

JRPP Ref No.	2009SYW017
DA NUMBER & PROPOSED DEVELOPMENT:	DA-410/2010 (JRPP Ref: 2009SYW017) Designated / Integrated Development - Construction & operation of a waste transfer station including the demolition of existing buildings and the construction of a materials handling facility incorporating (a) storage and stock piling of sand and virgin aggregate (b) storage & stockpiling and screening of recovered asphalt product and (c) erection of associated workshop, truck service bays, office amenities, car parking and landscaping
LOCATION:	Lots 4 & 5 DP 24315, Nos 65 – 75 Yarrowa Street Prestons
APPLICANT:	Kypter Pty Ltd
OWNER:	Sydney Invitation Futurity Pty Ltd & Rentail Pty Ltd

EXECUTIVE SUMMARY

The subject Designated Development Application DA-410/2010 was lodged with Council on 30 September 2009.

The application proposes the construction and the 24 hour 7 days a week operation of a waste transfer station including the demolition of existing buildings and the construction of a materials handling facility incorporating

- (a) the storage and stock piling of sand and virgin aggregate,
- (b) the storage & stockpiling and screening of recovered asphalt product and
- (c) the construction of associated workshop, truck service bays, office amenities, car parking and landscaping.

The site will store the aforesaid materials for use on another site at Prestons operated by an associated company for asphalt manufacture.

The proposed development is defined as a resource recovery facility. Under the provisions of Liverpool Local Environmental Plan 2008 and State Environmental Planning Policy (Infrastructure) 2007 resource recovery facilities are permitted with consent in the IN3 Heavy Industrial zone over that portion of the site proposed for development.

The proposed development was advertised for thirty (30) days from 21 October until 20 November 2009 in accordance with the Regulations. Properties within a 500 metre radius were notified. Council received eight submissions objecting to the proposed development. The main issues relate to dust and noise impacts and potential health impacts on residents.

It is considered that the impacts of the development can be mitigated. The development is considered an acceptable distance from neighbouring residential areas.

Overall, the development is compatible with the developing industrial character of the immediate area and can be conditioned and controlled to minimise any impacts.

BACKGROUND:

Interim Development Order No.37 – City of Liverpool gazetted 16 July 1974 permitted the storage and sale of landscaping and gardening supplies from Lot 4 with a development consent being issued on 16 June 1976. Council issued further consent in 1978 for the erection of a building to be used primarily as an office and storage area in conjunction with existing storage and sale of landscaping and garden supplies.

The current owners acquired the site in the late 1990's. The Kypreos Group of companies has interests in civil engineering, transport and plant hire, asphalt manufacture, asphalt placement, road construction and maintenance and has a number of sites in Liverpool.

Adjoining the subject site is land used and approved as a truck depot associated with the group. The group's asphalt manufacturing plant is located at 90 Jedda Road Prestons approximately 1.7 kilometres to the east.

SITE DESCRIPTION & LOCALITY:

The subject site is located on the northern side of Yarrawa Road, Prestons at the western end of the road being approximately 900 metres west of the intersection with Bernera Road. The land is described as Lot 4 and Lot 5 DP 24315 No. 65 and No.75 Yarrawa Road, Prestons. The lots have a combined land area of 8.03 hectares. The subject site has a frontage of over 200 metres to Yarrawa Road and abuts Cabramatta Creek.

The site is on the western boundary of the Prestons Industrial Area. The configuration of the land is irregular due to the boundary of Cabramatta Creek and the boundary configuration of Lot 5.

The subject site is relatively flat with a cross fall range from approximately 29.04m Australian Height Datum (AHD) in the south east of Lot 4 to 28.6m AHD in the northwest close to Cabramatta Creek. The two main topographical features in the surrounding area are Cabramatta Creek and Hinchinbrook Creek to the west and northwest of the subject site. These creeks flow to the north east and join the Georges River at Warwick Farm.

The subject site is traversed by a 30 metre wide electricity transmission easement which provides a restriction on the development and use of the land for storage and machinery access.

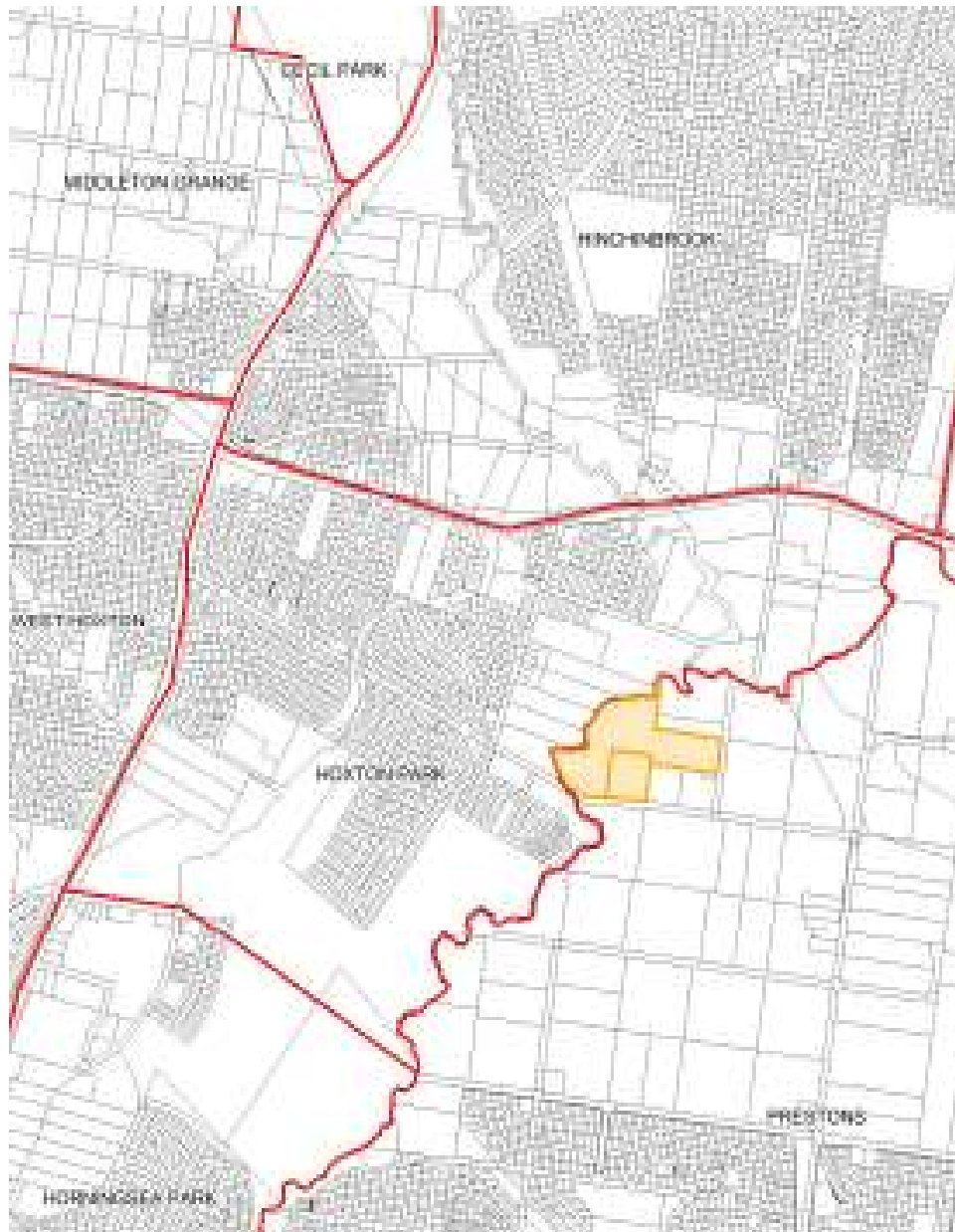
The subject site is partly developed and has operated as a Material Handling Facility. The applicant currently uses the site and the workshop for the storage of road making materials (sand, virgin aggregate, fine and coarse aggregate and recovered asphalt product) and vehicle maintenance. No approval has been given by Council to this use.

The front area of Lot 4 contains a scattering of buildings both of fibro and sheet metal construction used as offices, workshop and vehicle storage. Parts of Lot 5 have been disturbed by the storage of recycled asphalt product (RAP).

Previous clearing of the subject site has resulted in open areas being created within the existing vegetation.

The site is identified as subject to flooding in Council's Flood Mapping.

LOCATION MAP:



DETAILS OF THE APPLICATION

The applicant proposes to develop Lot 4 and a portion of Lot 5 which will be used for stockpiling of virgin and recovered aggregate.

Based on the physical constraints of the site, the site plan has been divided into three main areas:

- i) Workshop, office, amenities and covered stockpile bins on Lot 4.
- ii) Car parking, truck manoeuvring and recovered aggregate stockpile on Lot 5.
- iii) Area zoned E2 Environmental Conservation.

Access to the site will be via two (2) existing driveways Gates 2 and 3 and a new dual entry/exit driveway and security office, Gate 1. The driveways will enable all traffic to circulate on site and access the recovered aggregate stockpiles (RAP), stockpile bins, workshop and office areas. Traffic will enter and leave the site in a forward direction.

The new building works will provide for eight (8) covered stockpile bins and two (2) open stockpile bin. The stockpile bins will provide dry storage for sand, virgin aggregate and fine and course recycled asphalt aggregate after processing through the aggregate screener. The ten (10) stock pile bins (2,300m³ to 4,000m³) will be constructed in a rectangular form with a central service driveway for loading and unloading. All bins will be constructed of precast concrete panels with Colorbond® metal roofing and facades covering eight (8) of the bins. Stockpile Bins 4 and 5 will be open storage bins.

The stockpile material needs to be kept reasonably dry to minimise energy usage when made into asphalt.

All bins will be accessible by a front end loader within the central driveway loading area. The front end loader will also serve the aggregate screener which will be located in the processing recovered aggregate area. All service driveways, loading areas, storage bins and workshop areas will be sealed and drained thus providing all weather access ways for loading and unloading and service workshop areas.

The new offices will consist of a two (2) storey building containing administration, amenities and lunch rooms. The workshop will contain three (3) work bays, welding workshop, store room and compressor room. The administration office building will provide surveillance of the site and the car park area.

The building layout provides for heavy vehicles to exit from Gate 2 and Gate 3 with the new entry / exit gates and security office providing access for both cars and trucks.

Construction works include the following buildings:

- First Floor Office 167.40 m²
- Security Shed 18.60 m²
- Workshop and Storage 646.00 m²
- Stockpile Bins 7285.00 m²
- Lunch Room 103.00 m²
- Amenities 88.80 m²

Materials of construction consist of pre painted metal cladding, insulated wall cladding and concrete panel walls.

The proposed use has three (3) operational components:

- Workshop / offices

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- Undercover stockpile bin storage
 - Aggregate recovery processing areas

The operation of the Materials Handling Facility will involve the importation of raw aggregate, sand and RAP for screening and storage on site. The RAP will be stored in stockpiles to the west of the transmission line easement. This material will be screened on site into aggregate sizes of 10mm to 28mm which will be transferred to the covered stockpile bins by a front end loader for re-use off site at the asphalt factory at No. 90 Jedda Road, Prestons. Basalt aggregate and sand will also be stored in the covered stockpile bins for use at the asphalt plant as required.

The operation is projected to screen over 30,000 tonnes of RAP per annum. The volume of material on site will vary depending on product demand. The primary reason to hold this volume of aggregate product is to maintain a constant supply for the asphalt plant in the event of supply disruptions. The stockpile bins will store sand, virgin aggregate and screened fine and coarse RAP.

Future plans for the site involve the installation of a Truck Wash and Refuelling Area; these installations are shown on the Site Plan but are not included in the Development Application or the EIS. These installations will be the subject of a separate development application to be lodged with Liverpool City Council.

The recovered aggregate stockpiles are in an open area to the north west of the covered stockpile bins. The stockpiles and the processing area where the aggregate screener is located are located in the IN3 Heavy Industrial zone, there will be no activity undertaken in the E2 Environmental Conservation zone or under the Transmission Easement which transverses the site. These stockpiles will be to a maximum height of 6 metres with the aggregate screened located in close proximity.

A front end loader is used to load the RAP onto the aggregate screener for sorting into fine and course aggregate. The screened aggregate is moved by front end loader to the relevant covered stockpile bin. The screening of the RAP occurs as stock is required to replenish the covered stockpile bins. The use of the screener and front end loader will occur within the general hours of operation of the site while deliveries of RAP may occur in evenings due to night time road construction works.

A water mist spray system will be installed in the covered stockpile bins and the recovered aggregate stockpile and processing areas for dust suppression. The mist spray system will be timed and driver operated. The bin enclosures will also operate to minimise dust generation.

The Materials Handling Facility will operate on a 24 hour 7 day per week basis with general operating hours 7:30am-4:30pm Monday to Friday. The after hours use of the site is for the receiving of recycled asphalt product from night work road constructions.

There will be no operation of the aggregate screener or front end loader after hours.

During the construction phase work will be undertaken Monday to Friday 7:00am – 5:00pm and Saturday 7:00a.m – 12 noon.

The current operation of the site employs 40 staff, the new material handling facility will employ 45 staff; an increase of 5 employees.

Parking has been provided on-site for staff and customer vehicles as well as trucks associated with the development.

Employees can access the site with public transport available along Bernera Road which is 900 metres from the proposed development. The future development of the Yarrunga and Kurrajong Precincts for residential housing will generate improved public transport.

The proposed development provides 39 space off-street car park located in the south-western corner of the site. The car park will be accessed via the main entry/exit driveway off Yarrawa Road. The proposed car park will accommodate staff and visitor cars.

The company operates and maintains a fleet of semi trailers and trucks which service both the material handling facility and the asphalt plant at No. 90 Jedda Road, Prestons.

The Material Handling Facility will receive daily deliveries of RAP, raw crushed aggregate and sand. Up to 28 truckloads of material are transported per day from Pioneer Quarry at Bass Point. Twenty to twenty five loads go directly to the asphalt plant.

8 x vehicles x 2 loads /day (6.00a.m-3.00pm) 16 loads (32 vehicle trips/day)
6 x vehicles x 2 loads /night (3.00p.m-midnight) 12 loads (24 vehicle trips/day)
Total 28 loads (56 vehicle trips /day)

On average the vehicles deliver 20 loads per day to the asphalt plant at No. 90 Jedda Road, Prestons. In addition to these truck movements, the site also generates approximately 8-10 deliveries per day by small and medium sized rigid trucks and delivery vans. Also there are occasional deliveries involving truck and dog trailers, which deliver collected RAP from road construction sites throughout NSW.

The majority of the trucks used by the company are parked off site when not in use.

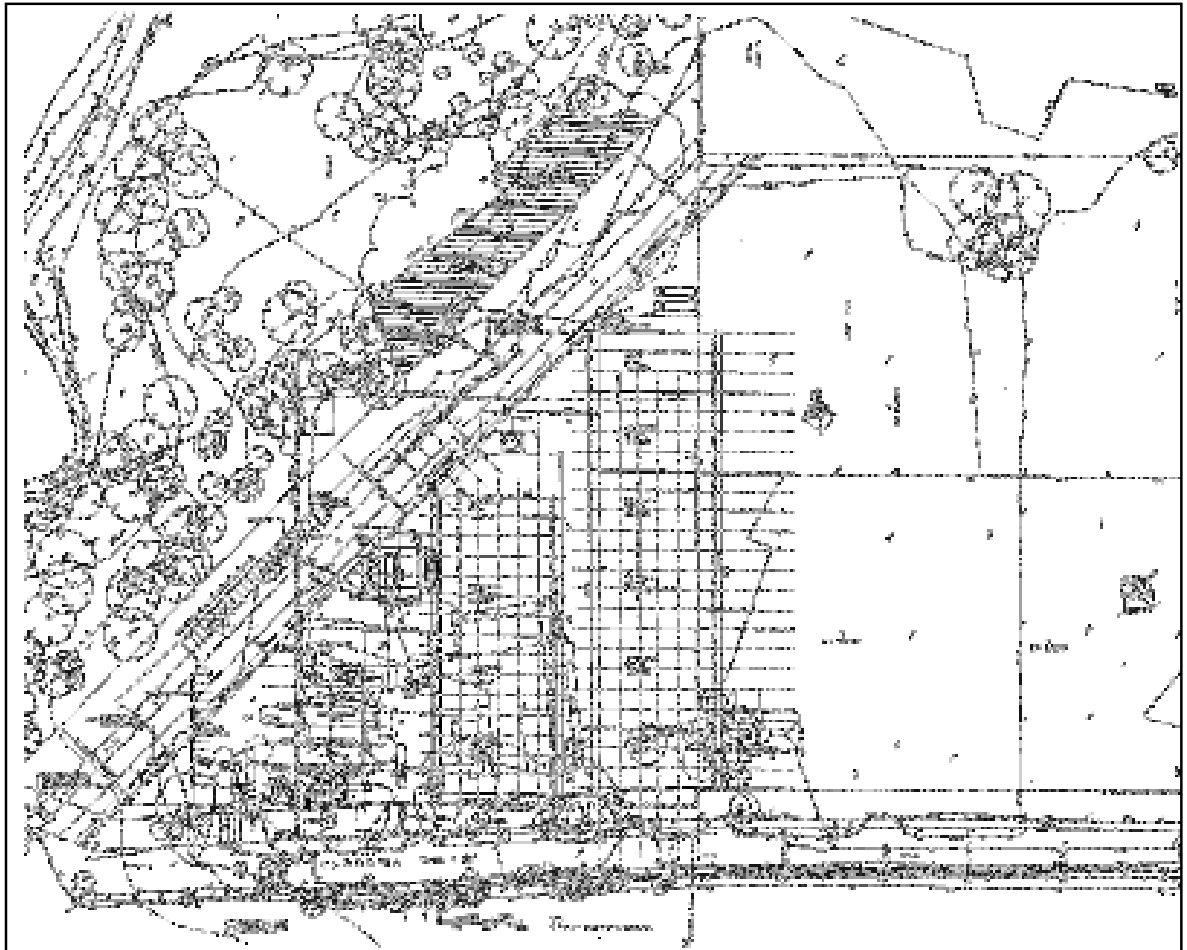
The equipment used on site will include:

- Trucks and dog trailer (8) 25-30 tonnes
- Front end loader
- Aggregate screener
- Workshop equipment
- Excavator to load screen

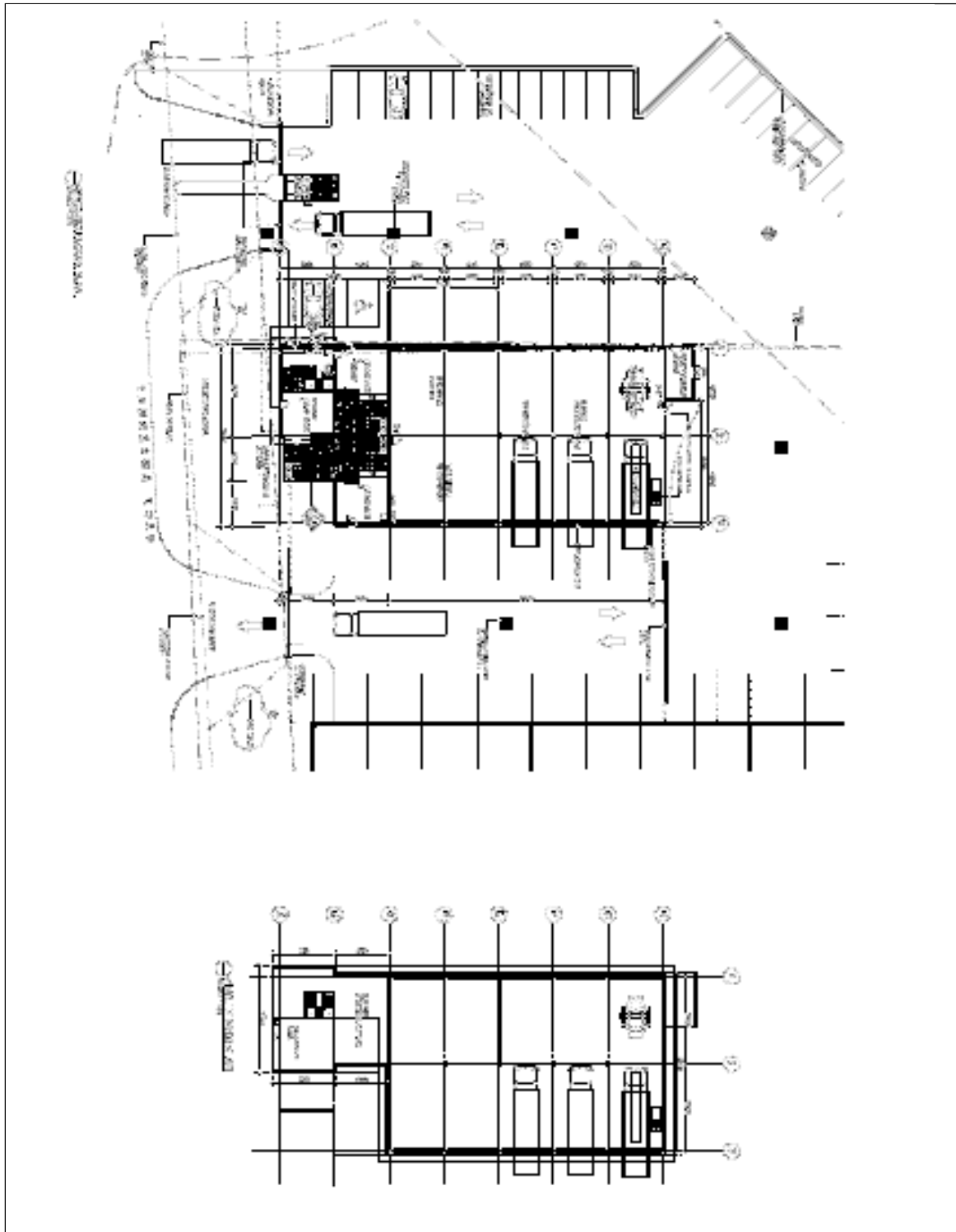
The plant will be fitted with appropriate anti-pollution control equipment including water recycling systems in the workshop area.

The workshop building provides for three (3) truck and machinery work bays, small vehicle hoist, welding area and storage of parts and equipment. The workshop floor area will be bunded with all floor waste collected in a blind sump and transferred to a waste water separator. The workshop will undertake motor vehicle servicing, plant maintenance and include a welding workshop.

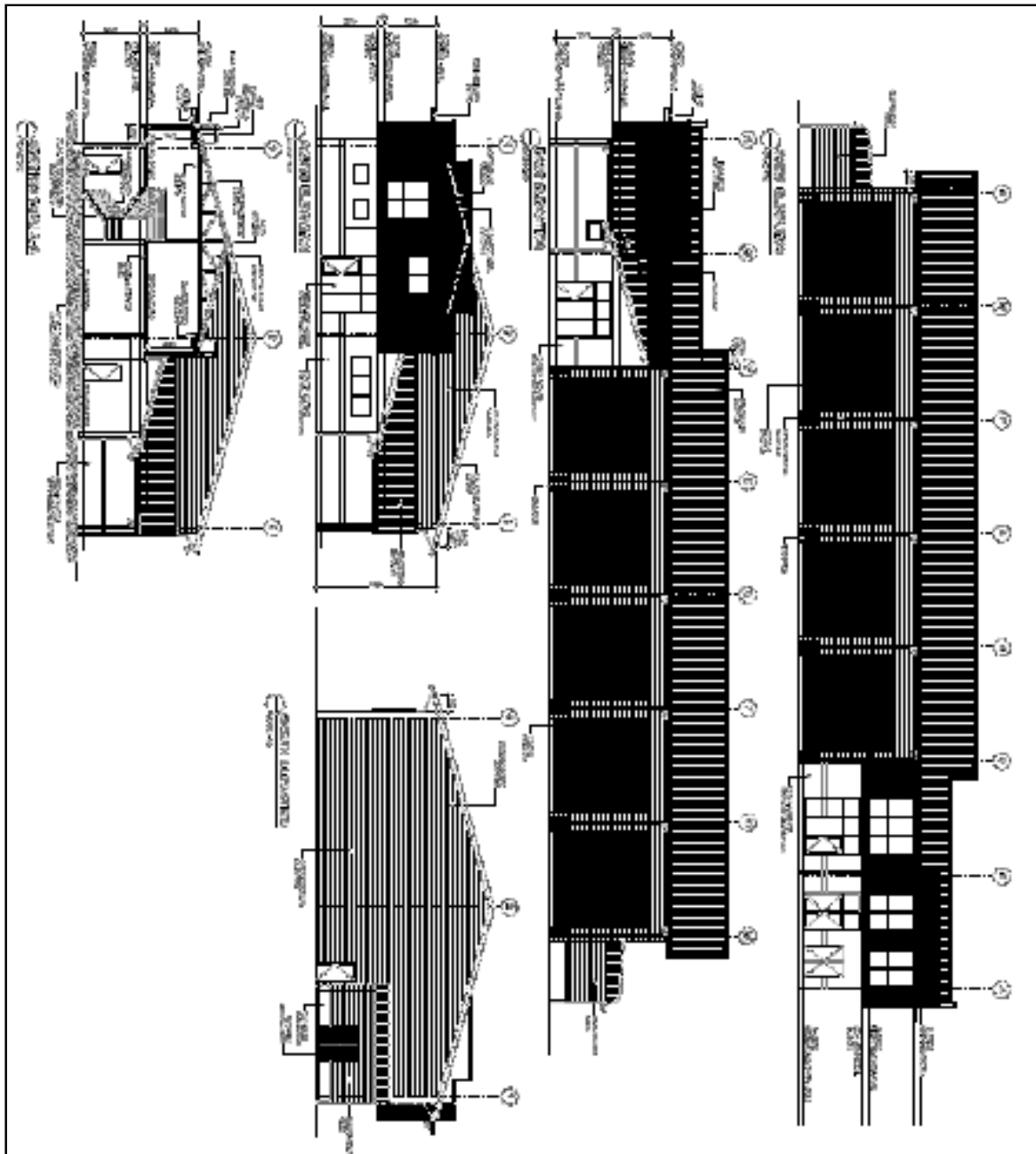
SITE PLAN



FLOOR PLANS



ELEVATIONS



STATUTORY ASSESSMENT:

Summary of Relevant Planning Controls:

The following controls apply to the site:

- State Environmental Planning Policy No. 55 – Remediation of Land
- Liverpool Local Environmental Plan 2008;
- Liverpool Development Control Plan 2008 Part 7 Development in Industrial Areas

State Environmental Planning Policy No. 55 – Remediation of Land

A Contamination Assessment has been submitted with the application and an additional Phase 2 environmental site assessment was carried out on the site at the request of Council's Environmental Health officer. The Assessment did not find any elevated levels of contaminants on the site. The site does not therefore pose a significant risk of hazard to human health or the environment and is suitable for the proposed development.

Liverpool Local Environmental Plan 2008:

The subject land is zoned part IN3 Heavy Industrial, part E2 Environmental Conservation and part SP2 Infrastructure (Drainage) under the provisions of Liverpool Local Environmental Plan 2008 (LLEP 2008). All works and activities are to be undertaken in the IN3 Heavy Industrial zone. Under this zoning the proposed use is permissible subject to Council's consent.

The objectives of the IN3 Heavy Industrial zone are:

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To preserve opportunities for a wide range of industries and similar land uses by prohibiting land uses that detract from or undermine such opportunities.

The proposed use is considered consistent with the objectives of the IN3 zone.

The objectives of the E2 Environmental Conservation area:

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- To enable the recreational enjoyment, cultural interpretation or scientific study of the natural environment.

The proposed use does not extend into the E2 Environmental Conservation zone. All works and activities need to be undertaken in a manner that will not affect the environmental conservation value of this land. A Vegetation Management Plan is proposed to be prepared for the E2 Environmental Conservation zone.

The objectives of the SP2 Infrastructure (Drainage) zone are:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To reserve land for the provision of infrastructure.

There is no proposal to undertake any works or activities in the SP2 Infrastructure (Drainage) zone.

Principle Development Standards

Clause 4.3 Height of buildings

The proposed building height of 10.00m for the office building, workshop and stockpile bins does not exceed the maximum building height requirement of 21.00m as specified on Map 008 – Height of buildings in LLEP 2008

Clause 5.1 Relevant acquisition authority

The owner proposes to investigate the responsibility of the relevant authority (Council) to acquire the land zoned SP2 Infrastructure and marked “Drainage”.

Clause 5.9 Preservation of trees and vegetation

The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

The submission of the EIS and supporting Site Plan (Appendix C) seeks Council consent to remove those trees located in the areas of the proposed driveways, buildings and on the southern edge of the recovered aggregate stockpiles.

General Provisions

Clause 7.6 Environmentally significant land

A portion of the subject site which is zoned IN3 Heavy Industrial is within land identified in the LLEP as Environmentally Significant Land. The boundaries of the IN3 Heavy Industrial zone partly extend into the land identified as environmentally significant along the north western side of the transmission easement. This area has been identified in the Flora Assessment as containing canopy trees, exotic shrubs and sparse ground layer; the species recorded were mainly exotic.

(1) The objectives of this clause are as follows:

- (a) to maintain bushland, wetlands and wildlife corridors of high conservation value,
- (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors,
- (c) to protect rare and threatened native flora and native fauna,
- (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.

(2) Before determining an application to carry out development on environmentally significant land, the consent authority must consider such of the following as are relevant:

- (a) the condition and significance of the vegetation on the land and whether it should be substantially retained in that location,
- (b) the importance of the vegetation in that particular location to native fauna,
- (c) the sensitivity of the land and the effect of clearing vegetation,
- (d) the relative stability of the bed and banks of any water body that may be affected by the development, whether on the site, upstream or downstream,
- (e) the effect of the development on water quality, stream flow and the functions of aquatic ecosystems (such as habitat and connectivity),
- (f) the effect of the development on public access to, and use of, any water body and its foreshores.

The area of the proposed recovered aggregate stockpile has previously been used for aggregate stockpiles. The five (5) trees identified on the plan do not provide for a wildlife corridor connection to the existing tree stands to the south west.

A Flora Assessment prepared Anne Clements & Associates Pty Ltd was submitted with the application which identified five vegetation types on the site, namely:

- Riparian vegetation
- Native regeneration
- Canopy trees with bare ground/exotic ground cover
- Cleared paddocks with sparse trees and shrubs
- Plantings with exotics.

The main assessment findings were that:

- No endangered ecological communities listed on the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
- One endangered ecological community listed on the NSW Threatened Species Conservation Act 1995 recorded associated with Cabramatta Creek. The vegetation was a degraded River-Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions intergrading with Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South East Corner bioregions;
- Potential for native regeneration on the less disturbed soils;
- No species listed on the schedules of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 were recorded;
- The number of native species recorded in the quadrats was less than the minimum required to apply the positive diagnostic procedure of Tozer (2003) for identification of vegetation communities.
- There was potential for native regeneration on the less disturbed soils;
- No species listed on the schedules of the NSW Threatened Species Conservation 1995 were recorded;

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- Seven noxious weeds (NSW Agriculture Noxious Weeds List) were recorded.

The assessment recommended that:

- The surveyor mark the boundary of the 30 m setback from the top of the bank of Cabramatta Creek recommended by the Department of Environment, Climate Change and Water;
- All introduced material over the ground surface within the 30m setback is to be carefully removed to expose the original topsoil where practicable under the supervision of an experienced restoration ecologist.

Therefore in respect to the provisions of Clause 7.6 (1) and (2) (a) it is considered that the proposed development will not impact on the significance of the existing vegetation in the area of the proposed recovered aggregate stockpiles. The Flora Assessment submitted with the application also recommends the implementation of a Vegetation Management Plan and bush regeneration works for the areas along the 30m Riparian zone to Cabramatta Creek and other disturbed areas not within the boundaries of the proposed development.

Clause 7.8 Development on flood prone land

The subject site is identified as flood prone land.

(1) The objectives of this clause are:

- (a) to maintain the existing flood regime and flow conveyance capacity, and
- (b) to avoid significant adverse impacts on flood behaviour, and
- (c) to limit uses to those compatible with flow conveyance function and flood hazard, and
- (d) to minimise the risk to human life and damage to property from flooding.

Council's Floodplain Engineer has advised that in order to mitigate any adverse flooding impacts the following requirements need to be met:

1. The minimum level of all habitable floors shall be the 1% Annual Exceedance Probability flood plus half a metre freeboard. The Office Building is considered as habitable floor area and the minimum floor level for the office Building shall be 29.9M AHD.
2. There shall be no net loss of floodplain storage volume below the 1% Annual Exceedance Probability (AEP) flood. Part of the proposed stockpile bin area and car park area are located within the 1% AEP flood extent and the proposed development will affect storage below the 1% AEP flood. Compensatory storage will be required on site. The compensatory storage is to be provided within the 1% AEP flood extent of the property.
3. A Flood Evacuation Plan as recommended in the submitted Flood Assessment report by Bewsher Consulting is to be submitted as a condition of any approval.

Liverpool Development Control Plan 2008

The proposed development is subject to Liverpool Development Control Plan (LDCP) 2008, and Part 1.1 and 1.2 General Controls for Developments and specifically Part 7 – Development in Industrial Areas.

The relevant provisions of the DCP are addressed below

Setbacks

The minimum front building setback required is 10m at ground floor level and 7.5m at first floor level. The proposed setback is 10m and thus complies.

Landscaped Area

Objectives:-

- a) To ensure that sufficient deep soil areas are provided for landscaping;
- b) To ensure that landscaping is provided to improve the streetscape environment of industrial areas; and
- c) To ensure that landscaping is sustainable in terms of length of plant life and maintenance.

A minimum landscaped setback of 10m along the length of the primary street frontage for lots over to 4000m². The site area is 8.03 hectares however the development provides for a landscaped setback of only 9 metres.

Council's landscape officer advises that the landscape plan lacks detail such as plant quantities, plant sizes at planting, soil treatment and establishment maintenance.

It is recommended that a condition of consent require that prior to issue of a Construction Certificate that a detailed Landscape Plan be prepared by a qualified Landscape Architect / landscape designer that addresses the above points. The landscape plan is to primarily use longer living plants that are found in the natural vegetation of the local area. Plantings are to be grouped to give a natural looking but orderly design.

Subject to a satisfactory landscape design the 1metre variation in setback area may be acceptable.

Building Design, Streetscape & Layout

Objectives:-

- a) To ensure the creation of an attractive streetscape character within each industrial area.
- b) To encourage a high standard of architectural design for industrial buildings.
- c) To ensure compatibility with any adjoining residential areas.
- d) To promote a high standard of urban design, particularly along classified roads.
- e) To ensure buildings are orientated to allow surveillance from the street and adjoining buildings.
- f) To locate and design buildings and structures to restrict access by intruders.

Building Design

In accordance with LDCP 2008 industrial buildings are to have the front door facing the street and offices located at the front of the building. The upper floor windows overlook the street, open style and transparent materials are also proposed. The driveways provide adequate sight distance for pedestrian safety and vehicle entry / exit.

The proposal provides for a 2 storey building located on the western side facing the street. The first floor office area has been designed to incorporate glazing with a foyer and entry door facing the car park. The office is located to the side of the site with the vehicle entrances on each side.

A 21metre maximum height control applies to the site. The proposal is thus considered to comply with the requirements of DCP with regards to building design.

Material & Colours

In accordance with LDCP 2008, industrial buildings are to be designed where glazing does not exceed a reflectivity of 20%. Buildings must use a variety of materials to the facade such as brick, glass and steel to construct the facades to a development.

The proposal provides for the use of concrete panels, Colorbond® sheeting and glazing to the front office facade. The glazing will be designed to not exceed 20% reflectivity. A colour schedule was submitted with the proposal.

The proposal is considered to comply with the requirements of the DCP with regards to materials and colours.

Facade Treatment

The industrial buildings have been designed with a contemporary appearance, incorporating architectural elements and articulation, minimizing large expanses of blank walls and providing variation to built form by using glazing, metal profiles and varying colour scheme to Yarrawa Road. The stockpile bins' front wall is only partially viewed from the street.

The proposal is considered to comply with the requirements of the DCP with regards to facade treatment.

Lighting

LDCP 2008 requires industrial developments to provide lighting to external pathways and parking areas etc. These are to comply with AS1158.1 and 2890.1 and be vandal resistant, high mounted fixtures.

The proposed building will provide the required lighting which will be detailed as part of the Construction Certificate.

Facilities

LDCP 2008 requires the sitting of aerials, satellite dishes, plant rooms, stacks and the like to be integrated with the architectural features of the building.

This proposal does not provide for any of these items.

Service Areas

In accordance with LDCP 2008, service areas including waste, recycling and external storage areas are located away from principle street frontage and screened from view.

The proposal complies with the requirements of LDCP 2008 with regards to service areas and waste storage.

Car Parking & Access

In accordance with the DCP, car parking for industry use is to be provided at a rate of 1 space per 35m² of office Leasable Floor Area plus 1 space per 75m² of factory / warehouse Leasable Floor Area.

The bin storage areas are not considered floor space. The Gross Floor Area of the proposal provides 186m² of office space and 840m² of workshop area, lunch room and amenities.

Thus the car parking required equals $186/35 + 840/75 = 16.5$. Thirty nine (39) car spaces are proposed.

Conclusion

Subject to the imposition of appropriate landscape conditions on the development consent the development generally satisfies the requirements of Liverpool Development Control Plan 2008.

DEPARTMENTAL COMMENTS (Summary of Comments)

INTERNAL REFERRALS:

Building	Referral – Yes
No objection subject to conditions of consent.	
Engineer	Referral – Yes
No objection subject to conditions of consent.	
Traffic	Referral – Yes
No objection subject to conditions of consent.	
Landscaping	Referral – Yes
The landscape plan lacks detail such as plant quantities, plant sizes at planting, soil treatment, establishment maintenance etc. A detailed Landscape plan prepared by a qualified Landscape Architect / landscape designer that addresses the above points is required to be prepared prior to the issue of a Construction Certificate. The landscape plan is to primarily use longer living plants that are found in the natural vegetation of the local area. Plantings are to be grouped to give a natural looking but orderly design.	
Health	Referral – Yes
No objection subject to conditions of consent including the implementation of the recommendations of the Phase 2 environmental site assessment carried out on the site.	
Environment	Referral – Yes
No objection subject to conditions of consent.	
Flooding	Referral – Yes
No objection subject to conditions of consent.	

EXTERNAL REFERRALS:**NSW Rural Fire Service****Referral – Yes**

- At the commencement of building works and in perpetuity the property around the building to a distance of 39 metres (or to the property boundary where insufficient), shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document "Standards for asset protection Zones".
- Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006".
- Property access roads shall comply with section 4.1.3 (2) of "Planning for Bush Fire Protection 2006".
- New construction shall comply with Australian Standard AS3959-1999 'Construction of buildings in bush fire-prone areas' Level 1.

Transgrid**Referral – Yes**

No objections or comments but suggest referral of matter to Integral Energy as it is their easement that is directly affected.

Integral Energy**Referral – Yes**

No comments received.

Roads and Traffic Authority**Referral – Yes**

No objection subject to the following conditions:

- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 - 2004.
- All vehicles are to enter and leave the site in a forward direction.
- Car parking provision to Council's satisfaction.
- All works associated with the proposed development are to be carried out at no cost to the RTA.

Department of Environment Climate Change and Water DECCW	Referral – Yes
No objection subject to conditions of consent referencing the General Terms of Approval issued by DECCW.	

SUBMISSIONS:

Eight (8) submissions were received in response to the advertising of the application.

The following issues were raised:

ISSUE 1: Silica dust generation

- The site has been operating without permission for 14 years and has been spreading clouds of toxic material (silica dust) from uncovered stockpiles and crushing activities into the surrounding residential area which includes a school 140 metres away. The nearby creek has also been polluted. Silica is as dangerous as asbestos and the development should be prohibited for that reason. The health of neighbouring residents will be affected.

Comments

Although the site has operated for a number of years without an appropriate approval there is no evidence that the site has in the past generated or will generate silica dust. The raw material used does not generate hazardous silica dust as by product. The Occupational Health and Safety requirements for staff on site also act to ensure that off site dust emissions are negligible.

The applicant is proposing the following strategies to minimise dust emissions from the site:

- Watering of the material to be screened to be undertaken as required (in the event that visible dust is seen by the screen operator or yard manager beyond the site boundary).
- Regular watering of unsealed roads, exposed surfaces and stockpiles;
- Employee induction to ensure awareness of dust management measures;
- Regular sweeping of sealed roads;
- Stockpiles will be managed to minimise potential for dust generation. Only Recycled Asphalt Product (RAP) will be stored in outdoor stockpiles.
- During adverse wind conditions, outdoor stockpiles will be sprayed directly with water to suppress dust generation;
- Mobile machinery movement will be restricted to designated routes and standing areas;
- Vehicle speeds will be controlled on site (10 km/h) to minimise dust generation and also for safety reasons;
- The unloading area within the recovered aggregate stockpile will be serviced by a water spray system which will be activated by the driver prior to unloading aggregate on site;
- Stockpile bins will be three-sided and roofed;

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- Within the stockpile bin area, dust generated by the loading and unloading of aggregate material will be controlled by a water mist spray system which will be activated by any vehicle entering the stockpile bin area. The water spray system will be on a timer to minimise water use as the stockpile aggregate is required as a dry product;
 - The recovered aggregate stockpiles will be stored to a height not exceeding 6 metres; and
 - The proposed car park will be bitumen sealed.

ISSUE 2: Unauthorised site development and activity

- Council has previously taken action against the applicant for various breaches and should not now approve the development.

Comments

Consent authorities must assess each application on its merits as presented. Approval is not being given retrospectively to past activities but rather to the carrying out of future activities in accordance with the submitted proposal.

ISSUE 3: Compliance with conditions

- It is impossible to condition any approval to make the development safe. The material should be treated in a remote area where it does not pose any threat to health.

Comments

Council at its meeting held 15 February 2010 resolved to inform the JRPP that in light of the past history of the site Council considers that there is an unacceptable risk that the applicant may not comply with DA conditions imposed on the site.

Any approval will contain conditions of consent that will be enforceable by Council or any interested party under Section 123 of the Environmental Planning and Assessment Act 1979.

The Department of Environment Climate Change and Water (DECCW) is satisfied with the proposed development and has issued its General Terms of Approval which address runoff, noise odour and dust emission concerns. The licence conditions of DECCW will be enforceable by the Department.

Occupational Health and Safety requirements for staff on site also act to ensure that off site dust emissions will be negligible. These requirements are enforceable by WorkCover.

ISSUE 4: Noise

- The development and its operation will have adverse noise impacts on neighbouring residential areas.

Comments

The acoustic assessment submitted indicates that the development will comply with the requisite noise criteria.

The following data is taken from the applicant's noise impact assessment:

Predicted Overall Noise Level at the Nearest Affected Residences – Daytime
(Without noise controls)

Receptor Location	Activity	Predicted Leq, 15 minute Noise Level	Acceptable Noise Level	Compliance
Residences south west of site (shown as Location 1 in Fig 1 of Acoustic Report)	Trucks arriving / leaving	34 dBA		
	Trucks being loaded / unloaded	28 dBA		
	Staff car park	27 dBA		
	Sorting / screening machine	35 dBA		
	Workshop / service building	30 dBA		
	Wash Bay	31 dBA		
	Compressor room	32 dBA		
	Overall Noise level (Leq 15 min)	40 dBA	40 dBA	Yes
Residences south west of site (shown as Location 2 in Fig 1)	Trucks arriving / leaving	32 dBA		
	Trucks being loaded / unloaded	31 dBA		
	Staff car park	27 dBA		
	Sorting / screening machine	30 dBA		
	Workshop / service building	30 dBA		
	Wash Bay	31 dBA		
	Compressor room	32 dBA		
	Overall Noise level (Leq 15 min)	39 dBA	40 dBA	Yes
Residences south west of site (shown as Location 3 in Fig 1)	Trucks arriving / leaving	24 dBA		
	Trucks being loaded / unloaded	30 dBA		
	Staff car park	<15 dBA		
	Sorting / screening machine	37 dBA		
	Workshop / service building	20 dBA		
	Wash Bay	20 dBA		
	Compressor room	20 dBA		

	Overall Noise level (Leq 15 min)	38 dBA	40 dBA	Yes
Residences south west of site (shown as Location 4 in Fig 1)	Trucks arriving / leaving	48 dBA		
	Trucks being loaded / unloaded	52 dBA		
	Staff car park	32 dBA		
	Sorting / screening machine	62 dBA		
	Workshop / service building	45 dBA		
	Wash Bay	41 dBA		
	Compressor room	25 dBA		
	Overall Noise level (Leq 15 min)	63 dBA	70 dBA	Yes

Predicted Overall Noise Level at the Nearest Affected Residences – Night time
(Without noise controls)

Receptor Location	Activity	Predicted Leq, 15 minute Noise Level	Acceptable Noise Level	Compliance
Residences south west of site (shown as Location 1 in Fig 1)	Trucks arriving / leaving	33 dBA		
	Trucks being loaded / unloaded	22 dBA		
	Staff car park	27 dBA		
	Overall Noise level (Leq 15 min)	35 dBA		
	Overall Noise level affected by temperature inversion	40 dBA	40 dBA	Yes
Residences south west of site (shown as Location 2 in Fig 1)	Trucks arriving / leaving	28 dBA		
	Trucks being loaded / unloaded	33 dBA		
	Staff car park	24 dBA		
	Overall noise level (Leq 15 min)	35 dBA		

	Overall Noise level affected by temperature inversion	38 dBA	40 dBA	Yes
Residences south west of site (shown as Location 3 in Fig 1)	Trucks arriving / leaving	26 dBA		
	Trucks being loaded / unloaded	32 dBA		
	Staff car park	<15 dBA		
	Overall Noise level (Leq 15 min)	33 dBA		
	Overall Noise level affected by temperature inversion	36 dBA	40 dBA	Yes

Department of Planning comments on submissions pursuant to clause 81 of Environmental Planning and Assessment Regulations 2000.

The Department has reviewed the submissions and notes that there are no issues of regional or state significance. The main issue of concern outlined in submissions appears to be claims that the applicant may have already been illegally operating on site without development consent for a number of years. The Department requests that Liverpool City Council appropriately investigate these claims of non-compliance before determining the development application.

The following action has been taken regarding non compliance issues:

In response to offences alleged to have occurred on 1 October 2009 at 55 Yarrawa Street, Prestons Council issued two (2) Penalty Infringement Notices to Kypter Pty Ltd. The two (2) prosecutions relate to an alleged offence of carrying out development otherwise than with development consent under the Environmental Planning and Assessment Act 1979 and for the unlawful depositing of waste on land under the Protection of the Environment Operations Act 1997. The matters are to come before Liverpool Local Court as a consequence of a Court election made by Kypter Pty Ltd to the Penalty infringement Notices. A Court date for 28 September 2010 has been adjourned to a later date.

SECTION 79C CONSIDERATIONS

The following summarises the assessment of the proposal in terms of the heads of consideration in Section 79C of the Environmental Planning and Assessment Act 1979.

(a) The provisions of:

(i) Any Environmental Planning Instrument

The proposed development is defined as a resource recovery facility under Liverpool Local Environmental Plan 2008. Under the provisions of Liverpool Local Environmental Plan 2008 and State Environmental Planning Policy (Infrastructure) 2007 resource recovery facilities are permitted with consent in the IN3 Heavy Industrial zone over that portion of the site proposed for development. Furthermore, the proposal is consistent with the objectives of the IN3 zone.

(ii) Any Draft Environmental Planning Instrument

No draft environmental planning instrument relates to the site.

(iii) Any Development Control Plan

Parts 1.1, 1.2 and 7 of Liverpool Development Control Plan 2008 apply to the application.

The proposed development has demonstrated general compliance with the requirements of LDCP 2008.

(iiia) Any Planning Agreement

No planning agreement relates to the site or proposed development.

(iv) The Regulations

There are no matters prescribed by the Regulations that apply to this development.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As the development is not proposing to disturb the watercourse traversing the site or the vegetation on the site it is considered that the development will have minimal impact on the natural environment.

(c) The suitability of the site for the development

The zoning of the site permits the development which generally complies with the appropriate provisions of Council's DCP. The development will have minimal impacts on the amenity of the local area.

(d) Any submissions made

The public submissions are detailed previously within the report.

(e) The public interest

The public interest is taken to include the facilitation of resource recovery facilities so that road and civil engineering projects that benefit the broader community are able to be undertaken on a more environmentally sustainable basis.

The issues raised in the objections with respect to this proposal have been suitably addressed throughout this report. It is considered that the proposed development is in the public interest, and is worthy of support.

CONCLUSION:

The proposed development generally complies with the Liverpool Local Environmental Plan 2008 and Liverpool Development Control Plan 2008 Parts 1.1, 1.2 and 7.

The main issues relate to the potential dust and noise generation. Objectors are particularly concerned about the possible health impacts of any dust generated.

It is considered that the impacts of the development can be mitigated. The development is considered an acceptable distance from neighbouring residential areas.

Overall, the development is compatible with the developing industrial character of the immediate area and can be conditioned and controlled to minimise any impacts.

RECOMMENDATION:

That:

1. The Joint Regional Planning Panel approves Development Application DA-410/2010 proposing the construction and operation of a waste transfer station at Lots 4 & 5 DP 24315, Nos 65 – 75 Yarrowa Street, Prestons subject to the attached conditions of consent.
2. The persons who made a submission with regard to the proposed development are notified in writing of the JRPP's decision.

CONSENT CONDITIONS:**CONDITIONS:**

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

A. THE DEVELOPMENT

The following conditions have been imposed to achieve the objectives of the relevant planning instruments and policies.

GENERAL

1. Development must be carried out generally in accordance with Development Application received 30 September 2009 and accompanying plans marked DA-410/2010, except where modified by the undermentioned conditions.
2. The development, including all civil works, must comply with the requirements of the Contaminated Land Management Act, 1997, State Environmental Planning Policy No. 55 – Remediation of Land, and Managing Land Contamination – Planning Guidelines (Planning NSW/EPA. 1998). The recommendations of the Phase 2 Contamination Report prepared by

FLOODING

3. The minimum level of all habitable floors shall be the 1% Annual Exceedance Probability flood plus half a metre freeboard. The Office Building is considered as habitable floor area and the minimum floor level for the office Building shall be 29.9M AHD.
4. There shall be no net loss of floodplain storage volume below the 1% Annual Exceedance Probability (AEP) flood. Part of the proposed stockpile bin area and car park area are located within the 1% AEP flood extent and the proposed development will affect storage below the 1% AEP flood. Compensatory storage will be required on site. The compensatory storage is to be provided within the 1% AEP flood extent of the property.
5. A Flood Evacuation Plan as recommended in the submitted Flood Assessment report by Bewsher Consulting is to be prepared and submitted to Council.

BUSHFIRE PROTECTION

6. At the commencement of building works and in perpetuity the property around the building to a distance of 39 metres (or to the property boundary where insufficient), shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document "Standards for asset protection Zones".
7. Water, electricity and gas are to comply with section 4.1.3 of "Planning for Bush Fire Protection 2006".
8. Property access roads shall comply with section 4.1.3 (2) of "Planning for Bush Fire Protection 2006".
9. New construction shall comply with Australian Standard AS3959-1999 "Construction of buildings in bush fire-prone areas" Level 1.

SITE MANAGEMENT

10. Advertising matter must not be erected, painted or displayed without the prior approval of Council.
11. Waste bins must be stored in designated garbage / trade refuse areas that must be kept tidy at all times. Bins must not be stored or allowed to overflow in parking or landscaping areas or obstructing the exit of the building.
12. Letter boxes are to be provided and are to meet the requirements of Australia Post.

THE ENVIRONMENT

13. The development, including construction, must not result in any increase in sediment deposition into any water body, wetland, bushland or Environmentally Significant Land.
14. A surveyor is to mark the boundary of the 30 m setback from the top of the bank of Cabramatta Creek. All introduced material over the ground surface within the 30m setback is to be carefully removed to expose the original topsoil where practicable under the supervision of an experienced restoration ecologist.
15. A Vegetation Management Plan to the satisfaction of Council for the areas along the 30m Riparian zone to Cabramatta Creek and other disturbed areas not within the boundaries of the proposed development is to be prepared and implemented.

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16. The applicant must comply with the Protection of the Environment Operations Act 1997 ("POEO Act"). Note: Section 120 of the POEO Act prohibits the pollution of waters.
 17. Stormwater from all areas of the premises which has the potential to mobilise sediments and other material must be controlled and diverted through appropriate erosion and sediment control / pollution measures or structures.
 18. The applicant must not cause or permit the emission of any offensive odour from the premises.
 19. The premises must be maintained in a condition which prevents the emission of dust from the premises including:
 - i. all operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises;
 - ii. all areas must be maintained, at all times, in a conditions which effectively minimise the emission of wind-blown or traffic-generated dust;
 - iii. the applicant must ensure that no material, including sediment or oil, is tracked on the public road from the premises; and
 - iv. trucks entering and leaving the premises that are carrying loads must be covered at all times except during loading and unloading'
 20. Activities at the premises must be carried out in a competent manner. This includes;
 - i. processing, handling, movement and storage of material and substances used to carry out the activity; and
 - ii. treatment, storage, processing, reprocessing, transport and disposal of waste.
 21. All plant and equipment installed at the premises must:
 - i. be maintained in a proper and efficient condition; and
 - ii. must be operated in a proper and efficient manner
 22. All operations and activities occurring at the premises must be carried out in a manner that will prevent and minimise fire at the premises.
 23. No waste is to be burnt or incinerated at the premises.

DUST CONTROL

24. Watering of the material to be screened is to be undertaken as required (in the event that visible dust is seen by the screen operator or yard manager beyond the site boundary).
25. Regular watering of unsealed roads, exposed surfaces and stockpiles is to occur.
26. Employee induction to ensure awareness of dust management measures is to occur.
27. Regular sweeping of sealed roads is to occur.
28. Stockpiles are to be managed to minimise potential for dust generation. Only Recycled Asphalt Product (RAP) is to be stored in outdoor stockpiles.
29. During adverse wind conditions, outdoor stockpiles are to be sprayed directly with water to suppress dust generation.
30. Mobile machinery movement is to be restricted to designated routes and standing areas.

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31. Vehicle speeds are to be controlled on site (10 km/h) to minimise dust generation and also to promote site safety.
 32. The unloading area within the recovered aggregate stockpile is to be serviced by a water spray system which will be activated by the driver prior to unloading aggregate on site.
 33. Stockpile bins are to be three-sided and roofed.
 34. Within the stockpile bin area, dust generated by the loading and unloading of aggregate material is to be controlled by a water mist spray system which is to be activated by any vehicle entering the stockpile bin area. The water spray system is to be on a timer to minimise water use.
 35. The recovered aggregate stockpiles are not to be stored to a height exceeding 6 metres.
 36. The proposed car park is to be bitumen sealed.

OPERATIONAL TIME LIMITS

37. The premises shall operate between the hours of 7:30 am to 4:30 pm Monday to Friday only and 7:30 am and 12:30 pm Saturday. Trucks may enter the site and unload outside these hours, but not from 7:30 am Sunday to 7:30 am Monday. Trucks unloading shall not involve the use of any plant or machinery other than the truck.

NOISE LIMITS

38. Noise generated at the premises must not exceed the noise limits tabulated below. The locations in the table are those in Figure 1 in the Report "Environmental Noise Impact Proposed Materials Handling Facility at Lots 4 - 5 Yarrowa Road, Prestons, NSW", prepared by "Day Design Pty Ltd" (Report No: 4135 Rev B) dated 23rd April 2010.

For the purpose of the table the following is defined:

Day is defined as the period from 7:00 am to 6:00 pm Monday to Saturday and 8:00 am to 6:00 pm Sunday and Public Holiday's.

Evening is defined as the period 6:00 pm to 10:00 pm.

Night is defined as the period from 10:00 pm to 7:00 am Monday to Saturday and 10:00pm to 8:00 am Sunday and Public Holidays.

Table - Noise Limits

Location	LAeq,15 minute Day / Evening / Night	LA1,1min (or LAmax) Night
Noise Assessment Location 1 - 42 Coffs Harbour Avenue, Hoxton Park.	40 dB(A)	50 dB(A)
Noise Assessment Location 3 - 42 First Avenue, Hoxton Park.	40 dB(A)	50 dB(A)

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WASTE STORAGE AND DISPOSAL

39. All waste materials generated as a result of the development are to be disposed of at a facility licensed to receive such waste.

EXTERNAL APPEARANCE

40. Any external glazing is not to have a reflectivity of greater than 20%.
41. All external lighting is to incorporate full cut off shielding and directional glare shielding as necessary so as to minimise light pollution and glare nuisance to adjoining property occupiers and road users.

B. PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate;

42. Prior to the issue of the Construction Certificate evidence of the requisite environment protection licence for conducting the scheduled activities of waste storage and resource recovery is to be provided to Council in accordance with the requirements (see attached General Terms of Approval) of the Department of Environment Climate Change and Water (DECCW). Note: If a licence is granted, it will require the provision of a financial assurance.
43. Engineering plans will be required defining all physical works necessary on the site and adjacent to it. These plans are to be certified by Council or an accredited certifier and must satisfy the following requirements:
- i. Council's current Design and Construction specification for subdivisions (as amended), and supplementary code,
 - ii. All proposed road and drainage works must adequately match existing infrastructure

DRAINAGE

44. Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the plans approved as part of this development application.
45. Alterations to the natural surface contours or surface absorption characteristics must not impede, increase or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.
46. The site surface levels are to be designed so that site surface stormwater is deflected away from buildings and neighbours boundary fences and does not cause nuisance or flooding of those areas for storm events less than a 1% AEP.
47. A stormwater drainage plan, including hydraulic calculations based on a 1 in 10 year storm (ARI), is required. The plan must show how the stormwater generated by this site, and other interallotment overland flow water entering onto this site, is to be collected within the site

and conveyed in a suitable pipeline to the most appropriate point of discharge as advised by Council.

This plan shall also show existing and proposed surface contours within the site and along its boundaries with immediately adjacent properties, and shall define overland flow paths for storms which exceed the capacity of the underground pipe system.

LANDSCAPING

48. A detailed Landscape plan prepared by a qualified landscape architect / landscape designer is required to be prepared prior to the issue of a Construction Certificate. The landscape plan is to primarily use longer living plants that are found in the natural vegetation of the local area. Plantings are to be grouped to give a natural looking but orderly design. The landscape plan is to include details such as plant quantities, plant sizes at planting, soil treatment, establishment and maintenance procedures.

EROSION & SEDIMENT CONTROL

49. Erosion and sediment control measures shall be designed in accordance with the requirements of the Department of Housing 1998 manual "Managing Urban Stormwater – Soils & Construction" and Council specifications, and to the satisfaction of the Principal Certifying Authority. Approved measures shall be implemented prior to commencement and maintained during construction and until all disturbed areas have been revegetated and established to the satisfaction of the Principal Certifying Authority.

PROVISION OF SERVICES

The following documentary evidence is to be obtained prior to the issue of any Construction Certificate, whether by Council or an accredited certifier;

50. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. Application must be made through an authorised Water Servicing Coordinator, for details see Customer Service, for details see Customer Service, Urban Development at www.sydneywater.com.au or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certification must be submitted to the Principal Certifying Authority prior to release of the linen plan / occupation of the development.

51. A written clearance from Integral Energy, stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development is to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
52. An agreement in writing from the adjoining owners stating that approval is given for the disposal of any downstream drainage and the battering of any cut or filled areas onto their property shall be submitted to Council where such drainage disposal or battering is required.

CAR PARKING

53. The car parking area must have parking designed in accordance with Australian Standard 2890.1.2004 Parking Facilities – Off Street Car Parking.
54. Adequate car parking including one accessible parking for visitors and drivers must be provided on site for this development.

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55. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 - 2004.
 56. All vehicles are to enter and leave the site in a forward direction.
 57. All works associated with the proposed development are to be carried out at no cost to the RTA.
 58. No Stopping restrictions must be provided along the full frontage length of this development.
 59. Appropriate plans must be submitted showing appropriate turning paths for trucks using the entry and exit driveways from and to Yarrowa Street.
 60. All vehicles entering and exiting at the property boundary must be driven in the forward direction.
 61. Appropriate level of lighting must be provided at all the vehicular entry and exit locations.
 62. Goods and/or waste or extraneous material must not be stored in the vehicular manoeuvring and parking areas. Those areas must be kept clear at all times for the free movement of vehicles.
 63. The loading and/or unloading of all goods and materials used in conjunction with the development must take place only on the land.
 64. All vehicular crossings as shown on the stamped approved plans must be constructed -
 - for the full width of the footpath; and
 - by Council's authorised contractors at the developer's expense.
 65. Any existing vehicular crossings rendered unnecessary by this development must be removed and restored at the developer's expense.
 66. Any structure adjacent to the driveway exit, for example, letterboxes shall not be greater than 1.2 m in height, to allow adequate sight distance for motorists exiting the property.
 67. The applicant must obtain a Section 138 Consent from Council prior to undertaking any works within the road reserve in accordance with the Roads and Traffic Authority's Publication 'Traffic Control at Work Sites'.
 68. All works within the road reserve are to be at the applicants cost and all signage is to be in accordance with the Roads and Traffic Authority's Traffic Control at Worksites Manual and the Roads and Traffic Authority's Interim Guide to Signs and Markings.
 69. Any advertising signs, or structures, will conform to the Roads and Traffic Authority's Policy on advertisements in "Signs and Markings" Manual Section 3.6 and Councils relevant DCP.
 70. If a Works Zone is required application must be made to Councils Transport Planning Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place application to have these moved will need to be made.
 71. Application must be made to Councils Transport Planning Section for any Road Closures. The application is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closure and any other relevant information.

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72. Notice must be given to Council's Transport Planning Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control plan, prepared by an accredited practitioner must be submitted for approval, 48 hour prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
 73. The entry driveway is to be widened to allow safe vehicle entry as stated in the traffic report that accompanied the development application.
 74. The layout of the proposed car parking areas associated with the subject development, including driveways, aisle widths, grades, parking bay dimensions, and sight distance requirements are to be in accordance with AS 2890.1 - 2004 and AS 2890.2 - 2002.
 75. All vehicles are to enter and leave the site in a forward direction.
 76. All works / regulatory signposting associated with the proposed development are to be at no cost to the RTA.
 77. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.

C. PRIOR TO ANY WORK COMMENCING ON THE SITE

The following conditions are to be complied with prior to any work commencing on the site.

CONSTRUCTION CERTIFICATES

78. Detailed Civil engineering plans and specifications relating to the work shall be endorsed with a Construction Certificate, in accordance with Section 81A of the Act and a copy registered with Council.
79. Any Construction Certificate that may be issued in association with this development consent must ensure that any certified plans and designs are generally consistent (in terms of site layout, site levels, building location, size, external configuration and appearance) with the approved Development Application plans.

NOTIFICATION OF SERVICE PROVIDERS

80. Construction Certificate plans as submitted to Council are to be approved by Sydney Water, to verify that the development meets its requirements concerning the relationship of the development to any water mains, sewers or stormwater channels.

NOTIFICATION

81. The applicant shall advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 81A (4) of the Act.

The Principal Certifier shall advise Council, of the date it is intended to commence the work which is the subject of the "complying development" certificate by completing a "Notice of Commencement of Building or Subdivision Work" form available from Council's front counter. A minimum period of two (2) working days, notification shall be given

DILAPIDATION

82. A detailed dilapidation report must be submitted to Council prior to work commencing showing all aspects of the adjoining infrastructure including concrete paths, drainage, roads, kerbs and fences.

TRAFFIC

83. Following plans must be submitted to the Liverpool Traffic Committee for the approval:

- Appropriate plans showing appropriate turning paths for the heavy trucks using entry and exit driveways from and to the proposed development off Yarrowa Street.
- Appropriate plans showing signposting scheme for No Stopping restrictions along Yarrowa Street for the full frontage length of this development.

D. DURING CONSTRUCTION

AIR QUALITY AND EROSION CONTROL

84. Where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, dust is to be suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifying Authority may direct that such work is not to proceed.
85. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.
86. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

WATER QUALITY

87. All topsoil, sand, aggregate, spoil or any other material shall be stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface and shall have measures in place in accordance with the approved Soil and Water Management Plan and or Erosion and Sediment Control Policy.
88. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grassing.

POLLUTION CONTROL

89. Waste water from the washing of concrete forms or trucks shall not to enter the stormwater drainage system.
90. The developer is to maintain all adjoining public roads to the site in a clean and tidy state, free of excavated "spoil" material.

GENERAL SITE WORKS

91. The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.
92. The property must be secured outside the operating hours to prevent unauthorised tipping at the property
93. Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or the applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such adjoining property.

HOURS OF OPERATION

94. Construction / civil work is only permitted on the site between the hours of 7am to 6pm Monday to Friday and, 8am to 1pm on Saturday. No work will be permitted on Sundays or Public Holidays, unless otherwise approved by Council.

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95. Deliveries shall occur only between the hours of 7am and 7pm, Monday to Friday and, between 7am and 7pm on Saturday, and shall not occur at any time on Sundays or Public Holidays.

SITE FACILITIES

96. Access to the site is to be provided only via the all-weather driveway on the property and is not to be provided from any other site, in accordance with Council's sedimentation and erosion policy.
97. Adequate refuse disposal methods and builders storage facilities are to be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

SITE NOTICE BOARD

98. A sign must be erected in a prominent position on the premises on which work is to be carried out. The sign must state:
- (a) Unauthorised entry to the premises is prohibited, and
 - (b) The name of the builder or other person in control of the premises and a telephone number at which the builder or other person may be contacted outside working hours.

E. PRIOR TO OCCUPANCY

The following conditions are to be complied with prior to occupancy.

99. The premises must not be occupied until an occupation certificate is issued by the Principal Certifying Authority (P.C.A.). Copies of all documents relied upon for the issue of the occupation certificate must be attached to the occupation certificate and registered with Council. These documents shall include surveyor reports and compliance certificate.
100. A final fire or interim safety certificate is to be attached to any Occupation Certificate, except in the case of a Class 1a or Class 10 building(s). This must include all the "essential fire services" installed in the building.
101. Prior to the issue of any Occupation Certificate, a "Work As Executed Plan", prepared by a registered surveyor, must be submitted to and approved by Council clearly showing all aspects of the constructed drainage system. The plan must include:
- Location and surface levels of all pits.
 - Invert levels of the internal drainage line
 - Finished floor levels of all structures and car park areas
 - The work-as-executed plan information should be shown on a copy of the approved civil works drawings.
102. Following traffic devices, including sign posting and line markings must be implemented:
- No Stopping restrictions along Yarrowa Street for the full frontage length of the development.
 - Appropriate turning paths for the delivery trucks using entry and exit driveways from and to the proposed development off Yarrowa Street.
 - Appropriate level of street lighting at all the vehicular entry and exit locations.