

**DRAFT CONDITIONS OF CONSENT
DEVELOPMENT APPLICATION NO. 1323.1/2010
LOT 79 DP 27515, NO. 33-41 COWPASTURE ROAD, WETHERILL PARK
CONCRETE BATCHING PLANT (ASSOCIATED WITH AN EXISTING
CONCRETE PRODUCTS MANUFACTURING FACILITY)**

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved development plans and documentation as prepared by

- Algorry Zappia & Associates Pty Ltd, Project Number P3383, Job Number 1605-10, Sheet Number A01, Issue A, dated 9 December 2010,
- Wiggert & Co, Drawing Number P100.TM.10-36/2, dated 11 March 2011; and
- Landscape Plan, prepared by Distinctive Living Design, Project No. 132_10, Sheet Number 1 of 1, dated 10 November 2010,
- Environmental Impact Statement No.110083EIS, dated, 21 December 2010 and 110083_Addendum_1(draft) dated 5 April 2011, prepared by Benbow Environmental.

except as modified in red by Council and/or any conditions of this consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifying Authority. The Certifying Authority can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

2. Landscape Plans Certified by Landscape Architect

Prior to the issue of a construction certificate, a landscape plan prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council's Landscape Policy shall be submitted to the Certifying Authority.

ATTACHMENT E

Landscape plans shall contain the following information:

- a. Outline of the proposed building;
- b. Existing trees (height and location);
- c. Trees to be removed;
- d. Proposed planting (quantity, species, and expected mature height);
- e. Proposed earth mounding;
- f. Paths and paving (location and materials);
- g. The method of planting and the proposed maintenance program; and
- h. Details of lighting, fencing, seating and paving, where relevant.

The landscaping shall be of a scale that will match the scale of the development. Landscaping shall be designed to complement and enhance the development and where applicable, screen such features as open areas, car parks, loading docks and garbage storage areas.

3. Service Provider Requirements

Prior to the issue of a Construction Certificate, the following service provider requirements shall be submitted to the Certifying Authority:

- a. **Sydney Water** – A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website www.sydneywater.com.au then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will detail 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 Notice must be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

4. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate shall be submitted to the Certifying Authority certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;

ATTACHMENT E

- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- a. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- b. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

5. Vehicular Crossing Application

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a heavy industrial type vehicular crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

6. Section 94A Levy Development Contributions

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of Section 94A Levy Contributions shall be submitted to the Certifying Authority.

The Section 94A Levy as determined at the date of this consent is **\$36,752.25**.

The Contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Consumer Prices Index (CPI) for Sydney.

ATTACHMENT E

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifying Authority can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

7. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifying Authority.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

8. Appointment of a Principal Certifying Authority

Prior to the commencement of any construction works, the person having benefit of a Development Consent, or Complying Development Certificate must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

9. Notify Council of Intention to Commence Works

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

10. Sydney Water Consent

Prior to the commencement of any construction works on site, the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped and shall be submitted to the Certifying Authority prior to the commencement of any works on site.

For Quick Check agent details please refer to the website www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone: 13 20 92.

ATTACHMENT E

11. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with Council's Erosion and Sedimentation Control Policy shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

12. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

13. Sign During Construction

Prior to the commencement of construction works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

Note: A \$600 on the spot fine may be issued for non-compliance with this condition.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority.

14. Interim / Final Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), either an Interim Occupation Certificate or Final Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate or Complying Development Certificate.

15. Section 73 Certificate Required

Prior to the issue of the Final Occupation Certificate, a Section 73 Certificate issued by Sydney Water shall be submitted to the Principal Certifying Authority.

16. Works-as-executed Plans for Stormwater Drainage

Prior to the issue of the final Occupation Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifying Authority.

17. Structural Certification

Prior to the issue of an Occupation Certificate (Interim or Final), a certificate from a practising Structural Engineer shall be submitted to the Principal Certifying Authority certifying that the building has been erected in compliance with the approved structural drawings and relevant Australian Standards and is structurally adequate.

18. Adjustments to Public Utilities

Prior to the issue of the final Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

19. Environmental Reports Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works/methods/procedures/control

ATTACHMENT E

measures/recommendations approved by Council in the following reports have been completed:

- a. Environmental Impact Statement No.110083EIS, dated, 21 December 2010 and 110083_Addendum_1(draft) dated 5 April 2011, prepared by Benbow Environmental.

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

20. Compliance with Construction Certificate

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

21. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

22. Administration Fee for the Lodgement of Certificates

Where a Principal Certifying Authority has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates, Interim Occupation Certificates, Occupation Certificates and Complying Development Certificates.

23. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;

ATTACHMENT E

- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.

Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. No work may be carried out on Sundays or public holidays.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

24. Finishes of Structure

The colours, materials and finishes of the concrete batching plant shall match and complement the existing industrial structures.

25. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the existing stormwater drainage system.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

26. Critical Stage Inspections

In accordance with Section 109E of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E (3) (d) Environmental Planning and Assessment Regulation 2000.

Note: A \$600 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

27. Maintenance of Construction Site

During the construction and any dormant period, the applicant must ensure that the construction and/or development site is adequately maintained, as not to be prejudicial to the surrounding neighbourhood. In the event that the construction/development site remains dormant for a period in excess of three (3) months, permanent security fencing, hoarding or scaffolding, as defined in the relevant Australian Standard and incorporating visual shielding shall be provided and maintained to the satisfaction of Council until the completion of the development or as applicable.

ATTACHMENT E

Signage alerting to the presence of danger and prohibiting unauthorised entry to the site and any other signage, as required by a Development Consent, shall be displayed in a prominent position.

Note: On the spot penalties up to \$600 will be issued and/or legal action in the form of Notices/Orders for non-compliance with this requirement will be instigated.

28. Driveway Gradient

The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.

29. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan as required by Condition No. 2 of this Consent including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

30. Compliance with Environmental Impact Statement

The development shall take place in accordance with the Environmental Impact Statement (EIS) prepared by Benbow Environmental, Report No. 110083EIS, dated, 21 December 2010 and 110083_Addendum_1(draft) dated 5 April 2011, except as modified in red by Council and/or any conditions of this consent.

31. Carparking - General

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2006 – Car Parking, Vehicle and Access Management - Chapter 12:

- a. One hundred and sixty one (161) off-street car parking spaces for staff and visitors.
- b. Two (2) off-street car parking spaces for disabled persons (minimum width 3.8m).

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

32. Deliveries

Vehicles servicing the site shall comply with the following requirements:

ATTACHMENT E

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. No B-double vehicles shall be used for the servicing or operations of this development.

33. Hours of Operation

The approved hours of operation for the use of the premises are:

Monday to Sunday: 24 Hour Operation
Truck movements to and from the site shall be restricted to 7.00am – 6.00pm only.

Note: The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received..

34. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. No sales of manufactured or stored goods shall be made to the general public from the subject premises.
- c. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- d. The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.
- e. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- f. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

35. Storage of Goods

All works and storage shall be contained wholly within the building.

36. Monitoring of State of Roadways

The applicant shall monitor the state of roadways leading to and from the site and shall take all necessary steps to clean up any adversely impacted road pavements as directed by Council.

37. Unreasonable Noise and Vibration

The use, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

38. Previous Development Consents

All the conditions of Development Consent No. 1232/2005 granted for the alterations and additions to an approved factory development and the use of unit 1 for the purpose of manufacturing pre-cast concrete products in conjunction with Unit 2, dated 29 June 2006 and any subsequent S96 Applications shall be implemented and complied with at all times.

39. Department of Environment and Climate Change Approval

The attached Department of Environment and Climate Changes General Terms of Approval shall be complied with at all times.

NB: The DECC General Terms of Approval DO NOT constitute a license under the Protection of the Environment Operations (POEO) Act 1997. The applicant is required to obtain a license from the DECC for the approved development pursuant to the POEO Act 1997, prior to the commencement of any construction works, or any works or processes associated with the proposed development.

40. Public Address System

No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any public place.

ATTACHMENT E

41. Trafficable Bund

A trafficable bund, capable of preventing the escape of any pollutant into Council's stormwater drainage system, shall be provided to all exits from the factory building.

42. Storage of Dangerous Goods

Should any 'dangerous goods' proposed to be stored on the premises exceed the manifest quantity as prescribed by WorkCover, a **Notification of Dangerous Goods on Premises (form FDG01 or FDG02)** is required to be submitted to WorkCover for assessment.

43. External Areas

All external areas to the building shall be kept free of cement and concrete residue at all times.

44. Drain Stencilling

All stormwater drains/pits on the site shall be provided and maintained with the message; "This pit drains to the Georges River". Lettering shall be 100mm high block bold yellow painted lettering. Paints used shall be of road line marking standard.

45. Transgrid's Conditions

The following conditions shall be complied with and met as follows:

- i. No changes shall be made to the existing ground levels.
- ii. No excavation work will be permitted within 16metres of the nearest part of any Transmission Line Structure.
- iii. Suitable protective barriers will need to be placed around the base of the structure to protect it from any accidental vehicle damage.
- iv. All work within this area will need to be done in accordance with the WorkCover Code of Practice Act "Working Under or in Close Proximity to Overhead Power Lines".
- v. Access needs to be made available to all Transgrid staff and equipment along the full extent of the transmission line easement.
- vi. The height of any vehicles or other forms of machinery that can be brought onto or operated within this area is limited to types that have a maximum extendable height not exceeding 4.3 metres.
- vii. No flammable material or flammable liquid carriers can be brought onto or parked within this area.
- viii. This area is not to be used as a storage area for any rubbish, earth or other forms of fill.

ATTACHMENT E

- ix. The height of any trees or shrubbery is limited to types that have a maximum mature height of four (4) metres and are not located within 30 metres of the nearest part of any transmission line structure.
- x. Any proposed future works within the areas covered by the Restrictive Covenant will require the written approval of Transgrid.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with other relevant Council policy(s) and any other relevant requirements. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

- **Covenants which may Affect this Proposal**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.