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## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

### Environmental Planning and Assessment Act, 1979 (Section 81)

Applicant: **STIMSON CONSULTANT SERVICES PTY LIMITED**  
LEVEL 6 - 69 RESERVOIR STREET  
SURRY HILLS 2010

Determination Number: **11-1642**

**DRAFT**

**Property Description:** LOT 14 DP786328, 9 KENOMA PLACE, ARNDELL PARK

**Development:** Use of an existing industrial premises and the associated offices as a "Waste Management Facility" for the handling and processing of a maximum of 650 tonnes of clinical and quarantine waste per year.

**Determination:** *Pursuant to Section 81 of the Act Council advises that the Development Application has been determined by:*

- GRANTING OF A CONSENT SUBJECT TO THE CONDITIONS ATTACHED ON THE FOLLOWING PAGE(S)

**BY THE SYDNEY WEST JOINT REGIONAL PLANNING PANEL (JRPP)**

#### **Right of Appeal**

Section 97 of the Act confers on an applicant who is dissatisfied with the determination of the consent authority a right of appeal to the Land and Environment Court. Section 97 does not apply to State significant development or development that has been subject to a Commission of Inquiry.

**Note:** This Consent is generally valid for a period of five years effective from the date of this Notice, unless specified otherwise by Sections 83 and 95 of the Act, or by conditions of this Consent.

**RON MOORE**  
**GENERAL MANAGER**

Per .....

Date

**1 ADVISORY NOTES**

**1.1 Terminology**

1.1.1 Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979.

1.1.2 Any reference in this consent to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to a certificate as defined by Section 109C of the Environmental Planning and Assessment Act 1979.

1.1.3 The granting of this consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992. The applicant is advised to investigate any liability that may apply under that Act. The current suite of Australian Standard 1428 - Design for Access and Mobility, should be consulted for guidance. The prescriptive requirements of Part 1 of the Standard apply to certain buildings requiring development consent.

**1.2 Other Approvals**

1.2.1 A separate valid Construction Certificate shall be issued prior to commencement of any construction works.

1.2.2 The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary development not approved by this consent, including:

- (a) any fence, retaining wall, land excavation or filling, advertising structure or other development not being exempt development under Council's Local Environmental Plan, and
- (b) demolition of any existing buildings and associated structures in accordance with the requirements of Council's Local Environmental Plan.

**1.3 Services**

1.3.1 The applicant is advised to consult with:

- (a) Sydney Water Corporation Limited
- (b) Integral Energy
- (c) Natural Gas Company
- (d) The relevant local telecommunications carrier

regarding any requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 1.3.2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.

## **2 GENERAL**

### **2.1 Scope of Consent**

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the Development Application, subject to compliance with any other conditions of this consent:

Drawing No.	Dated	Council's File Enclosure No.
Site Plan		
Sheet 3/4 Revision 2	15/09/11	54C
Floor Plan	22/12/11	84C
Sheet 1/5 Revision 3		
Plant Equipment Plan	15/09/11	54B
Sheet 2/4 Revision 2		

\* Unless modified by any condition of this consent.

- 2.2 This consent authorises the use of the industrial premises for the following purposes, subject to full compliance with all other conditions of this consent:

- Operation of a "waste management facility" for the handling and processing of clinical and quarantine waste.
- The maximum storage of 0.5 tonnes (i.e 23 bins) of unprocessed waste on site at any one time.
- The processing of a maximum of 96 sulo bins of untreated waste each day.
- The processing of a maximum of 650 tonnes of untreated waste per year.

Any proposal to increase the processing capacity will require the prior and separate development approval by way of a Section 96 Application or a new DA.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 2.3 The proposed development must comply at all time with the information contained within the Environmental Impact Statement (EIS) prepared by Stimson Consultant Services dated August 2011 and the amending addendum dated 8 September 2011 (Enclosure 56A on Council's File JRPP-11-1642).
- 2.4 The proposed development is to comply at all times with the General Terms of Approval (GTA's) issued by the Office of Environment and Heritage (OEH) included at Attachment 1 of this consent.
- 2.5 An Environment Protection Licence (EPL) is required for the 'scheduled activity'. The EPL may permit a maximum of 650 tonnes or less of clinical or quarantine waste to be treated each year.
- 2.6 The automated waste machine to be used for the processing of the clinical and quarantine waste, must be a Medivac MetaMizer. Medivac is to certify that the device supplied is in accordance with MediVac Technology Pty Limited's requirements and specifications.

**2.7 Suburb Name**

- 2.7.1 The land the subject of this consent is known to be located in the following suburb. This suburb name shall be used for all correspondence and property transactions:

Suburb: ARNDELL PARK

**3 PRIOR TO CONSTRUCTION CERTIFICATE (GENERAL)**

**3.1 DA Plan Consistency**

- 3.1.1 A Construction Certificate for the proposed development shall only be issued when the accompanying plans, specifications and/or details are consistent with the approved Development Application design plans

**3.2 DCP 2006**

- 3.2.1 Except as otherwise approved, the design plans which accompany the Construction Certificate shall comply with the design criteria specified in Council's Development Control Plan 2006.

**4 PRIOR TO CONSTRUCTION CERTIFICATE (PLANNING)**

**4.1 Necessary Plan Amendments**

- 4.1.1 Amended scaled plans are required to show the dimensions of the 6 proposed car parking spaces in accordance with the Australian Standards.

**5 PRIOR TO CONSTRUCTION CERTIFICATE (BUILDING)**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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**5.1 Building Code of Australia Compliance**

5.1.1 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by :

- (a) Complying with the deemed to satisfy provisions, or
- (b) Formulating an alternative solution which :
  - (i) complies with the performance requirements, or
  - (ii) is shown to be at least equivalent to the deemed to satisfy provision, or
  - (iii) A combination of (a) and (b).

5.1.2 A preliminary assessment of the plans submitted with the application has disclosed that the following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- (a) Sections D, E

5.1.3 In accordance with the provisions of Clause numbers 94 and 143 of the Environmental Planning and Assessment Regulation, 2000, Council's has deemed the following must be provided to the building and detailed in the Construction Certificate plans:

- a. The balustrade serving the stairwell must be upgraded to comply with the requirements of Clause D2.16 of the BCA.
- b. The disabled toilet facility is to be upgraded to comply with AS 1428 – 2001 and Part D3 of the BCA. This will involve the improvement of the grab rails, toilet paper holder and clearance beneath the vanity.
- c. The hose reel shall be relocated to within 4m of the exit door. To ensure coverage within the new layout, an accurate scale plan should be provided.
- d. The enclosure beneath the stairs needs a fire rated door in this location. Alternatively, the door may be removed and the opening may be bricked up.
- e. The first floor office area will need improved emergency lighting and exit signs to comply with AS 2293.
- f. The ground floor offices shall be provided with a mechanical exhaust system complying with AS 1668.
- g. Artificial lighting is to be provided to the ground floor offices.
- h. The clean bin holding area is to be located at least 1m from the existing ground floor offices.

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6 **PRIOR TO DEVELOPMENT WORKS**

6.1 **Safety/Health/Amenity**

- 6.1.1 Toilet facilities shall be provided on the land at the rate of 1 toilet for every 20 persons or part thereof employed at the site.

Each toilet provided shall be:

- (a) a standard flushing toilet, and
- (b) connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility provided by the Council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable to some other sewage management facility approved by Council.

- 6.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

This condition does not apply to:

- (a) building work carried out inside an existing building, or
- (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 6.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involve the enclosure of a public place,

a hoarding or protective barrier shall be erected between the work site and the public place. Such hoarding or barrier shall be designed and erected in accordance with Council's current Local Approvals Policy under the Local Government Act 1993.

Where necessary, an awning shall be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to any person in the public place.

**6.2 Notification to Council**

- 6.2.1 The person having the benefit of this consent shall, at least 2 days prior to work commencing on site, submit to Council a notice under Clauses 135 and 136 of the Environmental Planning and Assessment Regulation 2000, indicating details of the appointed Principal Certifying Authority and the date construction work is proposed to commence.

**7 DURING CONSTRUCTION (BUILDING)**

**7.1 Safety/Health/Amenity**

- 7.1.1 The required toilet facilities shall be maintained on the land at the rate of 1 toilet for every 20 persons or part of 20 persons employed at the site.

- 7.1.2 A sign is to be erected and maintained in a prominent position on the site in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 indicating:

- (a) the name, address and telephone number of the principal certifying authority for the work, and
- (b) the name of the principal contractor (if any) for the building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

- 7.1.3 Should the development work:

- (a) be likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) involves the enclosure of a public place,

the required hoarding, awning or protective barrier shall be maintained between the land and the public place.

The hoarding, awning or protective barrier shall be effectively illuminated between sunset and sunrise where it may be hazardous to persons in the public place.

- 7.1.4 The bin wash bay is to bunded/graded so as to direct water/waste to a collection pit, which then discharges to the Sydney Water sewer system, in accordance with the requirements of Sydney Water.

**7.2 Building Code of Australia Compliance**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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- 7.2.1 All building work shall be carried out in accordance with the provisions of the Building Code of Australia (BCA).

**7.3 Nuisance Control**

- 7.3.1 Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

- 7.3.2 The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

- 7.3.3 Construction work on all buildings (except that on single dwelling houses and associated structures on the site of a single dwelling house) shall not occur on Saturdays and Sundays on weekends adjacent to a public holiday.

**7.4 Waste Control**

- 7.4.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during the course of development works.

- 7.4.2 The bin wash is to be bunded/graded so as to direct water/waste to a collection pit to Sydney Water Corporation sewer.

**7.5 Construction Inspections**

- 7.5.1 The person having the benefit of this consent is required to notify the Principal Contractor for the building construction project that various mandatory and critical stage inspections must be conducted by an accredited certifier, and may include inspections (where applicable):

- (a) At the commencement of the building work; and
- (b) After excavation for, and prior to placement of, any footings; and
- (c) Prior to pouring any in-situ reinforced concrete building element; and
- (d) Prior to the covering of the framework for any floor, wall roof or other building element, and prior to covering waterproofing in any wet areas; and
- (e) Prior to covering waterproofing in any wet areas (but for a minimum of 10% of rooms with wet areas in any class 2,3 or 4 building); and

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(f) Prior to covering any stormwater drainage connections; and

(g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The critical stage inspection “(g)” must be carried out by the Principal Certifying Authority.

Any inspection conducted by an accredited other than the nominated PCA for the project must be verified by way of a Compliance Certificate issued for the relevant works.

Note: Failure to ensure the relevant inspections are conducted will preclude the issue of an Occupation Certificate.

## **8 PRIOR TO OCCUPATION CERTIFICATE**

### **8.1 Road Damage**

8.1.1 The cost of repairing any damage caused to Council's assets in the vicinity of the land as a result of the development works shall be met in full by the applicant/developer.

### **8.2 Compliance with Conditions**

8.2.1 An Occupation Certificate shall not be issued until such time as all conditions of this consent, including the General Terms of Approval (GTA's) of the Office of Environment and Heritage (OEH). The use or occupation of the development prior to compliance with all conditions of consent, other than “Operational” conditions, may render the applicant/developer liable to legal proceedings.

8.2.2 Prior to occupation/use of a new building, it is necessary to obtain an Occupation Certificate from the principal certifying authority in accordance with the provisions of Section 109H of the Environmental Planning & Assessment Act 1979.

### **8.3 Environment Protection Licence**

8.3.1 **As** the premises is a “Scheduled Premises” within the meaning of the Protection of the Environment Operations Act 1997, an Environment Protection Licence (EPL) shall be obtained from the OEH before operations on site can be commenced. A copy of the licence shall be submitted to Council. Note: The clinical waste treatment process will need to be approved in writing by the Director-General of the Department of Health before the EPL can be issued. The EPL may permit a maximum of 650 tonnes or less of clinical or quarantine waste to be treated each year.

8.3.2 In accordance with the General Terms of Approval (GTA's) issued by the Office of Environment and Heritage (OEH), the proponent shall install appropriate air pollution

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control system/s to ensure that all air emissions including gases, vapours and particulates from the process, plant and premises are maintained at acceptable levels and these emissions are monitored correctly and regularly.

#### **8.4 Operations Management Plan**

8.4.1 The applicant shall prepare and pay the full cost of an Operations Management & Monitoring Plan dealing with:

- Health and safety issues and measures in the event of any spillage or a bag being punctured;
- Proposals for monitoring of worker health (e.g. in the event of machinery malfunction);
- General OH&S issues including workplace noise protection;
- Ongoing training and education of employees in safe work practices associated with working with clinical and quarantine waste;
- Regular on-site inspection and preventative maintenance of the automated waste machine (i.e. Medivac MetaMizer) by MediVac or a suitably qualified engineer;
- Maintenance and upkeep of the required bunds to ensure their effectiveness; and
- Measures adopted to ensure full compliance with condition 5 of OEH's General Terms of Approval. In this regard, the Operations Management Plan must demonstrate how cytotoxic waste, pharmaceutical waste, drug waste and medicine waste will continue to be eliminated from the process.

The Operations Management & Monitoring Plan is to be submitted to the Council for approval prior to any operations commencing on site.

Note: All measures outlined in the Operations Management & Monitoring Plan are to be certified on an annual basis by an appropriately qualified environmental engineer. This is to include certification of the manufacturer's recommended maintenance regime, that all adopted health and safety procedures are still in place, and that the required bunding is being maintained. A copy of the annual certification is to be lodged with Council each year for its information and record.

#### **8.5 ~~Wastewater Management Plan~~**

8.5.1 ~~The applicant shall prepare a Wastewater Management Plan which details the bunding in place, location of spill kits and mitigation responses to a possible water contamination event.~~

~~The Wastewater Management Plan is to be submitted to the Council for approval prior to any operations commencing on site.~~

#### **8.6 Car Parking**

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
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- 8.6.1 A minimum of 6 car parking spaces are to be provided on site. All car parking spaces are to be line marked and sealed with a hard standing all weather material.
- 8.6.2 The 6 designated car parking spaces are to be signposted as "rear to kerb' parking.
- 8.6.3 Off-street car parking shall be encouraged by the installation of appropriate, permanent and prominent signs indicating its availability.
- 8.6.4 Entrance/exit points are to be clearly signposted and visible from the street and the site at all times.
- 8.6.5 Access and parking for people with disabilities shall be provided in accordance with Australian Standard 2890.1.

**8.7 Service Authorities**

- 8.7.1 The applicant shall obtain a Trade Waste Approval from the Sydney Water Corporation Limited in relation to any discharges to the Corporation's sewerage system.
- 8.7.2 A final written clearance shall be obtained from Sydney Water Corporation, Endeavour Energy and Telstra (or any other recognised communication carrier) if such clearance (in the form of a Section 73 Certificate, Notification of Arrangement, etc) has not previously been issued.

**8.8 Landscaping**

- 8.8.1 The front setback area is to be suitability landscaped to the satisfaction of Council.

**8.9 Temporary Facilities Removal**

- 8.9.1 Any hoarding or similar barrier erected to protect a public place shall be removed from the land and/or public place.
- 8.9.2 Any temporary toilet facilities provided during construction works shall be appropriately dismantled, disconnected and removed from the land.

**8.10 Fire Safety Certificate**

- 8.10.1 A final fire safety certificate complying with Clause 153 of the Environmental Planning and Assessment Regulation 2000 shall be issued prior to the use or change of use of the building, except in the case of any Class 1a and Class 10 building(s).

**8.11 Emergency Procedures**

- 8.11.1 Instructions concerning procedures to be adopted in the event of an emergency shall be clearly displayed on the premises for both public and staff information at all

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times to the satisfaction of Council.

**8.12 Other Matters**

- 8.12.1 Appropriate signage is to be erected advising that access by the general public into any restricted areas of the building is prohibited.

**8.13 Environmental Management**

- 8.13.1 All entrances and exits to the building are to be bunded.
- 8.13.2 All floors within the factory shall be sealed to enable containment of spills/leaks.

**9 OPERATIONAL (PLANNING)**

- 9.1 A copy of the certification required by Condition 8.4.1 of this consent is to be lodged annually with Council for its information and record.

**9.2 Access, Parking & Vehicles**

- 9.2.1 All 6 required off-street car parking spaces are to be line marked and internal driveways are to be sealed and shall be maintained to a standard suitable for the intended purpose.
- 9.2.2 Vehicles associated with the activity are to park within the 6 designated car parking spaces (4 spaces for staff and 2 for visitors) and are to park rear to kerb, and enter and leave the site in a forward direction.
- 9.2.3 All loading and unloading operations shall take place at all times wholly within the confines of the industrial building within the designated loading/unloading area. In this regard, all waste materials must be handled, loaded and unloaded within the bunded area within the building at all times. No authorisation is given for the loading or unloading within the driveway or parking areas.
- 9.2.4 The internal designated loading/unloading area is to remain clear of any obstructions (particularly stored bins) at all times to ensure that all loading and unloading takes place wholly within the designated area.
- 9.2.5 The portable ground floor office must not impact on the operations of the business at any time, including designated loading/unloading area.
- 9.2.6 Access and parking for people with disabilities shall be maintained in accordance with provisions of Australian Standards 1428.1 and 2890.1.
- 9.2.7 All vehicles must enter and leave the site in a forward direction at all times
- 9.2.8 ~~All drivers must be sub-contracted. As such, a~~ All vehicles must be cleaned, maintained and stored off site.

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**9.3      Retailing Restrictions**

- 9.3.1      This consent does not authorise the sale or display of goods for retail to the general public.

**9.4      General**

- 9.4.1      No goods, materials, or trade waste (including the specially marked sulo bins) shall be stored at any time outside the building on either the internal vehicular driveway, car parking areas, landscaping or footpath areas. The bins must be located inside the ~~premises~~ building at all times to ensure there is no impact of the availability of on-site parking.
- 9.4.2      No goods or materials shall be stored, displayed for sale or manufactured at any time outside the building.
- 9.4.3      Spillage of light, if any, shall be controlled so as not to cause nuisance to the amenity of adjoining land.
- 9.4.4      If artificial lighting is proposed full details are to be submitted indicating the manner in which adjoining properties are to be protected.
- 9.4.5      Should an intruder alarm be installed on the land it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 9.4.6      Access to the fire extinguishers shall be kept clear at all times.
- 9.4.7      Emission of sound from the land shall be controlled at all times so as to not unreasonably impact upon nearby owners/occupants.
- 9.4.8      The hours of operation of the development shall not be outside of the following nominated times.

Any alteration to these hours will require the separate approval of Council.

Approved hours of operation:          7am to 7pm, Monday to Saturday.

No work is permitted on Sundays or Public Holidays.

Should Council receive justified complaints that the waste management facility is operating outside these hours, or is causing noise and disturbance to the adjoining uses then Council will be required to investigate, which may result in the commencement of enforcement proceedings in the event of non-compliance.

- 9.4.9      The applicant is to comply at all times with the requirements of the Dangerous Goods Code in relation to the transportation and handling of all specially marked

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bins.

- 9.4.10 Access by the general public into any restricted areas of the building is to be prohibited and this is to be made clear by the use of signage.
- 9.4.11 All faults relating to utility services are to be repaired or replaced immediately. Where repairs or placement is not possible the asset owner should be informed of the fault.
- 9.4.12 The front setback area is to be suitably landscaped and suitably maintained at all times.

**9.5 Use of Premises**

- 9.5.1 The use of the approved development shall, at all times, be conducted in a manner consistent with the terms and conditions of this consent.
- 9.5.2 This consent authorises the use of the industrial premises for the following purposes, subject to full compliance with all other conditions of this consent:
- Operation of a “waste management facility” for the handling and processing of clinical and quarantine waste.
  - The maximum storage of 0.5 tonnes (i.e 23 bins) of unprocessed waste on site at any one time.
  - The processing of a maximum of 96 sulo bins of untreated waste each day.
  - The processing of a maximum of 650 tonnes of untreated waste per year.

Any proposal to increase the processing capacity will require the prior and separate development approval by way of a Section 96 Application or a new DA.

- 9.5.3 All waste within the specially marked bins is to be processed on the same day it is delivered to the premises.
- 9.5.4 At no time is untreated waste to be stored at the premises overnight.
- 9.5.5 The proposed operations are to comply at all times with the General Terms of Approval (GTA's) issued by the Office of Environment and Heritage (OEH). A copy of the GTA's are included at Attachment 1 of this consent.
- ~~9.5.6 The proposed development must comply at all time with the recommendations detailed within the Environmental Impact Statement (EIS) prepared by Stimson Consultant Services dated August 2011 and the amending addendum dated 8 September 2011.~~
- ~~9.5.7 The controls, management methods and health and safety measures indicated within~~

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- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
- (c) It is in the public interest that they be imposed.

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~~the EIS to reduce risks associated with the proposed operations and mitigate the risk of contamination, are to be complied with at all times while the facility is in operation.~~

**9.6 Ongoing Monitoring**

9.6.1 The following requirements shall be complied with:

- (a) Any change in ownership or legal entity will require a new trade waste consent from Sydney Water Corporation;
- (b) Maintain a wastewater management plan; and
- (c) Provide and maintain recovery equipment for the site.

**9.7 Monitoring Management**

9.7.1 The following requirements shall be complied with:

- Compliance with Sydney Water Corporation – 21 Day waste water sampling regime and targets;
- Concise recording/documentation of trade waste water results;
- Communication with all regulatory authorities of target values to reach;
- Compliance with routine inspections detailed by regulatory authorities;
- Daily recording of waste water discharged into the sewer; and
- In the event of machinery malfunction compliance with the approved waste water management plan is required.

**10 OPERATIONAL (ENVIRONMENTAL HEALTH)**

**10.1 Environmental Management**

10.1.1 No contaminated waste water or liquid waste shall be discharged into Council's stormwater system.

10.1.2 All bunded areas shall be maintained in such condition to ensure that all spillage or leakage is retained within the bund, until disposed of by means that do not pollute waters or land. This includes the provision of portable bunding for use in any potential emergency to prevent contamination discharging into Council's stormwater system.

10.1.3 All entrances and exits to the building are to be bunded.

10.1.4 The proposed bin wash station is to be bunded and connected to the Sydney Water Sewage System. The Applicant will be required to obtain a Sydney Water Corporation (SWC) trade waste agreement to permit the discharge of wash-down from the bins into the Sydney Water sewage system.

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- 10.1.5 Bunding is to be designed and installed in accordance with:
- NSW Department of Environment and Climate Change publication - Storing and Handling Liquids: Environmental Protection - Participants Manual;
  - NSW Department of Environment and Climate Change publication - Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation;
  - NSW Department of Environment and Conservation publication Environmental Action for Service Stations;
  - Australian Standard 1940-2004: The storage and handling of flammable and combustible liquids; and
  - Australian Standard/New Zealand Standard 4681:2000: The storage and handling of Class 9 (miscellaneous) dangerous goods and articles.
- 10.1.6 All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises shall be collected and discharged in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- 10.1.7 The approved Operations Management Plan shall be implemented to ensure the applicant monitors the potential discharge of pollutants.
- 10.1.8 All materials associated with the use of the site, including empty bins, shall be stored within the building.
- 10.1.9 The approved Waste Management Plan shall be implemented.
- 10.1.10 The proposed operations must not exceed 5dBA above background noise levels at the property boundaries in accordance with the EPA's Industrial Noise Policy.
- 10.1.11 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the EPA's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Council for consideration.
- 10.1.12 Mandatory water restrictions apply to all Sydney Water customers including businesses. Should the activities carried out on the premises require an exemption the proprietor of the business shall obtain an exemption permit from Sydney Water and a copy of the permit shall be submitted to Council.
- 10.1.13 Sufficient supplies of appropriate absorbent materials and/or other appropriate spill clean up equipment shall be kept on site to recover any liquid spillage. Liquid spills must be cleaned up using dry methods only and shall not give rise to an offence under the Protection of the Environment Operations Act 1997.

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- 10.1.14 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 10.1.15 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 10.1.16 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 10.1.17 No wash/hose down of vehicles is permitted at all on the site.
- 10.1.18 All waste shall be stored suitably and disposed of by an appropriate waste contractor. Under no circumstances is waste from the activity to be disposed of through Council's waste collection services.
- 10.1.19 The proposed operations must comply at all times with the requirements of NSW Workcover.
- 10.1.21 No chemicals (except domestic cleaning products) are to be kept on the subject site as part of the development.
- 10.1.22 The storage and handling of liquids associated with activities on the premises is to be carried out in accordance with the requirements of;
- NSW Workcover
  - NSW Department of Environment and Climate Change publication - Storing and Handling Liquids: Environmental Protection - Participants Manual;
  - NSW Department of Environment and Climate Change publication - Liquid Chemical Storage, Handling and Spill Management - Part B Review of Best Practice and Regulation.

These conditions are imposed for the following reasons:

- (a) To ensure compliance with the terms of the relevant Environmental Planning Instruments and/or the Building Code of Australia and/or Council's codes, policies and specifications.
- (b) To ensure that no injury is caused to the amenity of the area, to other persons or to private and public property.
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