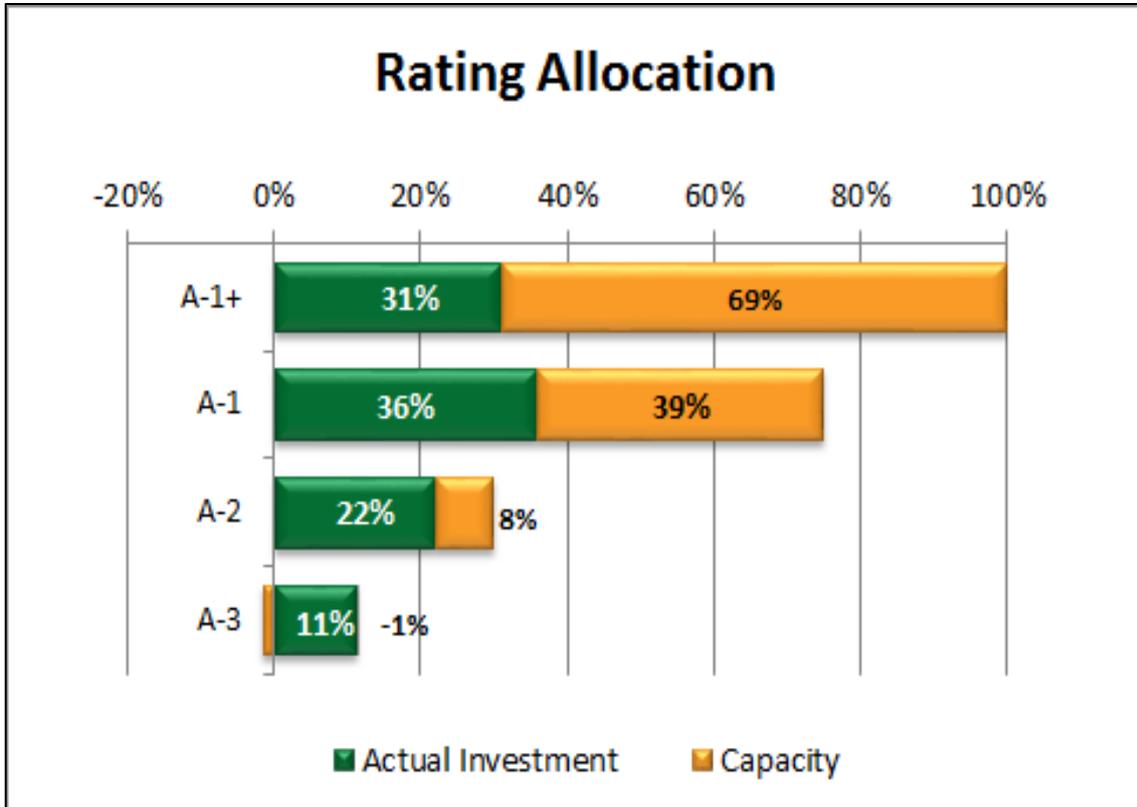
Collectively, and when grouping by long or short term, each category is in line with target levels with the exception of BoQ.

The counterparties are quite diverse across the larger banks (notably NAB and Suncorp, which were unaffected by the S&P downgrades):



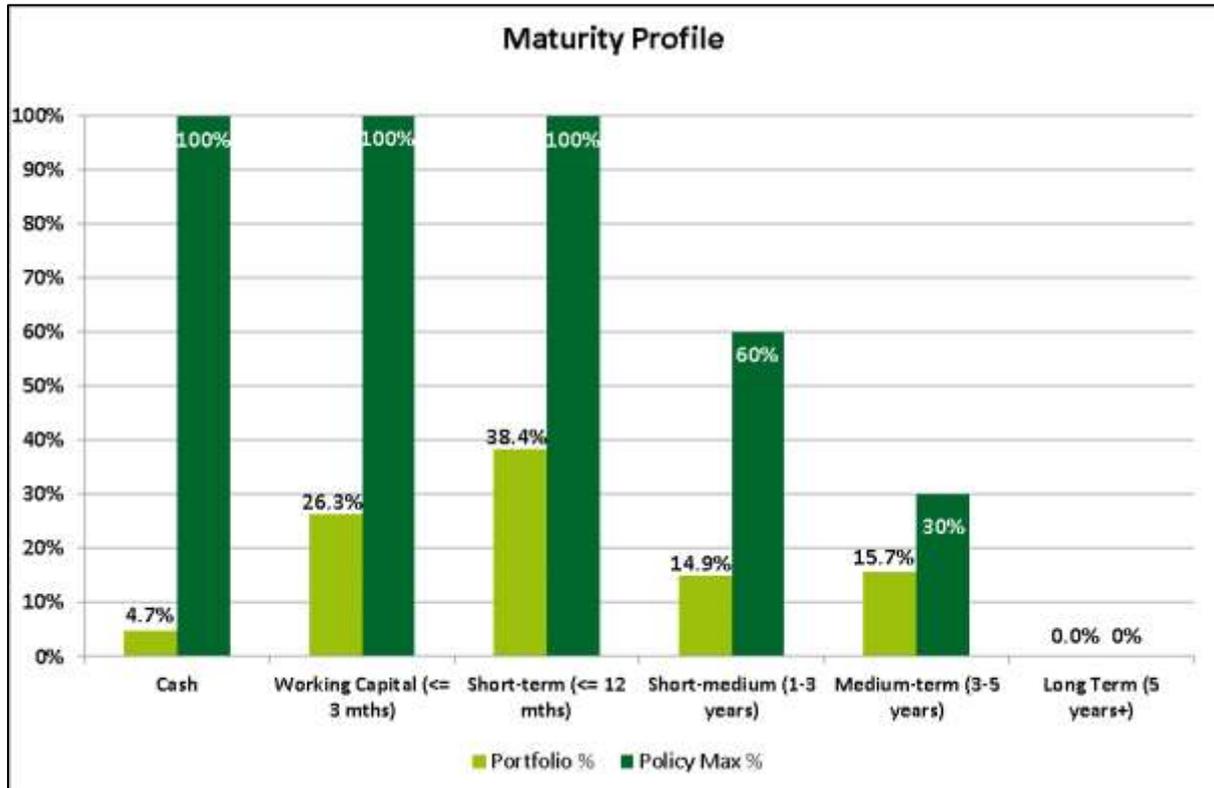
Credit Quality

A-1+ (the domestic majors) and A-1 (the higher rated regional) rated ADIs are the largest share of Council's investments.



Term to Maturity

The portfolio remains adequately liquid with approximately 4.7% of investments at-call and another 26.3% of assets maturing within 3 months. There is still capacity to lengthen investments, and particularly to invest at terms greater than 1 year. Council purchased some longer-term maturities up to 5 years during March, resulting in the following mix currently:



The RBA left the cash rate unchanged at 1.5% in June with little in the wording to suggest any firm views. However, there is a perceived risk that central banks may move to a more normal interest rate environment globally.

2016-17 Budget

ORD03

Source of Funds Invested	
Section 94 Developer Contributions	\$45,346,392
Restricted Grant Income	\$1,532,118
Externally Restricted Reserves	\$18,305,455
Internally Restricted Reserves	\$27,373,499
General Fund	\$12,842,536
Total Funds Invested	\$105,400,000

Council's investment portfolio has decreased by \$3.5 million since the May reporting period. The decrease primarily relates to payments for capital works and operational expenses for the June period. The source of funds invested are indicative only, due to Council's annual financial reports still being finalised for 30 June 2017.

INTEREST RECEIVED DURING 2016/17 FINANCIAL YEAR				
	June	Cumulative	Original Budget	*Revised Budget
General Fund	\$112,167	\$1,494,196	\$1,400,000	\$1,400,000
Restricted	\$161,403	\$1,737,052	\$700,400	\$1,650,000
Total	\$273,570	\$3,231,248	\$2,100,400	\$3,050,000

*The Revised Budget is reviewed on a quarterly basis as part of the Budget Process

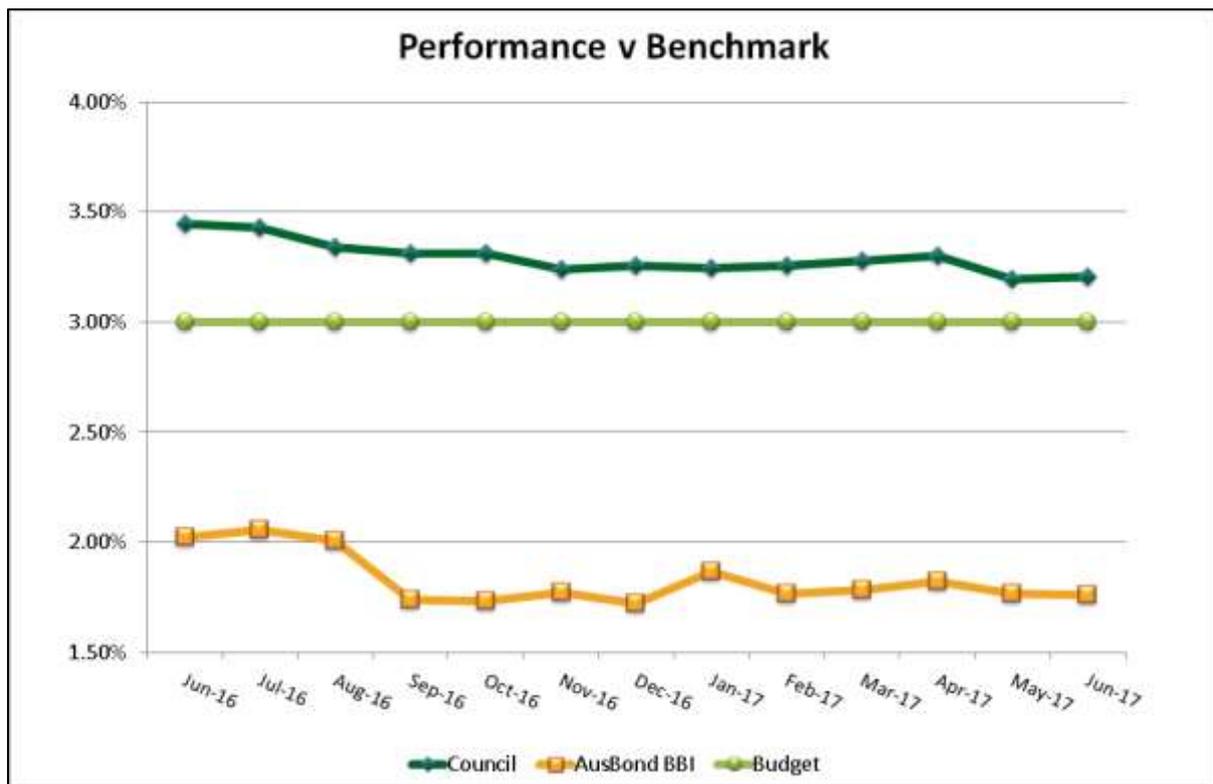
Attachment 1

Interest Summary

The portfolio's interest summary as at 30th June 2017 is as follows:

NUMBER OF INVESTMENTS	83
AVERAGE DAYS TO MATURITY	478
AVERAGE PERCENTAGE	3.20% p.a.
WEIGHTED PORTFOLIO RETURN	3.21% p.a.
CBA CALL ACCOUNT *	1.20% p.a.
HIGHEST RATE	5.10% p.a.
LOWEST RATE	2.45% p.a.
BUDGET RATE	3.00% p.a.
AVERAGE BBSW (30 Day)	1.62% p.a.
AVERAGE BBSW (90 Day)	1.72% p.a.
AVERAGE BBSW (180 Day)	1.85% p.a.
OFFICIAL CASH RATE	1.50% p.a.
AUSBOND BANK BILL INDEX	1.76% p.a.

*Note: CBA call account is not included in the investment performance calculations



The portfolio's outperformance over the benchmark (AusBond Bank Bill Index) continues to be attributed to the longer-dated deposits in the portfolio, and Council has been widening the gap between returns and the benchmark recently. While 3% was an aggressive budget at a time when rates were falling rapidly, it has been exceeded in every month.

As existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates compared to previous years.

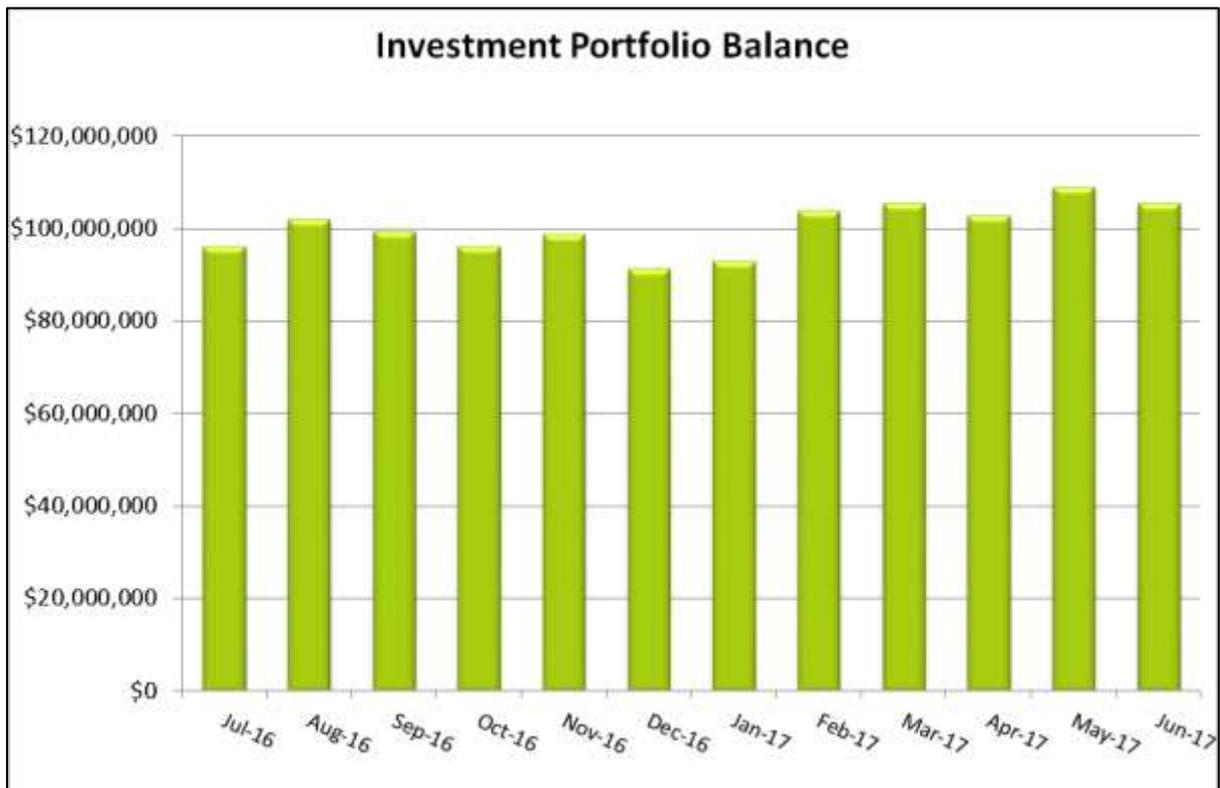
Appendix A – List of Investments

ORD03

Camden Council Investment Portfolio as at 30 Jun 2017								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 30/06/2017
BOQ	TD	\$2,500,000.00	5.00%	4/11/2013	1/11/2018	1823	489	\$81,849.32
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	510	\$30,460.27
ING Bank	TD	\$1,000,000.00	4.63%	28/11/2013	23/11/2017	1456	146	\$27,906.85
BOQ	TD	\$1,000,000.00	4.85%	28/11/2013	23/11/2017	1456	146	\$29,232.88
BOQ	TD	\$1,000,000.00	4.65%	27/02/2014	22/02/2018	1456	237	\$15,797.26
Rabobank	TD	\$1,000,000.00	5.00%	28/02/2014	28/02/2019	1826	608	\$16,849.32
Rabobank	TD	\$1,200,000.00	5.00%	3/03/2014	6/03/2019	1829	614	\$19,726.03
Westpac	TD	\$1,500,000.00	4.55%	15/05/2014	15/05/2019	1826	684	\$8,788.36
Westpac	TD	\$1,500,000.00	4.55%	21/05/2014	22/05/2019	1827	691	\$7,479.45
Macquarie Bank	TD	\$1,000,000.00	4.00%	1/08/2014	31/07/2017	1095	31	\$36,602.74
BOQ	TD	\$1,000,000.00	4.15%	5/08/2014	1/08/2018	1457	397	\$37,975.34
Rabobank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	880	\$24,263.01
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2019	1832	887	\$37,551.37
NAB	TD	\$1,500,000.00	4.00%	16/12/2014	11/12/2019	1821	894	\$32,383.56
Macquarie Bank	TD	\$1,000,000.00	3.85%	19/12/2014	19/12/2019	1826	902	\$20,463.01
Rural Bank	TD	\$2,000,000.00	3.70%	9/01/2015	9/01/2018	1096	193	\$35,073.97
Rural Bank	TD	\$1,500,000.00	3.70%	14/01/2015	15/01/2018	1097	199	\$25,545.21
Westpac	TD	\$1,000,000.00	3.90%	2/02/2015	2/02/2020	1826	947	\$15,920.55
Bendigo Adelaide Bank	TD	\$1,000,000.00	3.00%	14/10/2015	18/10/2017	735	110	\$21,369.86
Bendigo Adelaide Bank	TD	\$2,000,000.00	3.00%	20/11/2015	22/11/2017	733	145	\$36,493.15
BOQ	TD	\$1,000,000.00	3.05%	25/11/2015	29/11/2017	735	152	\$18,216.44
NAB	TD	\$1,000,000.00	2.70%	14/09/2016	28/08/2017	348	59	\$21,452.05
NAB	TD	\$1,000,000.00	2.75%	5/10/2016	2/08/2017	301	33	\$20,267.12
NAB	TD	\$500,000.00	2.75%	5/10/2016	31/07/2017	299	31	\$10,133.56
NAB	TD	\$1,000,000.00	2.80%	19/10/2016	4/10/2017	350	96	\$19,561.64
NAB	TD	\$1,500,000.00	2.75%	26/10/2016	25/09/2017	334	87	\$28,027.40
NAB	TD	\$1,500,000.00	2.80%	2/11/2016	30/10/2017	362	122	\$27,731.51
Suncorp Metway	TD	\$1,000,000.00	2.80%	7/12/2016	3/07/2017	208	3	\$15,802.74
AMP	TD	\$1,000,000.00	2.75%	7/12/2016	5/07/2017	210	5	\$15,520.55
CBA	TD	\$2,000,000.00	2.75%	3/01/2017	3/01/2018	365	187	\$26,972.60
BOQ	TD	\$1,000,000.00	2.75%	4/01/2017	9/10/2017	278	101	\$13,410.96
Suncorp Metway	TD	\$1,200,000.00	2.65%	18/01/2017	10/07/2017	173	10	\$14,288.22
ING Bank	TD	\$1,500,000.00	2.80%	25/01/2017	17/07/2017	173	17	\$18,065.75
Westpac	TD	\$1,000,000.00	3.60%	1/02/2017	1/02/2022	1826	1677	\$6,016.44
Westpac	TD	\$1,500,000.00	3.57%	2/02/2017	2/02/2022	1826	1678	\$8,802.74
Westpac	TD	\$1,000,000.00	3.56%	10/02/2017	10/02/2022	1826	1686	\$5,071.78
BOQ	TD	\$1,500,000.00	3.75%	15/02/2017	15/02/2022	1826	1691	\$7,243.15
Westpac	TD	\$2,000,000.00	3.64%	22/02/2017	22/02/2022	1826	1698	\$7,978.08
Suncorp Metway	TD	\$2,000,000.00	2.62%	20/02/2017	21/08/2017	182	52	\$18,806.58
Bankwest	TD	\$1,000,000.00	2.60%	23/02/2017	12/07/2017	139	12	\$9,117.81
BOQ	TD	\$1,000,000.00	3.75%	27/02/2017	28/02/2022	1827	1704	\$12,739.73
Bankwest	TD	\$1,000,000.00	2.60%	27/02/2017	19/07/2017	142	19	\$8,832.88
Bankwest	TD	\$1,000,000.00	2.60%	27/02/2017	24/07/2017	147	24	\$8,832.88
Bankwest	TD	\$1,000,000.00	2.60%	27/02/2017	26/07/2017	149	26	\$8,832.88
Westpac	TD	\$1,000,000.00	3.55%	28/02/2017	28/02/2022	1826	1704	\$3,209.59
Bankwest	TD	\$1,000,000.00	2.60%	28/02/2017	8/08/2017	161	39	\$8,761.64
Westpac	TD	\$1,000,000.00	3.58%	1/03/2017	1/03/2022	1826	1705	\$2,942.47
NAB	TD	\$1,000,000.00	2.56%	1/03/2017	9/08/2017	161	40	\$8,556.71
Westpac	TD	\$1,000,000.00	3.60%	3/03/2017	3/03/2022	1826	1707	\$2,761.64
NAB	TD	\$1,500,000.00	2.60%	8/03/2017	14/08/2017	159	45	\$12,287.67
Westpac	TD	\$1,000,000.00	3.61%	9/03/2017	9/03/2022	1826	1713	\$2,175.89
ING Bank	TD	\$1,000,000.00	2.70%	13/03/2017	11/09/2017	182	73	\$8,136.99
BOQ	TD	\$1,000,000.00	3.60%	15/03/2017	15/03/2021	1461	1354	\$10,652.05
Suncorp Metway	TD	\$2,000,000.00	2.60%	20/03/2017	11/09/2017	175	73	\$14,673.97
BOQ	TD	\$500,000.00	3.80%	23/03/2017	23/03/2022	1826	1727	\$5,205.48
Suncorp Metway	TD	\$1,000,000.00	2.58%	27/03/2017	18/09/2017	175	80	\$6,785.75
AMP	TD	\$1,000,000.00	2.75%	29/03/2017	20/09/2017	175	82	\$7,082.19
BOQ	TD	\$1,000,000.00	3.50%	3/04/2017	7/04/2021	1465	1377	\$8,534.25
Suncorp Metway	TD	\$1,000,000.00	2.62%	5/04/2017	27/09/2017	175	89	\$6,244.93
NAB	TD	\$1,000,000.00	2.59%	10/04/2017	10/04/2018	365	284	\$5,818.63
CBA	TD	\$1,000,000.00	2.55%	12/04/2017	11/10/2017	182	103	\$5,589.04
Rural Bank	TD	\$1,500,000.00	2.65%	19/04/2017	4/09/2017	138	66	\$7,950.00
Suncorp Metway	TD	\$1,000,000.00	2.58%	24/04/2017	23/10/2017	182	115	\$4,806.58
Suncorp Metway	TD	\$1,500,000.00	2.60%	1/05/2017	16/10/2017	168	108	\$6,517.81
Suncorp Metway	TD	\$1,500,000.00	2.60%	3/05/2017	25/10/2017	175	117	\$6,304.11

Attachment 1

Camden Council Investment Portfolio as at 30 Jun 2017								
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Days to Maturity	Interest Accrued as at 30/06/2017
BOQ	TD	\$1,000,000.00	3.60%	8/05/2017	4/05/2022	1822	1769	\$5,326.03
Bankwest	TD	\$1,000,000.00	2.55%	10/05/2017	1/11/2017	175	124	\$3,632.88
Rural Bank	TD	\$1,000,000.00	2.55%	15/05/2017	4/10/2017	142	96	\$3,283.56
Rural Bank	TD	\$1,000,000.00	2.65%	15/05/2017	6/11/2017	175	129	\$3,412.33
Westpac	TD	\$1,000,000.00	3.10%	16/05/2017	17/05/2021	1462	1417	\$3,906.85
Suncorp Metway	TD	\$1,000,000.00	2.60%	17/05/2017	8/11/2017	175	131	\$3,205.48
Suncorp Metway	TD	\$1,000,000.00	2.60%	22/05/2017	13/11/2017	175	136	\$2,849.32
Suncorp Metway	TD	\$1,500,000.00	2.59%	25/05/2017	15/11/2017	174	138	\$3,938.22
ING Bank	TD	\$1,500,000.00	2.60%	30/05/2017	27/11/2017	181	150	\$3,419.18
CBA	TD	\$1,500,000.00	2.55%	30/05/2017	26/02/2018	272	241	\$3,353.42
Bankwest	TD	\$1,000,000.00	2.45%	5/06/2017	6/09/2017	93	68	\$1,745.21
NAB	TD	\$2,000,000.00	2.45%	7/06/2017	4/12/2017	180	157	\$3,221.92
CBA	TD	\$1,000,000.00	2.55%	9/06/2017	28/02/2018	264	243	\$1,536.99
CBA	TD	\$1,000,000.00	2.55%	9/06/2017	5/03/2018	269	248	\$1,536.99
CBA	TD	\$1,000,000.00	2.55%	9/06/2017	7/03/2018	271	250	\$1,536.99
NAB	TD	\$1,000,000.00	2.48%	14/06/2017	6/12/2017	175	159	\$1,155.07
AMP	TD	\$2,000,000.00	2.60%	21/06/2017	21/06/2018	365	356	\$1,424.66
AMP	TD	\$1,000,000.00	2.60%	21/06/2017	25/06/2018	369	360	\$712.33
# TD Investments	83	\$100,400,000.00	3.21%					\$1,107,651.82
CBA	Call Account	\$5,000,000.00	1.20%					
		\$105,400,000.00						



Appendix B – Ratings Definitions

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

Fitch and Moody's have similar classifications.

Appendix C – Recently Invested ADIs

Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating, recently downgraded with 22 other banks to BBB+ by S&P. However, it is noted that Rural Bank maintains a separate ADI licence from APRA and does not provide cross guarantees with the parent – it is treated as a separate counterparty.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

Financial Results

As at 31st March 2017, Rural Bank's Tier 1 Capital Ratio stood at 15.31% and its Total Capital Ratio at 16.07%, well above Basel III minimum capital requirements and above those of its parent.

At a group level, Bendigo-Adelaide Bank Ltd earns just over \$200 million each half yearly reporting period. Retail deposits exceeded \$50 billion in the latest period (up from \$48.45 billion in June 2016).

Suncorp Metway Bank

The bank is part of the Suncorp Group, which includes a number of major insurance brands.

It was formed by a merger of three financial institutions, with the Queensland government selling the bulk of its shares in a public offering in 1997.

The insurance group has continued to grow by acquisition since then, with the bank primarily growing organically.

Financial Results

The bank generated similar earnings to Rural Bank, earning \$208 million in the December 2016 half (+0.5%). The Group as a whole earned \$537 million (+1.3%).

The bank has a Tier 1 Capital Ratio of 9.2%, with Total Capital of 13.48% typical of the largest banks.

Its long-term credit rating was affirmed at A+ in the recent S&P review.

Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. It was founded in 1898 as a unique network of cooperative banks in the Netherlands, combining their capital strength – this replicated a German innovation. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative of 123 banks. Today, Rabobank has over AUD\$984 billion in assets (€662 billion)¹, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand.

In early November 2014, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Rabobank Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). It remains AA range with the other agencies.

The group has lifted its Tier 1 Capital to 14% and Total Capital Ratio to 25% as at December 2016. Group net profit was EUR2bn in 2016,

From May 2015, new Rabobank Australia deposits are guaranteed only by the Australian subsidiary, not cross guaranteed globally (conversely, there is no cross-claim on Australian assets).

Bank of Queensland

Founded in 1874, BoQ has around 200 branches nationally. Total lending in Queensland is now exceeded by the rest of the country, with NSW now 24% of assets.

BoQ increased its national footprint with the acquisition of the Australian assets of Investec (Australia), rebranded BoQ Specialist Bank.

Financial Results

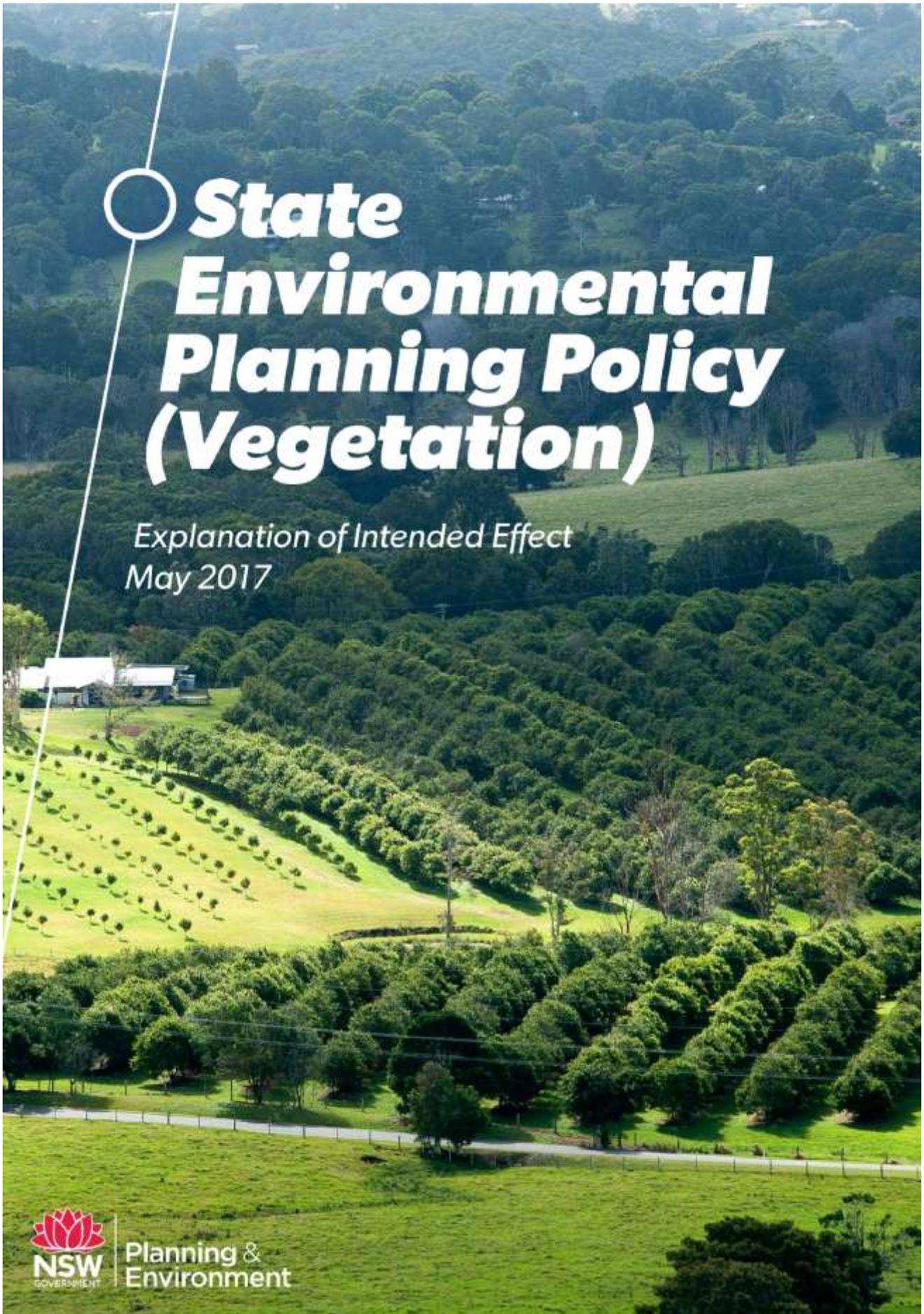
BoQ earned around \$175m at the latest half year, down from a peak of \$190m. It has been somewhat affected by the slowdown in mining states. However, loan impairments are trending down over time.

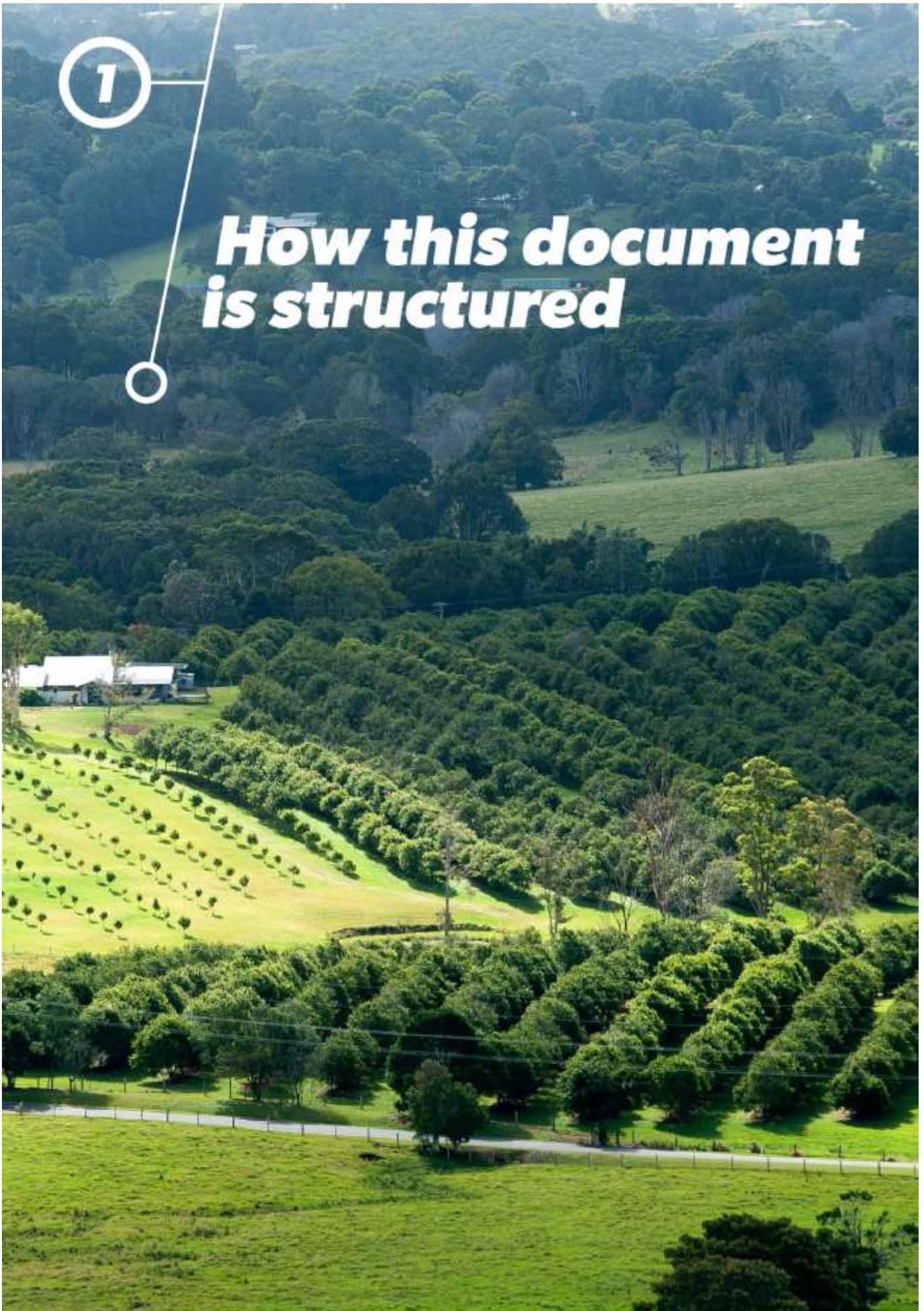
Tier 1 Capital is 9.29%, up from 9.0% at the previous half. Its overall capital is in line with Bendigo-Adelaide and above the other large retail banks.

BankWest

Bankwest is a brand of Commonwealth Bank – it no longer holds a separate banking licence and so all deposits are liabilities of CBA.

¹ As a comparison, CBA has approximately AUD\$933 billion in total assets and 45,000 employees





This EIE has two parts:

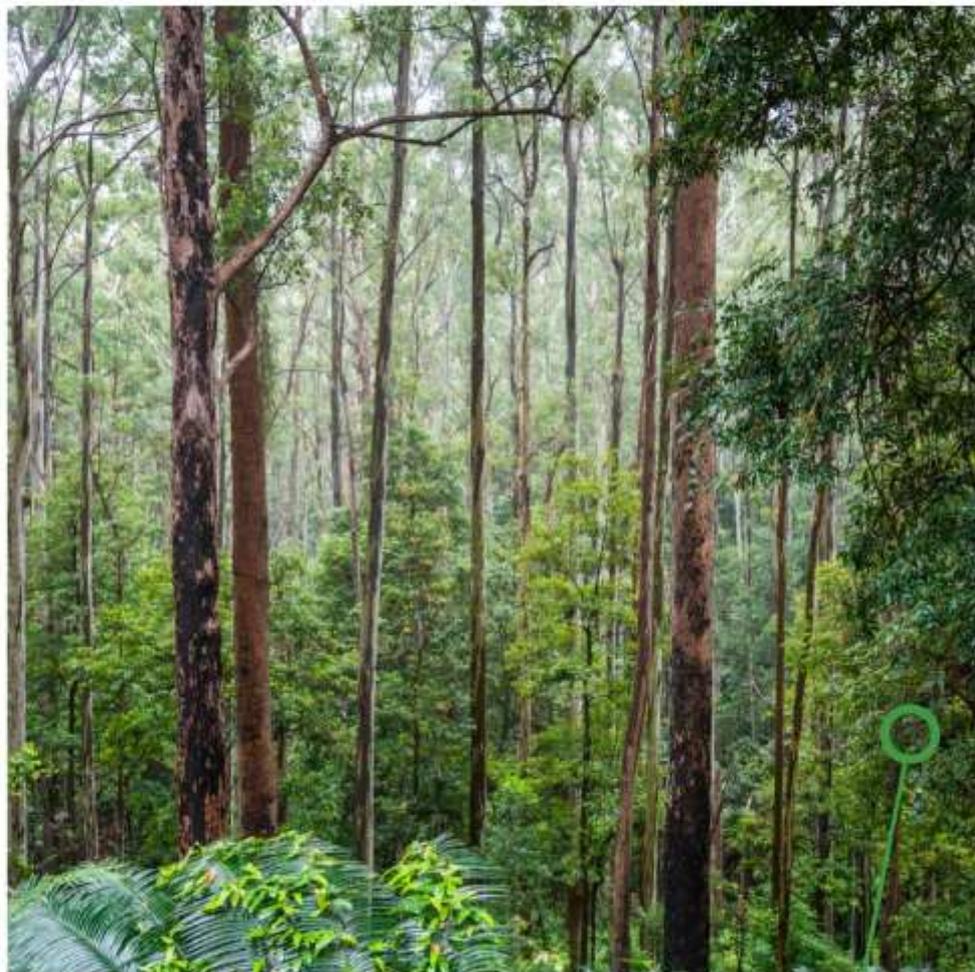
Part A: The NSW land management and biodiversity conservation reforms

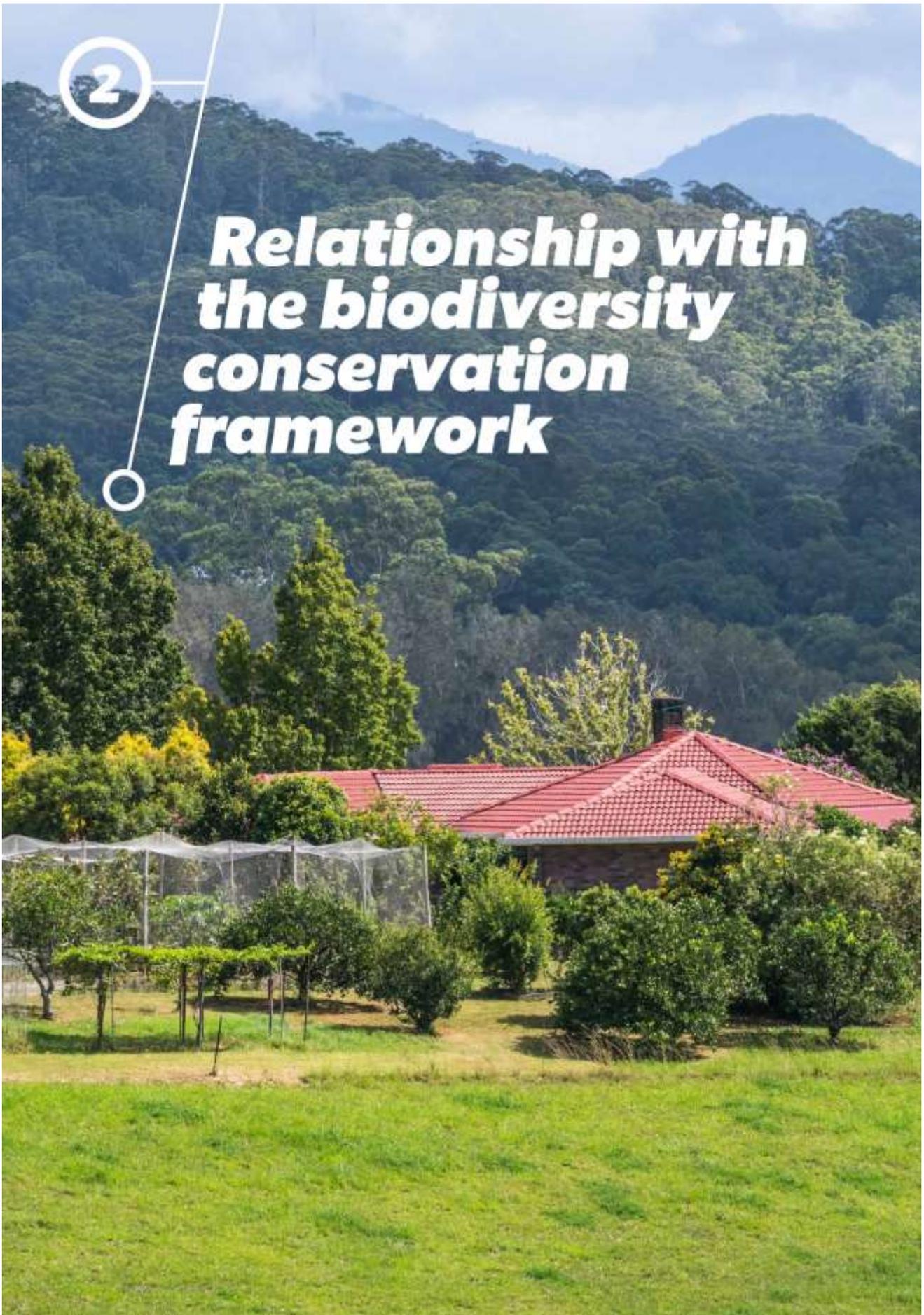
This section gives an overview of the NSW land management and biodiversity conservation reforms and outlines the key components of the land use planning system that regulate the clearing of vegetation in NSW.

Part B: Proposed Vegetation SEPP

This section explains the proposed Vegetation SEPP's context and policy objectives. It also describes how the various parts of the proposed SEPP will work and what they seek to achieve.

The public is invited to comment on all matters covered in this document. Part B also includes specific questions to encourage community feedback on different possible ways of implementing the policy.

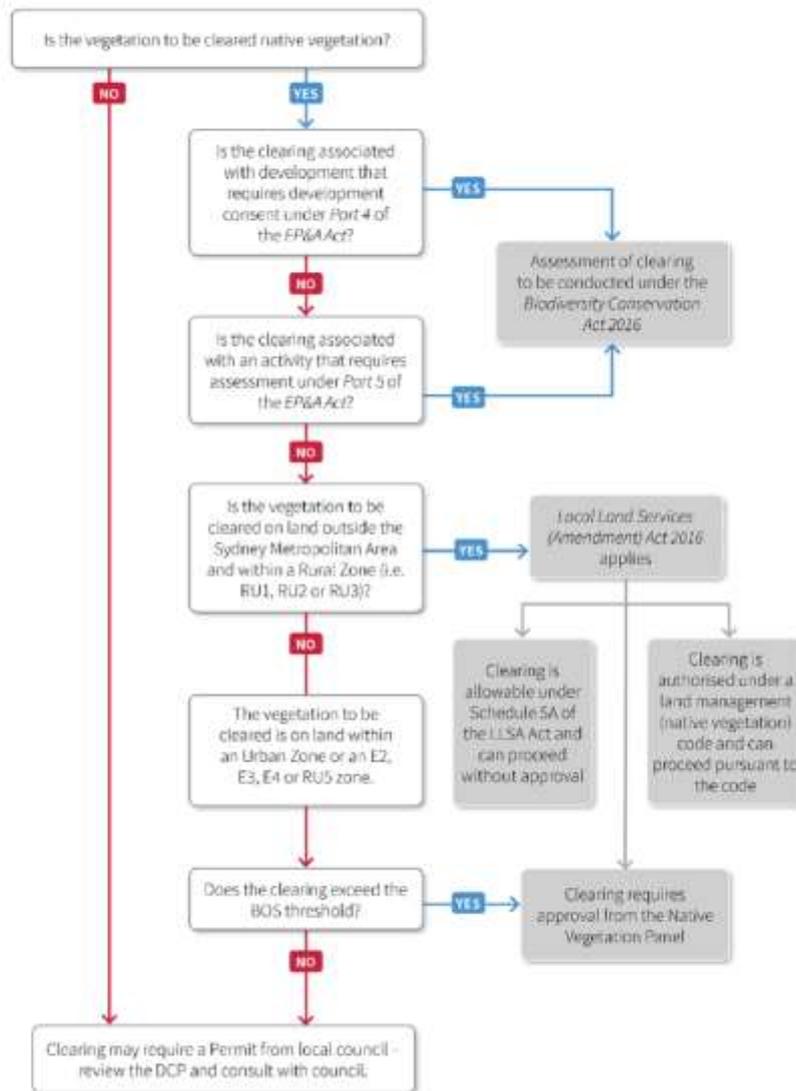




The Vegetation SEPP will apply to clearing vegetation on land in urban areas and on land in environmental zones. If development consent is not required for the clearing, the Vegetation SEPP requires that clearing that is above the Biodiversity Offset Scheme (BOS) threshold be approved by the Native Vegetation Panel constituted under the Local Land Services Act 2016 (LLSA). For clearing that is below the BOS threshold, the SEPP enables councils to regulate clearing of native vegetation

(and any non-native vegetation identified in a DCP) through a permit system.

The flow-chart below illustrates the approval pathways for clearing vegetation in urban and other non-rural areas. This flow-chart shows the links between the State Environmental Planning Policy (Vegetation) (Proposed Vegetation SEPP) and other key aspects of the new land management and biodiversity conservation framework.





The land management and biodiversity conservation reforms

The legislative and policy framework for biodiversity conservation and native vegetation management in NSW has been under review for a number of years, resulting in the Biodiversity Conservation Act 2016 and the LLSA.

These new legislative instruments will change the regulatory framework for clearing native vegetation and protecting threatened species, ecological communities and their habitats across NSW.

The relationship between this legislation and the existing planning framework is as follows:

- The Biodiversity Conservation Act will regulate any development proposal that requires development consent under the EP&A Act to make sure it assesses potential impacts on biodiversity, including impacts on threatened species, ecological communities and their habitats. In support of its biodiversity impact assessment and approval function, the Biodiversity Conservation Act will introduce a new biodiversity assessment method (BAM), a new biodiversity offset scheme (BOS) and an expanded biodiversity certification program. It will also establish a biodiversity conservation trust.
- The LLSA Act will deal with clearing native vegetation that does not require development consent (generally associated with extensive agriculture) on land where the Native Vegetation Regulatory Map

applies – that is, on rural zoned land as opposed to urban areas or land zoned for environmental protection and/or management.

To support this new legislation, new regulations and policies will be introduced, including the new Vegetation SEPP.

This document explains how the proposed Vegetation SEPP will regulate the clearing of vegetation in urban areas and environmental conservation/management zones, where the clearing does not otherwise require development consent under the EP&A Act.

The Vegetation SEPP will promote the conservation of local and regional biodiversity and provide a consistent approach to regulating native vegetation in urban areas and environmental conservation and environmental management zones.

The importance of conserving biodiversity in urban areas and on land where there is important biodiversity

NSW is home to significant amounts of wildlife, natural environments and productive land. Native trees and plants are vital for environmental health, native animals, agriculture and protecting soil and water.

In addition to supporting biodiversity, native vegetation is an important part of the natural heritage of urban areas. Communities also value it for its aesthetic, recreational, educational and scientific value.

The role of land use planning in protecting biodiversity

Land use planning has a crucial role in protecting native vegetation.

The proposed Vegetation SEPP will form part of NSW's land use planning framework. Below is a summary of the land use planning system's components that relate to vegetation in urban areas and land zoned for environmental protection and/or management.

Land use planning instrument	Description
<i>Environmental Planning and Assessment Act 1979</i>	<p>The EP&A Act is the legislative umbrella for land use planning in NSW. It provides for environmental planning instruments to be created that establish planning controls for developing and using land that contains trees or other vegetation and for protecting the land's environmental, aesthetic and scientific values.</p> <p>The Act also provides for determining development applications (under Part 4) and assessing 'activities' (under Part 5) and state significant infrastructure (under Part 5.1). It makes sure assessments of proposals consider appropriate matters such as those proposals' impacts on biodiversity values.</p> <p>The Act's objects recognise the importance of native vegetation by including a provision to encourage environmental protection, including the protection and conservation of native animals, plants, threatened species, populations, ecological communities and their habitats.</p> <p>The Biodiversity Act sets out the biodiversity assessment requirements for any development or activity that requires assessment or approval under the EP&A Act. The two Acts therefore operate together to regulate native vegetation clearing on any land in the state if it is associated with development that requires planning approval.</p>
Local planning directions	<p>Under the EP&A Act, the Minister is able to issue local planning directions (often called 'Section 117 directions') to direct a planning authority in making an LEP.</p> <p>When considering a council's draft LEP, the Department of Planning and Environment uses a gateway process to ensure the strategic merit of a specific change to zoning or development controls is considered. This process includes a requirement for councils to demonstrate how they have prepared their planning proposal for the new LEP (or LEP amendment) consistent with any relevant local planning directions.</p> <p>One of these directions requires that any planning proposal include provisions to protect and conserve environmentally sensitive areas. In addition to this, any planning proposal for land zoned for environmental protection in an LEP must not reduce the environmental protection standards that apply to that land.</p> <p>Introducing the biodiversity conservation legislation and the Vegetation SEPP will not change the Section 117 directions.</p>



Vegetation SEPP	<p>The Vegetation SEPP will form part of the framework for vegetation clearing and will be the primary environmental planning instrument regulating native vegetation clearing in urban and other non-rural zones, including environmental protection zones.</p> <p>The SEPP will regulate clearing that does not require development consent. It will provide that approval must be obtained for clearing of native vegetation that exceeds the BOS threshold.</p>
Regional plans	<p>Regional plans are developed so communities can set the course for their future needs at a regional scale.</p> <p>Regional plans focus on strategic planning for housing, economic development, jobs growth, the natural environment and centres for shopping, entertainment and dining.</p>
Local environmental plans and development control plans	<p>LEPs guide planning decisions for local government areas. They do this through zoning and development controls that provide a framework for the way land can be used. They are key planning tools that shape communities and ensure local development is undertaken appropriately.</p> <p>LEPs, and amendments to them, begin with a planning proposal prepared (in most cases) by the local council. The planning proposal will include an explanation of the intended effect of the new LEP (or LEP amendment). The Department of Planning and Environment then assesses the planning proposal. This is called the 'Gateway' process.</p> <p>Community consultation is an essential part of the process and the relevant planning authority, usually the local council, will exhibit the planning proposal for community feedback and review all submissions before making the new LEP (or LEP amendment).</p> <p>If the Minister for Planning or their delegate approves the new LEP (or LEP amendment), it becomes final and is published on the NSW legislation website and becomes law.</p> <p>The proposed Vegetation SEPP will repeal Clauses 5.9 and 5.9AA of the Standard Instrument LEP, which relate to tree preservation. These clauses will be replaced with the Vegetation SEPP's new regulations for clearing vegetation in urban and other non-rural areas.</p> <p>DCPs often provide extra detail about managing vegetation and issues regarding development control and assessment. The proposed SEPP will enable councils to prepare DCPs that set out when someone needs a permit for land clearing or tree removal, when that land clearing or tree removal does not exceed the BOS threshold.</p>

The biodiversity offset scheme

The Biodiversity Conservation Act requires proponents to carry out a BAM assessment of native vegetation clearing if it exceeds certain thresholds (BOS threshold, explained below) established under the Act. Accredited assessors will carry out these assessments and the Minister for the Environment will establish the accreditation scheme.

The BAM has been established to assess the impacts that loss of native vegetation could have on biodiversity values and to calculate gains in biodiversity values if native vegetation is conserved under a biodiversity stewardship agreement. These losses and gains are measured in biodiversity credits. The biodiversity offset scheme established under the Act includes rules that govern how biodiversity credits can be traded, and how biodiversity offset obligations under a development consent may be varied to ensure that the biodiversity offset scheme delivers positive conservation outcomes.

Approval pathways for clearing

The Biodiversity Conservation Act, the LLSA Act and the Vegetation SEPP work together to create a framework for the regulation of clearing of native vegetation. The framework establishes different regulatory pathways for clearing that requires consent under an EPI, and for clearing that does not require consent. However, regardless of the regulatory pathway the biodiversity offset scheme will apply to all clearing that exceeds the clearing thresholds established for the scheme.

Development consent for clearing of native vegetation is required where the clearing is carried out to enable a use of land or other development for which development consent is required under an EPI. In addition, some EPIs require development consent for clearing of native vegetation even if no other use of land or other development is proposed.

Where development consent is required for clearing of native vegetation, the Biodiversity Conservation Act requires that a BAM assessment must be carried out to determine the impact of the clearing on biodiversity values. If development consent is to be granted, the consent authority must impose a condition in the consent that requires the proponent to purchase and retire biodiversity credits to offset the biodiversity impacts of the clearing.

If development consent is not required for clearing of native vegetation, the new legislative framework provides two approval pathways for the clearing, depending on whether or not the relevant land is identified on the Native Vegetation Regulatory Map made under the LLSA Act, or is otherwise in an urban zone or environmental zone.

For clearing of native vegetation on urban land and land zoned for environmental conservation/management, a BAM assessment and approval by the Native Vegetation Panel established under the LLSA Act is required if:

- development consent is not required for the clearing under an EPI;
- no statutory exemption applies to the proposed clearing; and

- the clearing exceeds the BOS threshold that will be established under the Biodiversity Conservation Regulation 2017.

The Native Vegetation Panel may delegate its approval role for clearing in urban areas and on land zoned for environmental conservation/management to the relevant Council. The Native Vegetation Panel, or Council when the Panel's role has been delegated, must impose a biodiversity offset obligation as part of any approval issued for the clearing.

For clearing of land identified by the Native Vegetation Regulatory Map made under the LLSA Act, a BAM assessment and approval by the Native Vegetation Panel established under the LLSA Act is required if:

- development consent is not required for the clearing;
- no statutory exemption applies to the proposed clearing; and
- the clearing cannot otherwise be carried out under a clearing Code made under the LLS Act.

Clearing of land identified by the Native Vegetation Regulatory map is usually associated with extensive

agriculture, which can be carried out without development consent in all rural use zones. The Native Vegetation Panel must impose a biodiversity offset obligation as part of any approval issued for the clearing of land identified by the Native Vegetation Regulatory Map. It is not intended that the Native Vegetation Panel should delegate its approval functions to Councils in relation to approvals for clearing of vegetation on land identified on the Native Vegetation Regulatory Map.

Proposed BOS threshold

The BOS threshold will be set out in the Biodiversity Conservation Regulation 2017. A BAM assessment will be required in for clearing where development consent is required, or for any clearing on urban land or of land in environmental zones, if:

- the area of clearing of native vegetation exceeds spatial thresholds set out in the Biodiversity Conservation Regulation 2017; and/or
- the clearing (of any type of vegetation) is in an area mapped as including sensitive biodiversity values.

The proposed spatial thresholds for the area cleared depend on the minimum lot size applicable for the relevant land specified in the LEP that applies to the land. If the LEP does not specify a

minimum lot size for the land, the actual size of the lot on which the clearing takes place will be the applicable minimum lot size.

The proposed spatial thresholds are:

Minimum lot size	Proposed area of clearing
Less than 1 hectare	0.25 hectares or more
Less than 2 hectares	0.5 hectares or more
2 to 39 hectares	0.5 hectares or more
40 – 9999 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

Current planning controls for clearing vegetation

Note: There are various ways some aspects of the SEPP could be implemented. We have included specific questions throughout the following sections to seek your opinions on these different options.

At present, Clauses 5.9 and 5.9AA of the Standard Instrument LEP regulate the clearing of vegetation by enabling a council to make a DCP that identifies which vegetation is protected in its local government area.

Clause 5.9 states that development consent or a permit granted by a council may be required for removing a prescribed tree. Clause 5.9AA permits vegetation that is not prescribed by a DCP to be cleared without development consent.

When the Vegetation SEPP is made, it will repeal Clauses 5.9 and 5.9AA of the Standard Instrument LEP and will also repeal these clauses in any LEP that has been prepared in accordance with it. However, the effect of clause

5.9 and 5.9AA will be continued in the Vegetation SEPP so that councils will continue to regulate the clearing by identifying vegetation for which a clearing permit is required.

Clause 5.10 of the Standard Instrument LEP will not be repealed. As a consequence Councils will continue to identify in their DCPs where permits or development consent is required for actions that will impact trees or vegetation that are heritage items or are within heritage conservation areas.



QUESTION:

Is the grant of development consent appropriate for clearing of heritage vegetation?

Or would a permit be an equally effective mechanism for regulating heritage vegetation?



Part B: Proposed Vegetation SEPP

ORD06

Attachment 1

The new Vegetation SEPP is being developed as part of the government's land management and biodiversity conservation reforms. More information about these reforms can be found at www.landmanagement.nsw.gov.au. The Vegetation SEPP is intended to help protect vegetation in urban areas in environmental zones in order to conserve local and regional biodiversity.

Vegetation SEPP objectives

The proposed Vegetation SEPP's objectives are to:

- provide a consistent approach to clearing native vegetation in urban areas and land zoned for environmental protection and/or management in NSW
- protect native vegetation in these areas in order to conserve local and regional biodiversity
- ensure the biodiversity offset scheme applies to all native vegetation clearing that exceeds the BOS threshold in these areas, regardless of whether development consent is required for the clearing
- help establish a more robust scheme, regulated by a DCP, under which councils can issue permits to clear vegetation (including permits that are subject to conditions).

The Vegetation SEPP's policy objectives are consistent with the overall land management and biodiversity conservation reforms and provisions in the EP&A Act.

Explanation of provisions

The proposed Vegetation SEPP has a number of key elements that are detailed below.

Land to which the Vegetation SEPP will apply

The Vegetation SEPP will apply to the following land.

Land within the following Sydney metropolitan local government areas:

- Blacktown
- Botany Bay
- Burwood
- Camden
- Campbelltown
- Canada Bay
- Canterbury-Bankstown
- City of Parramatta
- Cumberland
- Fairfield
- Georges River
- Hawkesbury
- Hornsby
- Hunters Hill
- Inner West
- Ku-ring-gai
- Lane Cove
- Liverpool
- Mosman
- Newcastle
- Northern Beaches
- North Sydney

- Penrith
- Randwick
- Rockdale
- Ryde
- Strathfield
- Sutherland Shire
- Sydney
- The Hills Shire
- Waverley
- Willoughby
- Woollahra

Land in any other NSW local government area that is zoned for the following purposes under an environmental planning instrument:

- RU5 Village
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- R5 Large Lot Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- B8 Metropolitan Centre
- IN1 General Industrial
- IN2 Light Industrial
- IN3 Heavy Industrial
- IN4 Working Waterfront
- SP1 Special Activities
- SP2 Infrastructure
- SP3 Tourist
- RE1 Public Recreation
- RE2 Private Recreation
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- W3 Working Waterways

Land in any NSW local government area that is zoned:

- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

In addition, the Vegetation SEPP will provide that the Secretary of the Department of Planning and Environment may apply the Vegetation SEPP to land that has not yet been zoned under the Standard Instrument LEP if the principal objective of the land's development or zoning controls is for urban purposes or for environmental conservation and/or management.

Clearing that does not require planning approval

The Vegetation SEPP will provide an assessment pathway for clearing of native vegetation on urban land and land in environmental zones that does not require development consent. The BOS threshold will be used to identify when a BAM assessment is required for this kind of clearing.

QUESTION:

Do you think that all clearing of native vegetation on land in urban areas land in environmental zones should require development consent if it exceeds the BAM thresholds?



The Vegetation SEPP will establish two approval pathways for clearing that does not require development consent:

Pathway 1 – Clearing above the BOS threshold

Under the proposed Vegetation SEPP, clearing that exceeds the BOS threshold but does not require development consent will require approval by the Native Vegetation Panel under the LLSA Act.

As well as the considerations set out in the LLSA Act, the Native Vegetation Panel (or the Council with delegated authority to approve the clearing) will also be required to consider any biodiversity, heritage or amenity considerations set out in an applicable DCP.

**QUESTION:**

What involvement do you think councils should have in assessing clearing applications above the BOS threshold?

For example, they could be notified of clearing applications, asked to review or comment on applications, or the role of the Native Vegetation Panel could be delegated to Councils.

Pathway 2 – Clearing below the BAM threshold

Clearing below the BAM threshold that does not require development consent will be regulated by local councils under the DCP that applies to the relevant land.

Councils will continue to identify in their DCPs the vegetation for which a clearing permit is required. It is proposed that the Vegetation SEPP will provide a more robust scheme for the issue of clearing permits, including the ability to issue permits subject to conditions that regulate extent, nature or other aspects of the clearing.

Clearing below the BOS threshold that is not explicitly regulated in a DCP will be exempt from permit requirements, although development consent may be required for the clearing if it is incidental or ancillary to a land use that requires development consent, or because development consent is required for clearing of that particular vegetation (for example, vegetation mapped under SEPP 14 or SEPP 26).

Existing DCPs that prescribe vegetation for the purposes of Clause 5.9 will continue to have effect until new DCPs are developed for the purpose of the Vegetation SEPP.



QUESTION:

What guidance do councils require about the ways the Vegetation SEPP might change DCPs?

Clearing non-native trees or vegetation

The biodiversity offset scheme does not apply to non-native trees or vegetation. However, a council may regulate the removal of non-native trees or vegetation for aesthetic or cultural reasons. A council's DCP will set out whether a permit is required to remove non-native trees or vegetation. Again, the proposed framework for regulating this vegetation under the new SEPP is similar to that already in place for tree preservation under Clause 5.9 of the Standard Instrument LEP.

Requirements for permit applications

The Vegetation SEPP will set out the criteria for granting clearing permits, including the administrative requirements for the permit process such as:

- the requirement for proponents to submit a permit application in a form chosen by the council
- councils' ability to charge fees for permit applications
- a requirement for councils to determine permit applications within 28 days.

Clearing exemptions under the SEPP

It is proposed that the Vegetation SEPP will exempt the following types of clearing or activities from any requirements to obtain approval from the Native Vegetation Panel under the LLSA Act or permit requirements arising from a Council's DCP that may otherwise exist:

- (a) Clearing of vegetation that the Council determines poses a risk to human life or property.
- (b) Clearing of vegetation that comprises trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916.
- (c) Plants declared to be noxious weeds under the Noxious Weeds Act 1993.
- (d) In respect of coastal wetlands mapped under SEPP 14 – Coastal Wetlands, those activities listed in clause 7(4) of SEPP 14.
- (e) In respect of littoral rainforests mapped under SEPP 26 – Littoral Rainforests, those activities listed in clause 7(5) of SEPP 26.



QUESTION:

Do councils think that the Vegetation SEPP should provide mandatory exemptions for any other types of clearing?

For example, the Native Vegetation Act 2003 allowed councils to permit clearing for routine agricultural management activities without the need for a Property Vegetation Plan, development consent or permit. Should the Vegetation SEPP provide that all councils should allow this type of clearing if it is below the BAM threshold?

Application of other state environmental planning policies

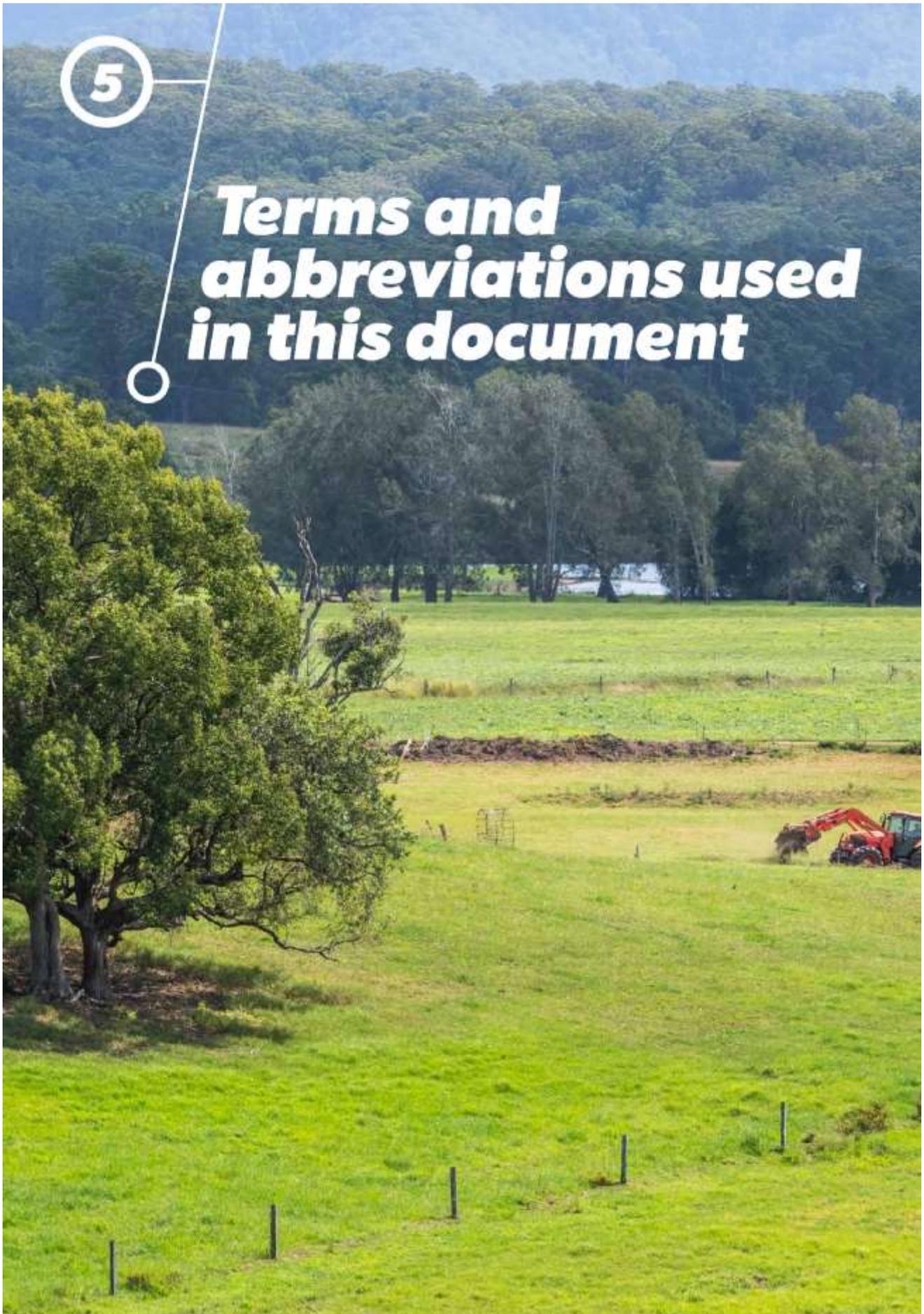
If clearing is regulated by another SEPP, those other clearing controls will prevail if there is any inconsistency with the provisions in the proposed Vegetation SEPP.

For example, Schedule 3 of the State Environmental Planning Policy (State Significant Precincts) 2005 sets out controls relating to tree preservation for certain state significant precincts. The State Environmental Planning Policy (Exempt and Complying Codes) 2008

also includes provisions that regulate clearing of vegetation on land to which the Vegetation SEPP will also apply.

State significant infrastructure

The Vegetation SEPP will clarify that where an activity (as defined under Part 5 of the EP&A Act) will significantly affect the environment only because it will significantly affect threatened species, the activity will not be declared state significant infrastructure under the State Environmental Planning Policy (State and Regional Development) 2011.



Term or abbreviation	Full name or explanation
NSW	New South Wales
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> . The EP&A Act sets out the laws under which planning in NSW takes place. The Minister responsible for the Act is the Minister for Planning.
<i>Biodiversity Conservation Act</i>	<i>Biodiversity Conservation Act 2016</i> . The Biodiversity Act requires developers to offset impacts of development on biodiversity values by purchasing and retiring biodiversity offset credits.
LLSA Act	<i>Local Land Services (Amendment) Act 2016</i> . In 2016 an amendment to the <i>Local Land Services Act 2013</i> was passed to create a new legislative framework for clearing of native vegetation on rural land. Codes made under the <i>Local Land Services (Amendment) Act 2016</i> will indicate rural land where native vegetation clearing can occur without approval, and where landholders need to seek approval for their clearing from the Native Vegetation Panel.
EPI	Environmental Planning Instrument. EPIs are statutory land use plans that are made in accordance with provisions of Part 3 of the EP&A Act. EPIs include LEPs, SEPPs, Regional Plans and District Plans.
LEP	Local Environmental Plan (LEP). LEPs guide planning decisions for local government areas. They do this through zoning and development controls, which provide a framework for the way land can be used. LEPs are the main planning tool to shape the future of communities and also ensure local development is done appropriately.
DCP	Development Control Plan (DCP). DCPs provide detailed planning and design guidelines to support the planning controls in the LEP. LEPs and DCPs are prepared by councils.
<i>Urban land</i>	Land in the Sydney Metropolitan Area (excluding Wollondilly and Blue Mountains Local Government Areas) and zoned for urban purposes as follows: <ul style="list-style-type: none"> RUS Village R1 General Residential R2 Low Density Residential R3 Medium Density Residential R4 High Density Residential B1 Neighbourhood Centre B2 Local Centre B3 Commercial Core B4 Mixed Use B5 Business Development B6 Enterprise Corridor B7 Business Park B8 Metropolitan Centre IN1 General Industrial IN2 Light Industrial IN3 Heavy Industrial IN4 Working Waterfront SP1 Special Activities SP2 Infrastructure SP3 Tourist RE1 Public Recreation RE2 Private Recreation E2 Environmental Conservation E3 Environmental Management E4 Environmental Living W3 Working Waterways

Environmental zones	Land zoned for environmental conservation (E2), environmental management (E3) and environmental living (E4) under the Standard Instrument LEP
Minimum lot size	An LEP may specify a minimum lot size for development within a particular zone or area.
Clearing	For the purposes of this document, 'clearing' means clearing of native vegetation on land in urban areas or on land zoned for environmental protection and/or management, unless it is clearly stated otherwise (such as where clearing non-native vegetation is discussed).
Standard Instrument LEP	LEPs made in accordance with the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> . The Standard Instrument program commenced in 2006 to create a common format and content for LEPs. All Councils in NSW now have a comprehensive Standard Instrument LEP in place.
SEPP	<i>State Environmental Planning Policy</i> . SEPPs can specify planning controls for certain areas and/or types of development. SEPPs can also identify <ul style="list-style-type: none"> the development assessment system that applies to developments (e.g. whether a development is State significant); and the type of environmental assessment that is required (e.g. whether an environmental impact statement is required).
Section 117 Direction	The EP&A Act provides that the Minister for Planning may issue directions to Councils and other planning authorities to exercise their functions in a certain way, or in a certain timeframe. The Minister has issued a number of s 117 Directions to Councils in relation to the preparation of new LEPs. The directions cover the following categories: <ul style="list-style-type: none"> employment and resources environment and heritage housing, infrastructure and urban development hazard and risk regional planning local plan making.
Development consent	Development consent is a consent to carry out development issued in accordance with the provisions of Part 4 of the EP&A Act.
Permit	The Vegetation SEPP will provide that a Council may require a permit for clearing for which development consent is not required. Any requirement to obtain a permit from Council for clearing will be set out in a DCP that applies to the relevant land.
EIE	Explanation of Intended Effect – before a new environmental planning instrument such as an LEP or SEPP is made, the EP&A Act requires the relevant planning to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument.
Vegetation SEPP	<i>Proposed State Environmental Planning Policy (Vegetation) 2017</i>

BOS	Biodiversity Offset Scheme. The Biodiversity Offsets Scheme will help to compensate for potential impacts on biodiversity from development. For example, if an area of native vegetation needs to be cleared for development to proceed, another area of native vegetation can be permanently protected, enhanced and managed.
BAM	Biodiversity Assessment Method is a new scientific method that will calculate the number and class of the biodiversity credits which, if retired, will offset residual impacts on biodiversity values. The BAM will also be used to calculate the number and class of the biodiversity credits generated by land conserved under a stewardship agreement.
BOS threshold	Spatial thresholds (including total area of clearing of native vegetation and/or land mapped as containing sensitive biodiversity values) that will trigger the requirement for a BAM assessment.
Biodiversity Stewardship	The Biodiversity Act establishes the circumstances in which landowners may enter into a Biodiversity Stewardship Agreement with the Minister for the Environment. Land reserved under a Biodiversity Stewardship Agreement will generate biodiversity credits that may then be sold to developers to acquit the developer's obligation under a development consent to purchase and retire biodiversity credits.
Biodiversity credits (and class of credits)	Biodiversity credits will be created by biodiversity stewardship agreements and are likely to consist of two primary classes of credits: <ul style="list-style-type: none"> • Ecosystem credits –these credits represent species that can be predicted to be present by the type and condition of the vegetation identified at the proposed site and habitat surrogates; • Species credits – these credits pertain to threatened species that cannot be predicted to be present by the vegetation present at the site and habitat surrogates, but could nevertheless be present because the site contains suitable features for the species.
Retire (biodiversity credits)	The <i>Biodiversity Conservation Act 2016</i> requires developers to offset the impact of clearing of native vegetation that exceeds the BAM thresholds by purchasing and retiring biodiversity the number and type of biodiversity credits specified in a relevant planning approval (offset obligation). A developer may satisfy their offset obligation by making a payment into the Biodiversity Conservation Fund or by purchasing biodiversity credits directly from the market.
Native Vegetation Panel	The Native Vegetation Panel is the approval authority for clearing that requires approval under the LLS Act. Under the Vegetation SEPP, the Native Vegetation Panel is also specified as the approval authority for clearing of native vegetation that exceeds the BAM thresholds, if development consent is not otherwise required for that clearing under a relevant EPL.



Have your say

This EIE is available on the Department of Planning and Environment website:

www.planning.nsw.gov.au/vegetationSEPP

You can make a submission online here:

www.landmanagement.nsw.gov.au/haveyoursay

Or you can write to:

Land Management and Biodiversity Conservation Reforms Office

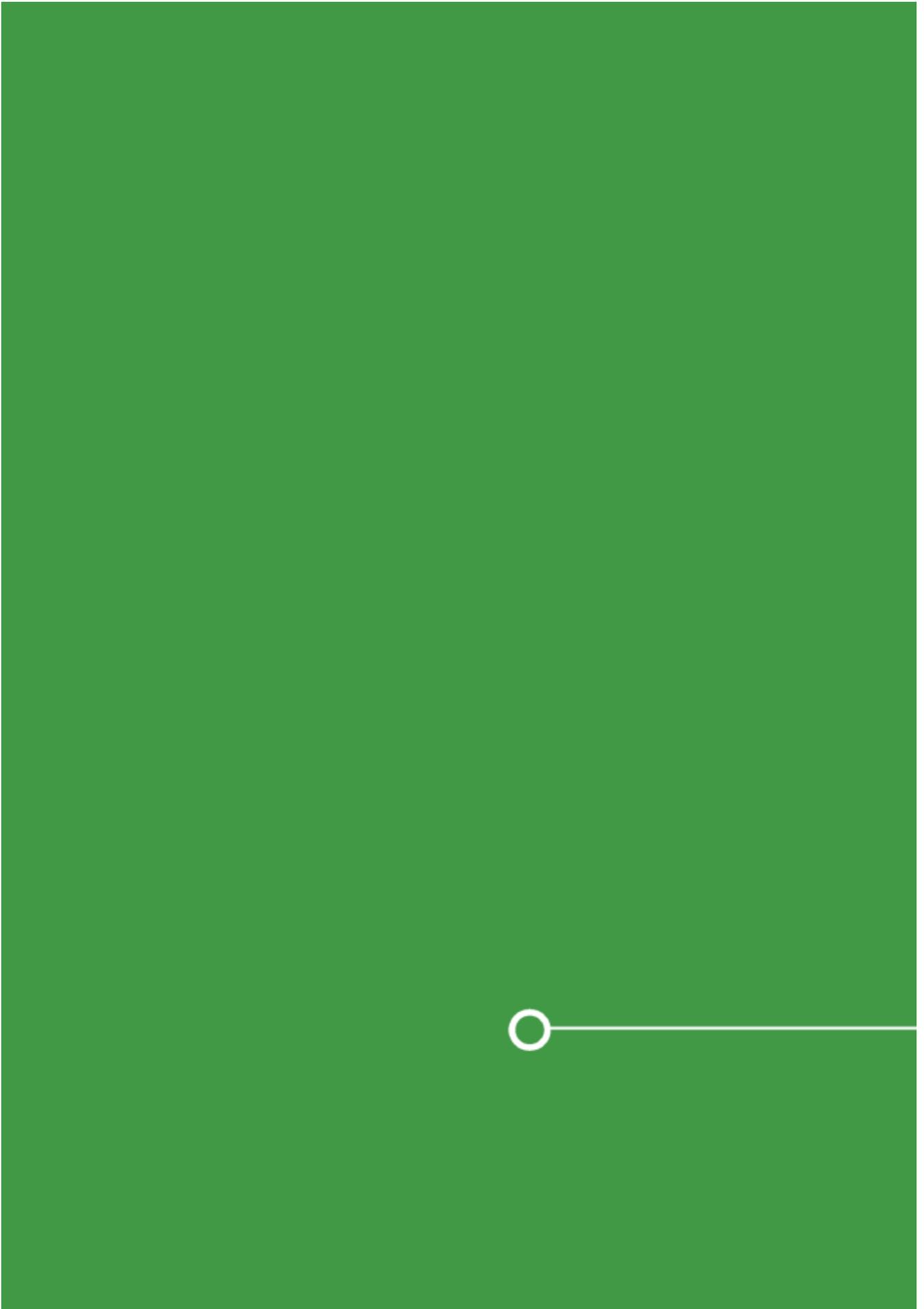
PO Box A290, Sydney South NSW 1232

Submissions are invited up to 21 June 2017

We will publish your submission unless you tell us not to. Published submissions will usually include your name and the name of any organisation on whose behalf you may be writing. We will remove contact details such as email addresses, postal addresses and telephone numbers. At our discretion we may not publish certain submissions (or parts of submissions) due to our assessment of length, content, appropriateness or confidentiality

ORD06

Attachment 1





Submission to Department of Planning & Environment

Draft State Environmental Planning Policy (Vegetation) 2007

June 2017

Executive Summary

Council welcomes the opportunity to provide comment on the results of the Department of Planning and Environment's SEPP Review Program. Council has prepared this submission in response to the *draft State Environmental Planning Policy (Vegetation)* (draft Vegetation SEPP).

Council has conducted a review of the Explanation of Intended Effects (EIE) of the proposed draft Vegetation SEPP and provides comments related to the two proposed pathways for the clearing of vegetation.

Pathway 1 – Clearing above the BOS (Biodiversity Offset Threshold)

Issue - Proposed BOS threshold (used to identify when a Biodiversity Assessment Methodology (BAM) assessment is required for BOS) relevance to Urban LGAs

The biodiversity offset scheme will apply to all clearing that exceeds the following thresholds.

Minimum Lot Size	Proposed Area of Clearing
Less than 1 hectare	0.25 hectares or more
Less than 2 hectare	0.5 hectares or more
2 to 39 hectares	0.5 hectares or more
40 to 999 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

Comment

The BOS thresholds for a Minimum Lot Size, Less than 2 hectare and 2 to 39 hectare do not differ:

- The criteria should be combined to refer to 1 hectare to 39 hectares.

Additionally, most large rural based lots in Camden LGA and other outlying Metropolitan LGAs would very rarely exceed 40 hectares.

The main vegetation community *Cumberland Plain Woodland* in Camden LGA is listed as a Critically Endangered Ecological Community and has less than 10% in area remaining. The proposed BOS threshold in respect of the Proposed Area of Clearing should be listed as:

- 1 hectare or more for a Minimum Lot Size of 40 hectares or more.

In peri-urban areas (outer metropolitan), remnant vegetation are not as significant in area and connectivity as they are non-metropolitan rural areas, and therefore a threshold clearing of greater than 1 hectare should be considered significant.

The reference to Minimum Lot Size is in the context of a cadastral size (property boundary) to which a proposed area of clearing may take place. In reality, a vegetation remnant will overlap across the boundary of a few lots, which may be in different ownerships. It is feasible for adjoining landowners in a series of permit applications to remove vegetation in lower amounts than the BOS threshold at different times to avoid the Biodiversity Assessment Methodology (BAM). The BAM should therefore not just apply to areas of native vegetation (proposed for clearing) exceeding the BOS threshold as

applied to a Minimum Lot Size but also where it forms part of remnant vegetation across adjoining lots.

Issue - Sensitive Biodiversity Values Lands

The Sensitive Biodiversity Values Land Maps (which is used in association with the Biodiversity Offsets Scheme) identifies vegetation within Camden LGA that is part of the Critically Endangered Ecological Community (CEEC) *Cumberland Plain Woodland*. It does also identify vegetation that is part of the CEEC *Elderslie Banksia Scrub Forest* but this is limited in area.

Comment

Endangered Ecological Community's such as River-flat Eucalypt Forest and Swamp Oak Floodplain Forest are not identified on the Sensitive Lands Map. Additionally Derived Native Grassland that forms a component of *Cumberland Plain Woodland* has not been mapped. The maps have been created from aerial photo interpretation and may not be accurate. The maps need to be updated and OEH officers have indicated to Camden Council in the past the strong need to map Derived Native Grasslands as they are a formidable component of Cumberland Plain Woodland. This is particularly important in regards to Cumberland Plain Woodland which is listed under Principle 1 (in the draft Biodiversity Regulation 2017) as an Ecological Community currently in a rapid rate of decline.

Issue - Approval by the Native Vegetation Panel (NVP) or role of the NVP delegated to Councils

Any clearing that exceeds the BOS threshold will require the approval from the NVP. It is identified that the SEPP is required to provide a consistent approach to clearing native vegetation in urban areas and land zoned for environmental protection and/or management in NSW.

Comment

The requirement of setting a BOS threshold and approval from the NVP will potentially exclude the local community through Council from involvement in the approval process. It is recommended that Council play a review role in this process by being notified and being able to make a submission on the proposal.

Pathway 2 – Clearing below Biodiversity Assessment Methodology (BAM) Threshold

Issue - Proposed Repeal of Clause 5.9 and 5.9AA in the Standard Instrument LEP

The proposed Vegetation SEPP (VSEPP) will repeal clause 5.9 and 5.9 AA in Camden LEP 2010. The objectives of these clauses are to preserve the amenity of the Camden area, including biodiversity values through the preservation of trees and other vegetation. The clauses apply to species or types of trees or other vegetation that are prescribed for the purpose in the current Camden DCP.

(Note: These clauses do not apply to or in respect of the clearing of native vegetation which is indicated in 5.9(8) Camden LEP 2010).

Comment

When clause 5.9 and 5.9 AA in Camden LEP 2010 are repealed, it is vital for Council to maintain the ability to preserve the same effects of the repealed clauses, especially, in conjunction with the current Camden DCP 2011 to control the clearing of vegetation in Camden LGA. Therefore guidance is sought from Department of Planning and Environment on how controls in the LEP and DCP will be transitioned once the Draft SEPP (Vegetation) has been gazetted.

The emphasis in the Draft SEPP (Vegetation) is on native vegetation and biodiversity. Non-native vegetation and individual trees (which also do not have habitat value for threatened fauna species) are not given the same recognition or importance.

Clarity is required on the enabling provisions for enforcement of penalties for illegal removal of non-natives or individual native trees (that are not part of remnant vegetation community) or non-compliance of conditions under an issued Permit proposed in the Draft SEPP (Vegetation).

Issue - Mandatory Exemptions for certain types of clearing

It is proposed the Vegetation SEPP will exempt certain types of clearing or activities from any requirements to obtain approval from the Native Vegetation Panel or permit requirements arising from a council's DCP that may otherwise exist. This includes clearing of vegetation that the Council determines pose a risk to human life or property, or plants declared to be noxious weeds under the Noxious Weeds Act 1993.

Comment

Risks should be better defined, including their level, whether it is imminent and whether there is an alternative option or a variety of options to mitigate that risk other than through land clearing. An example may be to do some understorey maintenance of native vegetation as an Asset Protection Zone rather than wholesale clearance.

The Native Vegetation Act 2003 had transitional provisions (from the Native Vegetation Act 1997) covering Metropolitan Local Government Areas in regards to the clearing of vegetation on State Protected Land. The NSW Office of Environment and Health "Guideline for the Clearing of Exotic Trees and Dead Native Trees on State protected Land" were intended to apply until a SEPP Vegetation was enacted. Therefore vegetation such as woody weeds and also dead native trees which have some importance for protecting riparian land along Prescribed Streams and land sloped over 18 degrees are not identified as being considered in the SEPP (Vegetation).

Similar guidelines or criteria need to be set out in the Draft SEPP (Vegetation), particularly in regards to offering protection to State Protected Land. The Draft SEPP (Vegetation) will also need to take into account noxious weeds that are identified to be exempt under the *Biodiversity Conservation Act 2016*. Noxious weeds such as African Olive make up the majority of vegetation cover on State protected land such as the Nepean River and steep slopes and therefore guidelines are required on their removal.

Issue - DCPs and Permits – According to the EIE of Draft SEPP (Vegetation), Council will continue to regulate the clearing of native vegetation below the biodiversity offset scheme threshold and

clearing of non-native vegetation through the DCP. Under the Draft SEPP (Vegetation), Council will no longer require development consent for the clearing of non-heritage vegetation under a provision within the DCP.

It also indicated a DCP will set out whether a permit is required to remove non-native trees or vegetation. The Draft SEPP (Vegetation) is identified to set out the criteria for granting clearing permits, including the administrative requirements for the permit process.

Additionally, the role of the DCP is becoming less clear and uncertain when Clauses 5.9 and 5.9AA in Camden LEP are repealed. The current Camden DCP (Part B-1.5) provides detailed controls for clearing trees and vegetation and is cross referenced to Clauses 5.9 and 5.9AA of the LEP. Repealing these clauses may cause unintended consequences resulting in a lack of control over the clearing of vegetation. Additionally, it is unclear how the proposed future land management and biodiversity conservation framework would impact the role of Council's current DCP. This includes the roles played by other State Government bodies, the Native Vegetation Panels and Council.

Comment

Clarification is required on the term clearing. This is particularly required on the basis that any native vegetation below the BAM threshold may not be considered as 'of significance' on a biodiversity value basis. Further there is the potential for landowners to make sequential permit applications for land clearance in order to remove large areas of native vegetation over a period of time. This clearance while not possibly being perceived as 'significantly' impacting on biodiversity values, it will impact on the 'landscape values' in some locations.

Landscape values in Camden LGA have been listed in Councils DCPs in some areas. Taking into account the level of clearance of native vegetation in urban release areas (including the South West Growth Centre) in the last decade, the value of remaining native vegetation will have increased landscape values. Camden Council will need to undertake a comprehensive assessment of remnant vegetation across the Camden LGA to determine the landscape value of native vegetation. This assessment will take time and resources and in the interim period, it may be difficult to determine the impact of native vegetation below the BAM threshold as assessed on a landscape value.

It is requested that Standard Controls for the DCP be prepared by the Department of Planning and Environment, so that a consistent approach can be applied for the preservation and / or possible clearing of native vegetation below the biodiversity offset scheme threshold or the clearing of non-heritage vegetation.

Issue - Development Consent for Clearing Heritage Vegetation as opposed to a Permit

It is indicated that Clause 5.10 of the Standard Instrument will not be repealed in regards to listed heritage trees. As a consequence Council will continue to identify in their DCPs where permits or development consent is required to actions that will impact vegetation that are heritage items or are within heritage conservation items.

Comment

It would be Camden Councils intention that any tree which are listed as heritage items or in heritage conservation areas are considered for removal, as per development consent. This action will take into account that listed heritage trees are of equivalent value to listed heritage buildings to the community in Camden and they would require greater level of assessment and consultation with the community.

Conclusion

This submission acknowledges the processes required for Pathway 1 in which the proposed area of clearing native vegetation meets the Biodiversity Offset (BOS) threshold. It is considered that the criteria should be clarified taking into account the peri-urban nature of Camden LGA and the size and configuration of landholdings. Also the Sensitive Biodiversity Values Map needs to be updated in regards to all Endangered Ecological Communities and the extent of "Derived Native Grasslands" as a component of Cumberland Plain Woodlands.

Camden Council would require a review role in the assessment process for vegetation clearing above the BOS threshold to allow the community in the Camden LGA to be consulted.

The provisions of Clause 5.9 and 5.9A need to be retained in the LEP or replicated in the Draft SEPP (Vegetation). Clarification is also required for the enabling provisions for enforcement of penalties for illegal removal of non-natives or individual native trees.

In regards to Pathway 2 and land clearing below the Biodiversity Assessment Methodology threshold in the Draft SEPP (Vegetation), clarification is required on the term clearing. This should take into account the value of landscape in addition to the biodiversity values that are clearer in Pathway 1. Guidelines related to clearing of land is particularly important for areas where large proportions have coverage of weeds such as African Olive along the Nepean River, where if removed would compromise the integrity of the river banks.