

## SYDNEY WEST JOINT REGIONAL PLANNING PANEL

<b>JRPP No</b>	<b>2012SYW045</b>
<b>DA Number</b>	<b>DA 2012/127/1</b>
<b>Local Government Area</b>	<b>Holroyd City Council</b>
<b>Proposed Development</b>	<b>Change of use to a plastics processing plant</b>
<b>Street Address</b>	<b>2 Herbert Place, Smithfield</b>
<b>Applicant/Owner</b>	<b>Visy Packaging Pty Ltd / McCredie Road Properties Pty Ltd</b>
<b>Number of Submissions</b>	<b>Nil</b>
<b>Recommendation</b>	<b>Approval on a deferred commencement basis</b>
<b>Report by</b>	<b>Nabila Sarwary – Senior Development Planner</b>

### Summary

This Development Application (DA2012/127/1) proposes alterations to the existing building and change of use to plastics (bottles) processing plant operating 24 hours per day at 2 Herbert Place, Smithfield. The proposal includes internal fitout, construction of a pipebridge over part of the site, new waste water treatment plant, increase in height of part of the building, installation of exhaust fans, new load conveyor, cooling towers, electrical transformers and water tanks, modifications to car parking and driveways, site works and external container storage area and the removal of some trees.

The application requires determination by the Joint Regional Planning Panel as it has a Capital Investment Value (CIV) of \$26,260,240.

The application was advertised for a period of 30 days from 18 April 2012 until 18 May 2012. During the notification period no submissions were received by Council.

The proposal is not designated development as specified in Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Furthermore, the proposal is not integrated development under the Environmental Planning and Assessment Act, 1979 as amended, as it is not a scheduled activity under Schedule 1 of the Protection of the Environmental Operations Act 1997.

The application has also been assessed against the relevant provisions contained within State Environmental Planning Policy No 33 – Hazardous and Offensive Development, State Environmental Planning Policy No. 55 – Remediation of Land, Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (deemed SEPP), Holroyd Local

Environmental Plan 1991, Draft Holroyd Local Environmental Plan 2012 and Holroyd Development Control Plan 2007, and the proposal is considered to comply with these controls.

Council's recommendation to the Joint Regional Planning Panel is for determination of the DA by way of approval, subject to the conditions at the end of this report.

### **Related Applications**

Development Consent 13/94 for Smithfield Energy Facility (power plant) at 6 Herbert Place, Smithfield issued by Department of Planning, pursuant to clause 8 of SEPP 34 – Major Employment Generating Industrial Development

On 18 April 2012, Council received notification from the Department of Planning that Visy had lodged an application to modify Development Consent 13/94 issued for the Smithfield Energy Facility at 6 Herbert Place, Smithfield, which is the adjoining property to the east of the subject site.

The modification involved construction and operation of a services pipe bridge between Visy's Smithfield Energy Facility at 6 Herbert Place to the subject site at 2 Herbert Place, to allow the treatment of wastewater from the proposed plastics processing plant at the existing wastewater treatment plant at 6 Herbert Place. The proposed modification also sought changes to vehicle access between the properties.

The Department of Planning granted consent to the proposed modification on 16 July 2012.

DA2012/69 – Construction of 7 Silos at 2 Herbert Place, Smithfield (subject site)

On 28 May 2012, Council granted consent to DA2012/69 for the demolition of ancillary structures, relocation of existing fire hydrant line and erection of 7 silos and associated foundations with a maximum height of 18.25m on the subject site.

The use of silos was not approved under the consent granted to DA2012/69, and consent for their use is now being sought with the subject application.

These silos are currently being installed on the subject site.

### Critical Dates/Application History

Date	Action
04/04/2012	DA2012/127 lodged with Council.
16/04/2012	Council notification sent to Joint Regional Planning Panel (JRPP) advising of the DA.
18/04/2012 – 18/05/2012	Public exhibition period of DA. No submissions were received.
18/04/2012	Notification received from Department of Planning of proposed modification application to Development Consent 13/94 issued for the Smithfield Energy Facility at 6 Herbert Place, Smithfield.
18/04/2012	DA referred to NSW EPA.
03/05/2012	Council advice issued to Department of Planning providing comments on proposed modifications to Development Consent 13/94. Council's advice also included comments on the subject DA2012/127.
13/06/2012	Council sought a legal opinion to confirm the applicant's legal advices that the proposal is not designated development as per Schedule 3 of the Environmental Planning and Assessment Regulation 2000.
14/06/2012	Deferral letter sent to the applicant requesting additional information with respect to: <ul style="list-style-type: none"> <li>▪ Designated development;</li> <li>▪ Stormwater and drainage; and</li> <li>▪ Traffic and parking.</li> </ul>
20/06/2012	Additional information and amended plans received from applicant in response to Council's request for additional information. The nature of the additional information and minor changes to the plans did not warrant re-notification.
27/06/2012	Advice received from Council's solicitor confirming the proposed development is not designated development.
16/07/2012	Modification application to Development Consent 13/94 approved by Department of Planning.
27/07/2012	DA referred to JRPP for determination.

### Locality & Site Description

The subject site is located on the southern side of Herbert Place and on the eastern side of the Cumberland Highway. The subject site is legally described as Lot 2 in DP 849480 and is known as 2 Herbert Place, Smithfield.

The site has an area of 10.11 hectares and contains a 12,460m<sup>2</sup> industrial building with a height of up to 10.5 metres, which is setback 60m from Cumberland Highway and 36m from Herbert Place, which was previously used for manufacturing cardboard boxes. There are 85 car parking spaces on the site.

The subject site is zoned General Industrial 4(a) under the provisions of Holroyd Local Environmental Plan 1991.

The site has been identified as being within a low risk flood precinct.

The closest residential areas are located within Fairfield City Council and are located to the south-east approximately 250m from the development area (see Photograph 1). Prospect Creek is also located to the south-east, approximately 200m from the development area.

The Smithfield Energy Facility and Visy's paper mills and Materials Recycling Facility (MRF) are located to the east of the subject site at 6 Herbert Place, Smithfield.

**Photograph 1: Aerial photograph**



Source: Holroyd City Council GIS map

Residential areas within the Fairfield City Council local government area

Refer to zoning map further in this report for zoning information.

Photographs 2 – 18 below illustrate the existing site and surrounds.



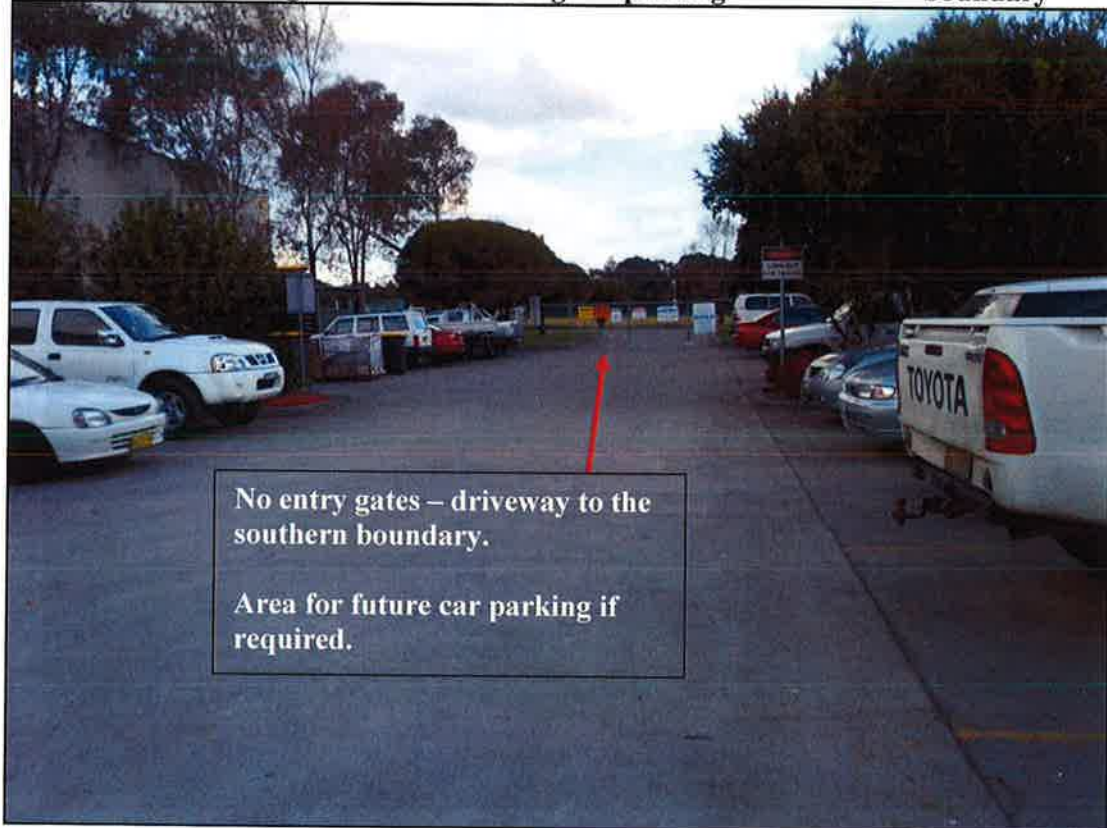
**Photograph 2: looking south at the main office**



**Photograph 3: looking south at the existing car parking to the western boundary**



**Photograph 4: looking south at the existing car parking to the western boundary**



**Photograph 5: looking east – proposed location bin area north of the building**





**Photograph 6: looking west –proposed location of water tanks north of the building**

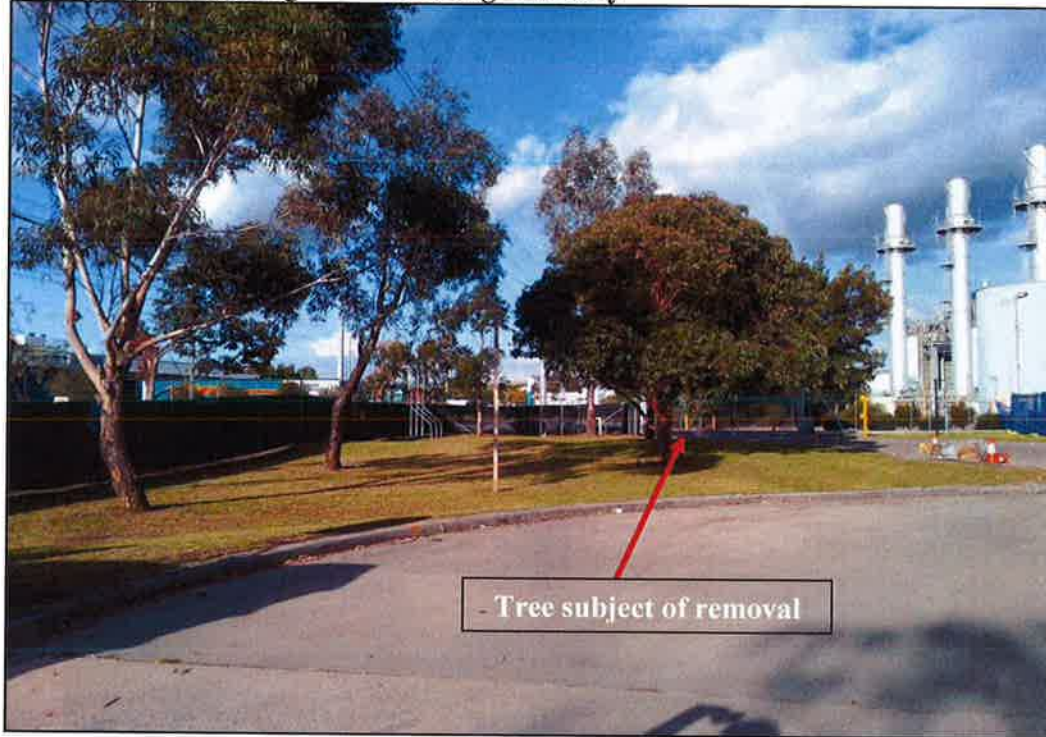


**Photograph 7: looking west along northern façade of the building**





**Photograph 8: looking east to existing driveway to be extended**



**Photograph 9: looking east to Materials Recycling Facility at 6 Herbert Place**





**Photograph 10: looking south to existing awning along eastern building façade**



**Photograph 11: looking south on access road to the southern boundary**



**Photograph 12: looking east to the existing pipebridge at 6 Herbert Place and proposed location of pipebridge extension**

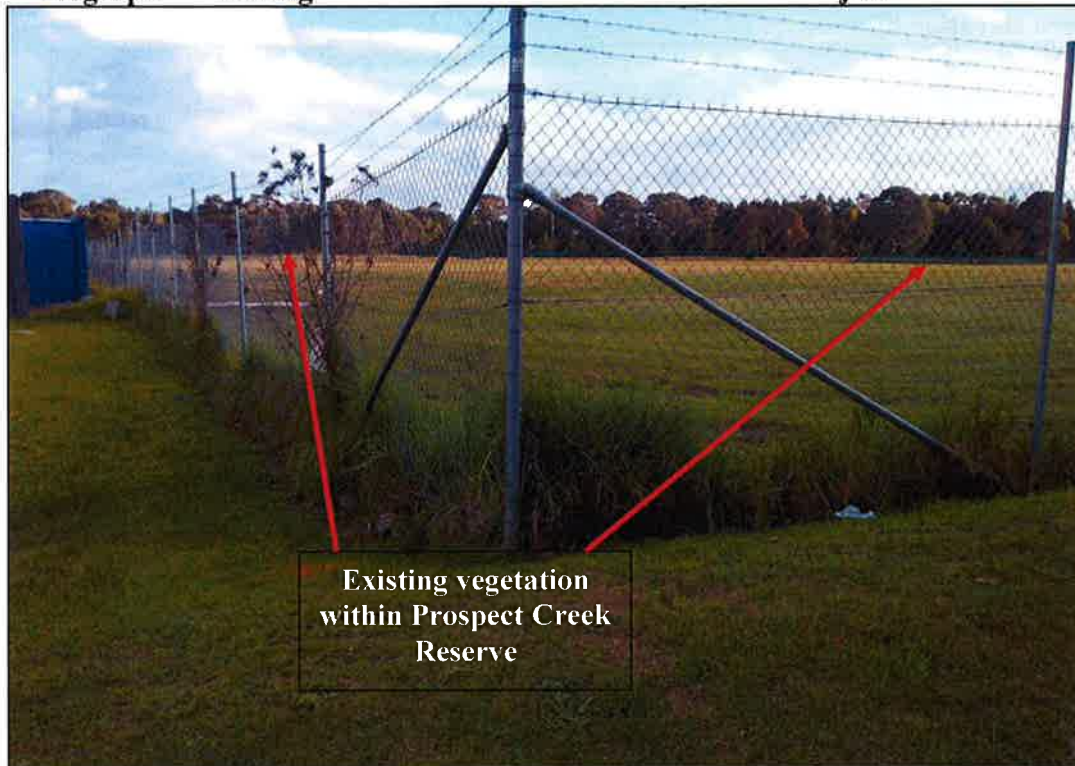


**Photograph 13: looking south to proposed location of waste water treatment plant**





**Photograph 14: looking south to the fenced off section of the subject site**



**Photograph 15: looking west to the location of approved silos along the southern elevation and proposed location of electricity transformers**





**Photograph 16: looking north to the location of approved silos along the southern elevation**



**Photograph 17: looking east to the southern side of the existing building**



**Photograph 18: looking west to western driveway and view of Cumberland Highway**



## **Proposal**

This Application (DA2012/127) proposes alterations to the existing building and change of use to a plastics (bottles) processing plant operating 24 hours per day and processing approximately 42,000 tonnes per year with approximately 20,000 tonnes of output at 2 Herbert Place, Smithfield.

The applicant has stated as follows in their SEE:

*"By this plastics processing plant Visy aims to construct the first plant in the world which can process both PET and HDPE plastic into food grade pellets as raw materials for the manufacturing of new food containers. It is a project which intends to use the most up to date, clean and efficient equipment in the world to reprocess plastics."*

## **Proposed Internal Works**

The DA includes the following internal works:

- Installation of new equipment (see below) for plastics processing, internal silos in the extrusion area and chillers.
- Construction of a fire rated High Voltage room adjoining the existing plant room in the south eastern corner of the building.

- Relocation of banded chemicals area from the exterior of the southern side of the building to within the northern section of the building to allow storage of a 5m<sup>3</sup> banded area for caustic soda, including the removal of existing partitioning and a ceiling in that area.
- New wall partitioning around the Starlinger (see below) extrusion area with door openings, crash barriers and bollards.
- Small laboratory for quality checks.
- Trenching and foundations and footings for the internal equipment will be undertaken pursuant to the Codes SEPP, rather than under this application.
- Modify existing concrete slab for new footings and drainage lines as required for new plant. This is to be undertaken under the Codes SEPP.
- Installation of new steel support columns as required for new top hat roof area.
- Installation of full height wall / dust screen partition wall required to maintain a dust free environment around the extrusion area of the plastics processing plant (with door openings), including bollards and crash barriers.
- Installation of bollards and crash barriers to factory area.
- Modify existing sprinkler system as required.

The main pieces of new equipment to be installed include:

- Conveyor belts (Stadler brand) to transport plastics into and through the building. Whilst on the conveyors, impurities will be removed from separated baled plastics by machines such as a magnet, trammel, ballistic separator, eddy current separator, Near Infra-Red (NIR) sorting heads and by manual inspection. A new conveyor will be placed under the eastern awning of the building, and other conveyers will be located inside the building.
- Washing lines (Sorema brand) for PET and HDPE bottles. The process of pre-washing and grinding including removal of glue or labels is performed by equipment on the washing lines. The unwanted materials are refined and captured by filtering and float sink processes.
- Reforming equipment (Starlinger brand) which melts the plastics and extrudes it into pellets or flakes. This equipment also decontaminates the plastics by holding the plastics at heat for 6 hours. The pellets are then blown into external silos for storage prior to distribution offsite.

#### Proposed External Works

The DA includes the following external works:

- Construction of services pipebridge to the Visy Recycling land at 6 Herbert Place to provide the following services for the new plastics processing facility on the subject site:
  - steam power to the facility taken from a connection on an existing pipebridge to Visy Recycling;
  - electrical services to the facility taken from the existing substation at south east corner of Visy Recycling land;
  - waste water from the equipment processes in the building to the waste water pretreatment plant to the south east of the building;
  - pre-treated waste water return to waste-water treatment plant (WWTP) on Visy Recycling land;
  - return condensate to Smithfield Energy Facility; and
  - provision of recycled water from the Sydney Water recycled water supply.



The proposed route of the bridge is from the south east corner of the building, across the existing roadway which provides access to the Visy Recycling land, and just inside the northern boundary of Lot 34 DP 850596 (immediately south of Smithfield Energy Facility). The pipebridge will connect to the Smithfield Energy Facility and to an existing pipebridge which extends south from the Smithfield Energy Facility to facilities on the Visy Recycling land, including the WWTP.

The pipebridge will be of a structural steel frame construction with reinforced concrete footings and extend over two internal roadways (one immediately to the south of the building and one over the main access road to the Visy Recycling land). Both will have a minimum height clearance over the roadway on the Visy Recycling land of 6.75m and over the roadway south of the building of 6.5m.

A separate application for all pipebridge works to be carried out on 6 Herbert Place was approved by the Department of Planning on 16 July 2012.

- New waste water pre-treatment plant of 240m<sup>3</sup> capacity on a vacant part of the subject site to the south east of the building near the proposed pipebridge. The plant will remove solids before the water is piped via the pipebridge to the existing WWTP on Visy Recycling land. The area will be bunded at 400mm and be 20m x 9m in area. A new bitumen service road will provide access to the plant and is shown on the plans. Included in the pretreatment plant will be a storage tank of 10m high and 4 m diameter, a D.A.F. plant 3m high and 4 m in diameter and both a sludge and an effluent tank both 2.2m in diameter and 4m and 3m respectively in height.

The pretreatment plant will be connected to the output of the PET and HDPE (Sorema) equipment plant to pre-treat the effluent water sources from the three main processes: pre-washing and grinding, hot washing and separation and rinsing.

Following pre-treatment the water will be pumped to a holding/storage tank and then pumped over the pipebridge to the Visy Recycling land WWTP for treatment and ultimate discharge to the sewer. For emergency situations a by-pass pipe will be required to discharge the pre-treated water into the existing sewage system.

- Increase in height of 2 sections of the building (the top hats) at its southern end associated with the plastics reforming equipment (Starlinger brand). The parts of the roof to be raised will have areas of approximately 62m<sup>2</sup> (9.7 x 6.4) and 99m<sup>2</sup> (9.7 x 10.2) respectively (which is around 1.34% of existing factory roof area). These tophats will be setback approximately 115m from the Cumberland Highway and 92m from Herbert Place. The tophats will be a maximum of 13.5m above ground level, or 2.92m higher than the existing top of ridge of the building.
- 5 x exhaust fans to be installed on the roof (including one in each top hat). The exhaust fan in each top hat section will have an air flow capacity of 0.3m<sup>3</sup>/second. Three extra exhaust fans will be placed between the top hats with a capacity of 0.6m<sup>3</sup>/second.
- Conveyor belts (being part of the Stadler equipment) will be constructed under the southern sector of the building awning to facilitate the initial sorting and transport inside the building from the unloading trucks. Acoustic insulation will be fitted to the underside of the awning for noise mitigation.

- Cooling towers to be erected on the east side of the building with a 1.8m high acoustic barrier to assist in noise mitigation. Chillers installed internally contain a heat exchanger, and the cooling towers' purpose is to cool the hot water arising from that heat exchange process.
- Construction of new 6m wide x 4.5m high opening at the northern end of the eastern elevation with a new motorised roller shutter door of powdercoat finish to match the existing.
- An opening of 2m wide x 1.6m high at the southern end of the building under the awning for the Stadler conveyor to enter the building.
- Construction of two electrical transformers on the southern side of the building. Each transformer will be sized 3.9m x 0.38m and will be constructed within a concrete bunded area measuring 17.63m long x 3.38m wide.
- Installation of 2 x water tanks on the north and southern side of the building with a capacity of approximately 103m<sup>3</sup>. These will be used to hold recycled water obtained from Sydney Water recycled water and can be used as an emergency storage of mains water in the event of a temporary break in the supply of recycled water. The water from the water tanks will be used to supply the wash lines in the Sorema. The water tanks will be installed on concrete footings.
- Small increase to the paved area to the north east of the building to facilitate truck manoeuvrability to the north of the eastern awning.
- Minor amendments to disabled and courier car parking.
- Increase the width of the driveway closest to the intersection of Herbert Place with the Cumberland Highway to 6m to allow two way light vehicle traffic access and egress.
- New bin area of 4.2m x 4.09m on the northern side of the building.
- An area for 4 shipping containers is to be set aside to the east of the eastern awning for the temporary collection of waste material and unwanted products from the processing plant prior to transport to other facilities for processing. There is sufficient space for forklifts to access the containers and for vehicles to side load the containers.
- Access stairs and a hopper are proposed between two of the external silos which are the subject of the Silos DA (DA2012/69 approved by Council on 28 May 2012).
- Use of the silos in association with plastics processing. These silos are currently being installed on the site and will be where the processed pellets will be blown into prior to loading into trucks for removal off-site for further processing.
- The existing awning/covered loading dock area at eastern end of building will be used for unloading of unprocessed raw material from transport vehicles.
- New easement for services over both Lot 2 DP 849480 (2 Herbert Place – the subject site) and Lot 34 DP 850596 (6 Herbert Place).

- Removal of 3 x trees (with a possibility of a further 5 trees) and planting of 11 replacement trees.

### Description of Plastics Processing Operations

The application seeks a change of use from manufacturing cardboard boxes to a plastics processing plant.

The plastics processing plant sorts inputted plastics, and removes contaminants and unwanted materials. The desired HDPE Natural and PET clear bottles are forwarded to washlines, following which the bottles are physically reprocessed to pellets and decontaminated prior to storage and distribution to clients.

There are two different types of plastic bottles which are used for processing:

- PET (polyethylene terephthalate) clear bottles – a thermo-plastic polymer resin, commonly denoted as a number “1” in the recycling symbols; and
- HDPE (High-density Polyethylene) natural, produced from ethylene, commonly denoted as a number “2” in the recycling symbols.

Unwanted materials for the process are HDPE coloured, “mixed plastics”, paper, plastic film, aluminium and scrap metal.

### Bottle Sorting Process

The plastic bottles will be bought as bales of bottles from sorting facilities including the MRF on the adjoining Visy Recycling land. The Stadler equipment has two functions - it splits out the desired bottles (clear PET and Natural HDPE) and it removes any contaminants and impurities which may have inadvertently come in the bale such as paper, metal, or unacceptable plastics such as PVC.

The bottle sorting process is explained as follows and Figure 1 below illustrates this process.

**Unpacking.** The material arrives in bales, compressed by steel straps which are cut off. There is a tendency for them to remain in clumps so they go through a de-baler which makes the bottles fall apart into individual bottles.

**Trommel.** The trommel is a large rotating drum with holes of different sizes and fins which move the bottles forward. It is room temperature and dry. Any small contaminants such as loose caps, stones or lumps of metal should fall through the holes as the bottles pass on.

**Magnet.** A powerful magnet removes any steel or iron.

**Eddy current separator.** This device lifts aluminium items such as cans away from the plastic bottles.

**Ballistic Separator.** The Ballistic separator has a set of rotating “walking” beams, and is angled on a slope. Two dimensional or flat items (paper or plastic film) move up the beams to be removed. Three dimensional items (such as bottles) stay at the lower end for removal. Small contaminant items can drop out in the same manner as the trommel.



**NIR sorting heads.** 7 x Near Infra-Red (NIR) heads are arranged in an optimised flow to sort out the wanted plastic bottles from those which cannot be used in the plant.

Each unit consists of a conveyor (to spread the bottles out), detector heads (to identify the plastic) and blowing heads which use a quick jet of air to blow the bottle in the direction it should go according to its material.

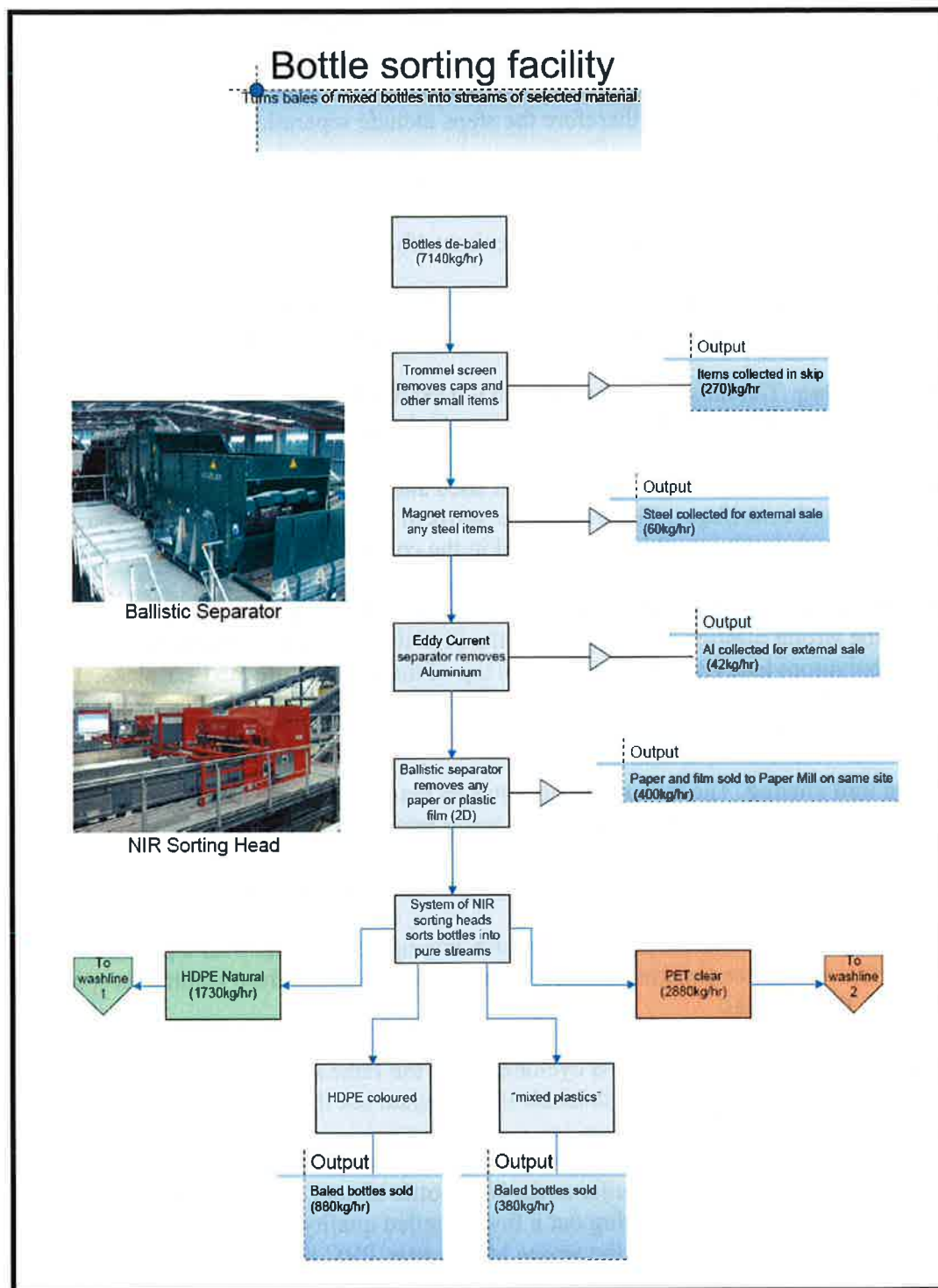
The NIR heads use Near Infra-Red spectrometry and visible light to carry out a double scan which detects whether the bottle is clear or coloured and what plastic it is made from.

The heads are arranged to give good purity to the bottle stream, and has a recovery belt to pull back in any good bottles accidentally blown the wrong way.

**Bunkers.** The line has bunkers to collect bottles before the washline for buffering purposes. It also has bunkers to collect the items removed from the stream so that they can be removed efficiently in large containers.

**Manual inspection belt.** Some items are difficult for an automated system to detect, but which are critical to remove for later processing (such as PET bottles with small PVC labels). A manual station at the end of the sorting plant provides for a final human check on the quality and to remove any bottles which should not be there.

Figure 1: Bottle sorting process flow diagram



## Washlines

There are two separate washlines, one for PET (Figure 2) and the other for HDPE (Figure 3), which are very similar and have the same standard process steps. The aim of the washlines processing is to produce clean flake with no glue or labels. The flake should have <50ppm of unintended different materials and therefore the steps include separation, cleaning and drying.

The washlines process is explained as follows and illustrated in Figure 2 below.

**Pre wash.** The bottles are washed in a cold water centrifuge to remove any grit or dirt.

**Wet grinding.** The wet grinding section has two grinders and is housed in environmental housing to reduce noise. The grinders turn the bottles into flakes of around 8mm square.

**Flakes hot washing.** The flakes are washed with hot (85°C) dilute caustic soda to remove any dirt and take off the labels and glue. There are three wash chambers.

**Filtering.** In order to reduce the amount of water used and keep it as clean as possible there are a variety of filters and centrifuges. The fresh water starts in the rinsing area and flows back through the hot wash section, and is then re-used in the cold pre-wash.

**Rinsing and separation.** This section rinses the material and uses a float-sink process to separate out the wrong plastics. For example in the PET line any flakes arising from caps made of HDPE or polypropylene (PP) will float on the top of the water while the PET sinks. The HDPE is removed by rotating paddles, and then goes through a separate drier so that it can be collected and sold.

**Hot stirring and rinsing.** The bulk of material has an extra hot rinsing process involving two stir/rinse tanks, a vibrating screen and a process water recycling tank.

**Drying area.** This section has a horizontal centrifuge and fluid bed dryer.

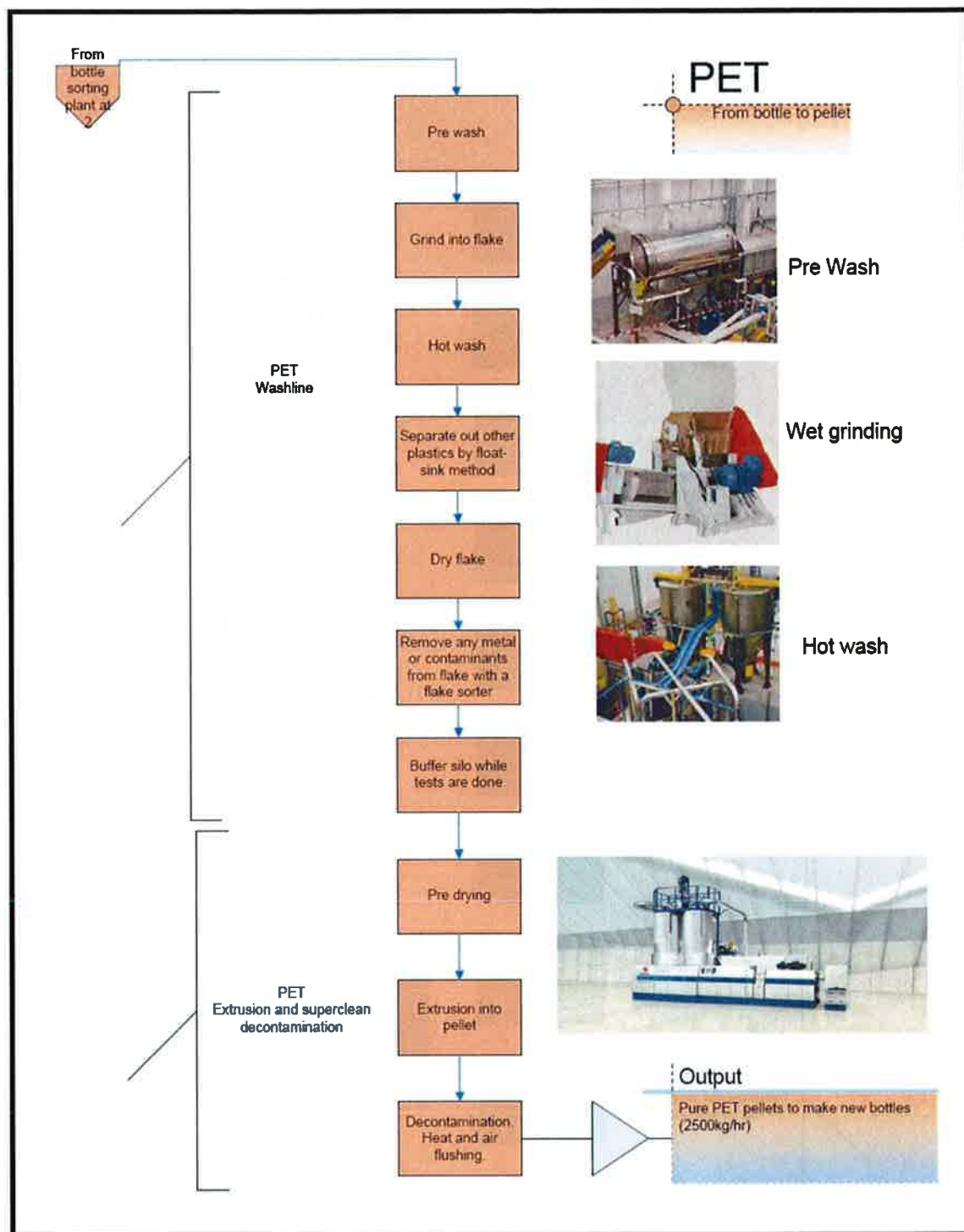
**Blending area.** There are two blending silos which mix up the material over a period of time. This ensures that any minor contamination, such as a clump of PVC from a bottle, is spread more evenly through the material.

**Aerodynamic separation.** A separation cyclone blows the flake around a series of bends. Any light or thin material such as thin plastic labels will separate out through this process.

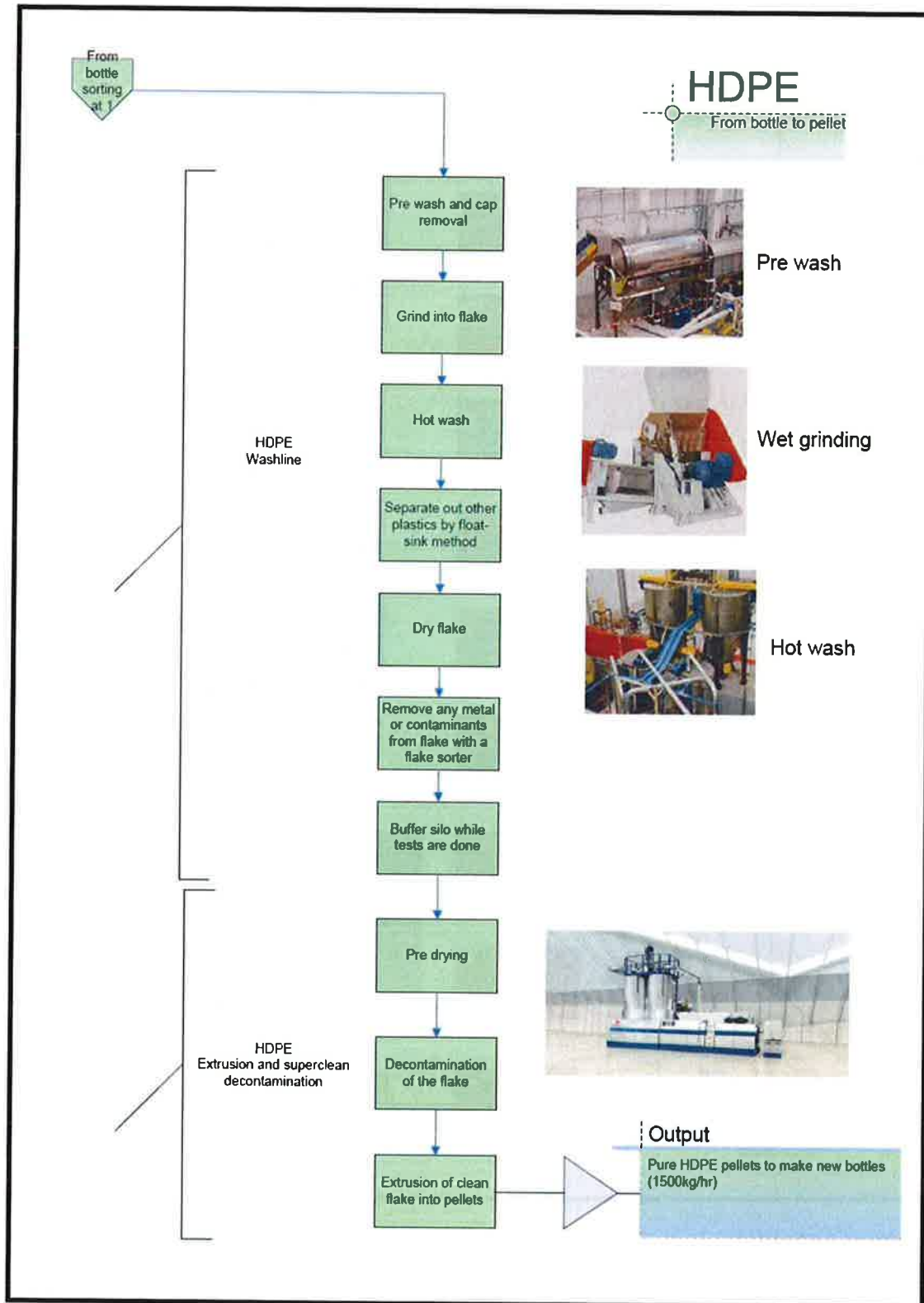
**Flake sieving and sorting.** The flake is sieved to a size of no smaller than 4mm and run through an NIR/colour sorter. This is very similar to the NIR bottle sorters described in section 2.4.1 above, but acts on a flake level, carrying out a final detailed quality control on the flake. It rejects flakes which are the wrong colour or the wrong plastic (e.g. PVC in the PET stream).



**Figure 2: Washlines and extrusion flow diagram (PET)**



**Figure 3: Washlines and extrusion flow diagram (HDPE)**



Following the washlines, extrusion takes place and this process is also illustrated in Figures 2 and 3 above. The extrusion process is described below.

## Decontamination and Extrusion

The decontamination step takes washed flake and makes them into pellets which are clean enough to eat from and as easy to process as virgin pellet. The flake has had a thorough wash and rinse, but this final step is important for food safety, acting as a guarantee that anything untoward which may have been in contact with the bottles is removed. The PET process is in a slightly different order from HDPE in that the PET is dried first, then extruded and decontaminated, whereas the HDPE is not dried and is extruded before decontamination.

During extrusion the flakes are melted and a screw inside a barrel squeezes out a spaghetti strand of plastic which are then immersed in water and broken into the pellets which solidify in the water. There are two purposes to the melting:

- Purchasers prefer a pellet to a flake and the melting allows a pellet to be formed; and
- It allows further filtration to 20 microns to take out any remaining unwanted particles.

**Batch control.** PET flake is stored in five batch silos of 15m<sup>3</sup> each. HDPE flake is stored in four batch silos of 15m<sup>3</sup> each. A sample is taken from each silo and laboratory checks done to make sure the material is of the required quality. Good material goes forward for processing. Reject material can be sold as second grade material.

**PET drying.** PET is extremely susceptible to water absorption, making it difficult to process. Therefore it gets a drying process before it is extruded.

**PET extrusion.** The PET material is melted and extruded into pellets, via a process which filters it down to 20µm. This takes out any final physical contamination.

**PET decontamination.** The PET is held in processing towers for six hours at over 200°C. This step evaporates any minor levels of volatile compounds and leaves the plastic guaranteed fit for eating off.

**HDPE decontamination.** The HDPE is held in processing towers for six hours at over 100°C. This step evaporates any minor levels of volatile compounds and leaves the plastic guaranteed fit for eating off.

**HDPE extrusion.** The material is melted and extruded into pellets, via a process which filters it down to 20µm. This takes out any final physical contamination (see Photograph 19 below).

**Distribution.** The good PET and HDPE pellets are blown into different external silos from which the material is deposited into container vehicles for distribution to customers.



**Photo 19: Polyethylene terephthalate (PET) and High-density polyethylene (HDPE) pellets and flakes**



### **Assessment**

The application, as amended, was assessed against the matters for consideration listed under Section 79C (1) of the *Environmental Planning & Assessment Act, 1979*, as amended. The assessment is as follows:

#### ***S. 79C (1) Matters for consideration – general***

##### ***(a) The provisions of:-***

##### ***"(i) any environmental planning instrument, and"***

#### **Environmental Planning and Assessment Act, 1979**

### **Threatened Species**

Section 5A of the Environmental Planning and Assessment Act, 1979 as amended requires a consent authority to take into consideration whether the proposed development is likely to have a significant effect on any threatened species, populations or ecological communities, or their habitats.

There is no evidence to suggest that the site contains any threatened species, populations or endangered ecological communities, or their habitats.

## **Environmental Planning and Assessment Regulations 2000 (EP&A Regulations)**

### **Designated development**

Upon initial receipt of the DA, Council raised concerns as to whether the proposal constituted *Designated Development* under Schedule 3 of the Environmental Planning and Assessment Regulation 2000, being Waste Management Facilities or Works.

The applicant provided 3 separate legal advices which concluded the development is not designated development as it is not considered a waste management facility or work, but rather, a manufacturing facility.

Council sought its own legal advice which weighed the arguments presented in the applicant's legal advices. Council's solicitor affirmed the applicant's view that the proposed development could be appropriately characterised as a manufacturing facility, rather than Waste Management Facilities or Works.

### **Integrated Development**

Upon lodgement of the DA, the proposed development was initially identified as being *Integrated Development* under Section 91 of the *Environmental Planning & Assessment Act, 1979 (as amended)*, as it appeared to require approval from the NSW Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997*. Accordingly, the DA was referred to the EPA for consideration on 18 April 2012.

NSW EPA reviewed the proposal and advised the development is not an integrated development for the EPA as it is not a scheduled activity under Schedule 1 of the Protection of the Environment Operations Act, requiring a separate Environment Protection Licence (EPL). They confirmed that Holroyd City Council is the appropriate regulatory authority for the proposed development.

NSW EPA has requested Council to ensure that the proposed development complies with the noise requirements for EPA's *Interim Construction Noise Guidelines (ICNG) & Industrial Noise Policy (INP)*, during both construction and operation of the premises. Suitable conditions are recommended to be imposed in the event of approval to address this matter.

It is noteworthy that Visy have an Environment Protection Licence (EPL) for *Paper and pulp production including other ancillary activities (licence No.4100)* at 6 Herbert Place, Smithfield.

### **State Environmental Planning Policy No 33 – Hazardous and Offensive Development**

Council's Environmental Health Unit has provided the following comments with regard to State Environmental Planning Policy No 33 – Hazardous and Offensive Development SEPP 33:

*"A review of SEPP 33 has been completed by AECOM Australia Pty Ltd (Ref:60193928-RPTFinal(Rev 0)-Mar12) Dated 8 March 2012. The report identifies that no dangerous goods are proposed to be stored or handled at the facility.*

*Seven chemicals are proposed to be stored at the site, which include:*

**Table 5.1: Chemicals Proposed for Storage at the Visy Plastics Processing Facility, NSW**

UN No.	Proper Chemical Name	Class/ PG	Product or Common Name	Largest Container Stored	Maximum Quantity Stored	Storage Type
1824	Sodium Hydroxide Solution	8 - II	Caustic	9m <sup>3</sup> or 13.5 tonnes*	13.5 tonnes	Bunded Tank
-	Ethoxylated Fatty Alcohol (5-10%) Phosphoric Acid (5-10%) 2-(2-Butoxyethoxy) Ethanol (5-10%)	Non DG	Additivo RP 18/A	4m <sup>3</sup>	4m <sup>3</sup>	Bunded Tank
-	Silicon Anti Foam	Non DG	ANS TH	7m <sup>3</sup>	7m <sup>3</sup>	Bunded Tank
-	2-(2-Butoxyethoxy) Ethanol (5-10%) Modified Polyethoxylated Alcohol	Non DG	Master NS 7	4m <sup>3</sup>	4m <sup>3</sup>	Bunded Tank
1789	Hydrochloric Acid	8 - II	HCl	1m <sup>3</sup>	1m <sup>3</sup>	IBC
-	Catationic Acrylic Copolymer	Non DG	Percol 63	1m <sup>3</sup>	1m <sup>3</sup>	IBC
-	Catationic Polyacrylamide	Non DG	Organopol 6425	1m <sup>3</sup>	1m <sup>3</sup>	IBC

Source: AECOM Australia Pty Ltd (Ref:60193928-RPTFinal(Rev 0)-Mar12) Dated 8 March 2012

*"Of the seven chemicals stored on the premises only 2 have Australia Dangerous Goods Codes, which are:*

**Table 5.2: Dangerous Goods Storage Quantity Versus Permissible SEPP33 Threshold Quantity – Visy Plastics processing Facility**

UN No. – Class/PG	Maximum Quantity Stored	Maximum Permissible Threshold (SEPP33)	SEPP33 Applies (Y/N)
1864 – Class 8 – PGII	13.5 tonnes	25 tonnes	N
1789 – Class 8 - PGII	1.14 tonnes*		

\* Based on a volume of 1m<sup>3</sup> and a density of 1.14 tonnes per m<sup>3</sup>.

Source: AECOM Australia Pty Ltd (Ref:60193928-RPTFinal(Rev 0)-Mar12) Dated 8 March 2012

*The quantities, as identified above, do not exceed the threshold limits for SEPP 33 therefore SEPP 33 does not apply to this application."*

The proposal is acceptable in terms of the provisions of SEPP 33.

### **State Environmental Planning Policy No. 55 – Remediation of Land**

The intent of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) is to provide a consistent approach to the remediation of land across the State by specifying certain matters that consent authorities must consider when determining development applications on land which is potentially contaminated.

Under the provisions of Clause 7 of SEPP 55 the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. If the land is found to be contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state or can and will be remediated in order for it to be suitable for the purpose for which the development is proposed.



Based on the proposed works, Council is of the view that a Preliminary Environmental Site Assessment is not required.

**Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment (deemed SEPP)**

The site falls within the Georges River Catchment, as defined under Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (REP). The proposed development is defined as an industry in Part 3 Planning requirements of the REP. The development site adjoins Prospect Creek Reserve to the rear of the property which is owned and managed by Holroyd City Council.

The REP contains a series of general and specific planning principles which are to be taken into consideration in the determination of development applications.

An assessment of the proposal indicates that it is consistent with the general aims and objectives of the plan and there is no inconsistency with the planning principles as set out in clause 8 of the REP.

**Holroyd Local Environmental Plan 1991 (LEP 1991)**

*Clause 9 Zone objectives and development control table*

The subject site is zoned General Industrial 4(a) under the provisions of Holroyd Local Environmental Plan 1991 (see following Figure 4 for Holroyd LEP 1991 zoning map and Figure 5 for Fairfield LEP 1994 zoning map for adjoining local government area).

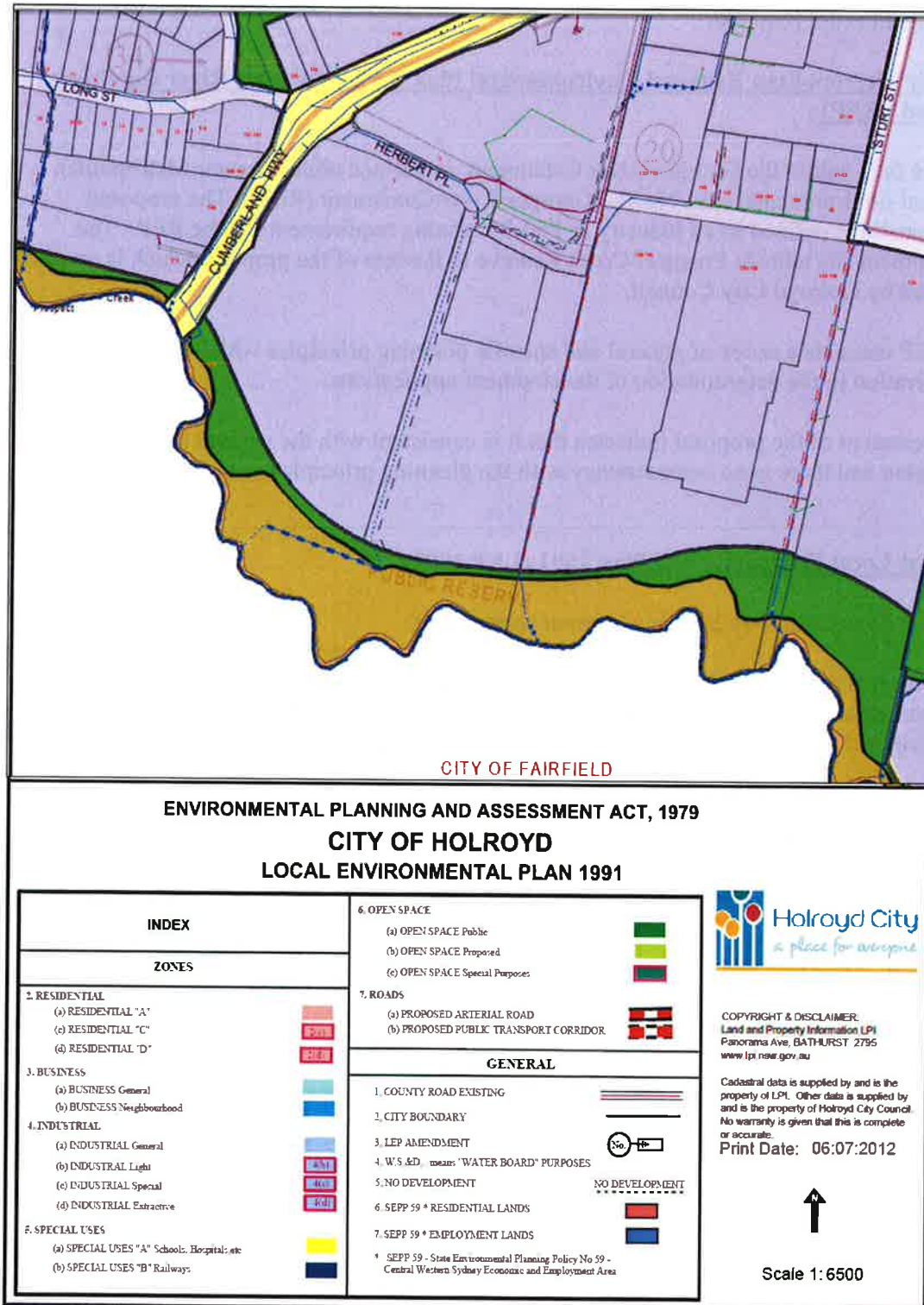
The proposed development is permissible with Council's consent under the zoning provisions applying to the land.

The objectives of the General Industrial 4(a) zone are provided below:

- (a) to encourage the development and expansion of a wide range of industrial activities which will contribute to the economic growth of, and create employment opportunities within, the City of Holroyd;*
- (b) to ensure that industrial development creates areas which are pleasant to work in, and safe and efficient in terms of transportation, land utilisation and services distribution; and*
- (c) to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.*

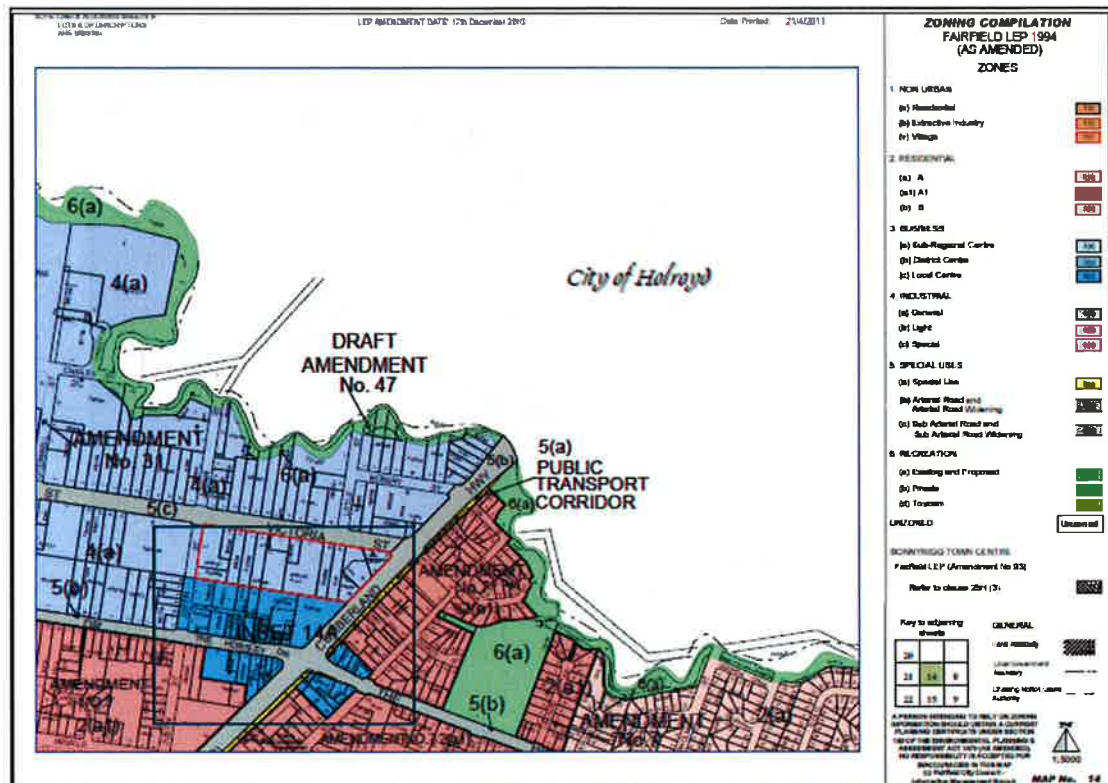
The proposed development is considered to comply with the objectives of the zone.

**Figure 4: Zoning map Holroyd LEP 1991**



Source: Holroyd City Council GIS map

**Figure 5: Fairfield LEP 1994 zoning map indicating the properties to the south of the subject site located within Fairfield local government are zoned 2(a) residential**



Source: Fairfield City Council website planning maps - [http://www.fairfieldcity.nsw.gov.au/lep/LEP\\_Map\\_Index.htm](http://www.fairfieldcity.nsw.gov.au/lep/LEP_Map_Index.htm)

***“(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved),”***

### **Draft Holroyd Local Environmental Plan 2012 (DHLEP 2012)**

#### ***Part 2 Permitted or prohibited development***

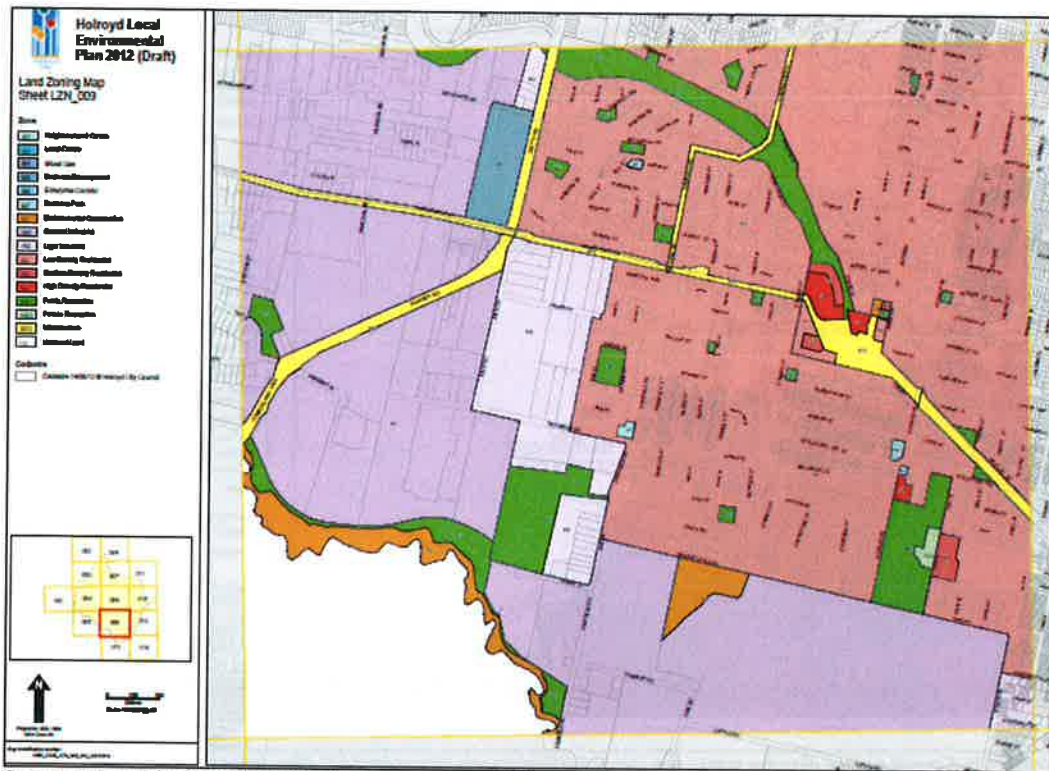
The property is zoned IN1 – General Industrial under the provisions of Draft Holroyd Local Environmental Plan 2010 (see Figure 6 for DHLEP 2012 zoning map). The proposed development is permissible with Council's consent under the draft zoning provisions applying to the land.

The objectives of the IN1 – General Industrial zone are provided below:

- To provide a wide range of industrial and warehouse land uses.*
- To encourage employment opportunities.*
- To minimise any adverse effect of industry on other land uses.*
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*



The proposed development is generally consistent with the objectives of the zone.



**"(iii) Any development control plan, and"**

### 1.1 Objectives

- (d) *to encourage the development and expansion of a wide range of industrial activities which will contribute to the economic growth of, and create employment opportunities within, the City of Holroyd;*
- (e) *to ensure that industrial development creates areas which are pleasant to work in, and safe and efficient in terms of transportation, land utilisation and services distribution; and*
- (f) *to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development.*

## 2.0 Design

The development proposes alterations to the existing building including an internal fitout, construction of a pipebridge over part of the site, new waste water treatment plant, increase in height of the building (top hat), installation of exhaust fans, new load conveyor, cooling towers, electrical transformers and water tanks, modifications to car parking and driveways, site works and external container storage area and the removal of some trees.

The following sub clauses are relevant to the proposal:

- c) *Provide attractive building design with a high aesthetic standard by variations in fascia treatments, roof lines and selection of building materials;*
- d) *Provide buildings that are functional in design and generally compatible with adjoining development;*
- g) *The appearance of development from through road and adjoining development;*

The proposal includes the following changes to the appearance of the existing building (with roof height of up to 10.5m):

- A roof extension (or “tophat”) up to 13.5m above ground level, to part of the existing roof along the southern elevation, behind the approved silos;
- A roof extension (or “tophat”) up to 13.5m above ground level, near the centre of the roof;
- New 1.8m high electrical transformers along the southern elevation;
- 3 x 1.5m high cooling towers and associated noise barriers along the eastern elevation;
- New 6m x 4.5m opening with roller door to match existing doors along the eastern elevation;
- 2 access stairs and hoppers proposed along the southern elevation;
- 7.4m high rainwater tank along the northern elevation; and
- 1.8m high roofed bin storage area along the northern elevation.

The proposed structures are located more than 100m from the Cumberland Highway and there is also existing vegetation along the Cumberland Highway which screens view of the site from the road. Furthermore, all adjoining properties are zoned for industrial purposes and will not be adversely affected by the proposed additions.

## 2.3 Courier Vehicle Requirements

The proposed development will provide a new courier parking space near the existing office and this is assessed to be acceptable.

## 2.4 Loading and Unloading Docks

The proposed loading dock and the existing loading docks have been assessed to be acceptable in terms of accommodating the loading and unloading requirements of the future plastics processing operations. Furthermore, goods vehicles will be able to enter and leave the site in a forward direction as adequate manoeuvring space has been provided on site to facilitate this.

Council’s Traffic Engineer has reviewed the application and advised the proposal is satisfactory.

### *3.0 Building Line*

The development will not alter the existing building line and the proposal complies with the specified 15m building line to the Cumberland Highway and Herbert Place.

### *4.0 Landscaping*

The site will be landscaped in accordance with the submitted landscape plan and Arborist report. Furthermore, there are three (3) trees identified for removal and these works have been assessed to be acceptable.

### *5.0 Construction and Building Details*

The site is zoned for industrial purposes and the proposed building and construction works are consistent with the existing building on the site and other buildings within the vicinity of the site.

Furthermore, the proposal has been assessed to be acceptable in terms of employee toilets and amenities, fire safety and access for disabled persons.

### *7.0 Pollution Control*

#### *7.1 General*

The proposed development has been assessed to be acceptable in terms of maintaining existing and future amenity of the adjoining industrial occupations and the neighbourhood in general. Specific comments are provided below.

#### *7.2 Air Pollution*

A qualitative odour impact assessment report was prepared by Benbow Environmental in accordance with the EPA "Technical Framework – Assessment and management of odour from stationary sources in NSW".

The report identified the most applicable odour criteria as being 2 odour units (OU) for an urban receiver. The report states that odour samples were measured at Visy's existing plastics processing plant at Prestons and the sample results were measured to be 170U for the plastic extrusion process and 180U for the washing line. Benbow Environmental has commented that at the tested levels there was no perceptible odour outside the boundaries of the plant at Prestons.

An addendum to the Benbow Environmental report was submitted to Council on 16 July 2012 providing the results of a qualitative odour impact assessment. A qualitative odour impact assessment assesses the odour observed at the boundary of the site. This addendum noted that the receivers for the existing facility at Prestons were at a closer distance than the receivers for the proposed plant at Smithfield.

Benbow Environmental has concluded that observations of no perception of odour outside the Prestons site boundaries is considered sufficient evidence to indicate that no odour would be perceived at the receivers closest to the proposed plant at Smithfield.



Council's Environmental Health Officer has recommended a condition be imposed on any consent that is issued, requiring a compliance report to be submitted after one month of the commencement of operations confirming that no detectable odour is observed either beyond the boundaries of the site or at the nearest residential receiver. The compliance report will be required to be prepared by a suitably qualified person in accordance with the EPA "Technical Framework – Assessment and management of odour from stationary sources in NSW".

### *7.3 Water Pollution*

Council's Development Engineer and Environmental Health Officer has reviewed the application and advised the proposal is satisfactory with respect to the discharge of waste water.

### *7.4 Noise Pollution*

An acoustical assessment was prepared by AECOM Australia Pty Ltd in support of the DA.

The acoustical assessment included attended noise monitoring undertaken between 1.30pm and 4.00pm on Wednesday 21 September 2011 and again between 10.15pm and 12.30am on Monday 26 September 2011. Fifteen minute noise monitoring samples were taken at each sampling location. The assessment identified residential receivers where there is an exceedance of 1 - 2dB(A).

The EPA Industrial Noise Policy requires for development applications, that extended unattended noise monitoring is carried out. As the proposed use seeks 24 hours, seven day per week operation, unattended noise monitoring should have been carried out by the applicant over a seven day period.

Council referred the DA to the NSW EPA to confirm if the INP background noise monitoring criteria has been satisfied.

NSW EPA advised the development is not an integrated development for the EPA as it is not a scheduled activity under Schedule 1 of the Protection of the Environment Operations Act, requiring a separate Environment Protection Licence (EPL). They have confirmed that Holroyd City Council is the appropriate regulatory authority for the proposed development.

NSW EPA has requested Council to ensure that the proposed development complies with the noise requirements for EPA's *Interim Construction Noise Guidelines (ICNG)* & *Industrial Noise Policy (INP)*, during both construction and operation of the premises.

To ensure the proposed development will be acceptable in terms of acoustic impacts, Council's Environmental Health Officer has recommended a "deferred commencement" condition be imposed on any consent that is issued, requiring the submission of a revised acoustic report prepared in accordance with the EPA's Industrial Noise Policy and which includes seven days of continual unattended background noise monitoring and considers noise from sources including but not limited to plant, machinery and equipment and that from vehicle movements.

A construction noise and vibration impact assessment prepared by AECOM Australia Pty Ltd, was also submitted with the DA.

The report identified potential sources of noise and vibration to be construction works including internal excavations within the existing building and demolition, excavation and construction in external areas surrounding the site.

Council's Environmental Health Officer has advised the proposal is satisfactory with respect to construction noise and vibration.

#### *7.5 Refuse and Trade Waste*

Council's Waste Officer has advised the proposal is satisfactory with respect to waste management from construction and during the operations of the plastics processing facility.

#### *7.6 Trade Waste Discharger's Licence*

In the event of approval, it is recommended that a condition be imposed requiring the applicant to consult with Sydney Water regarding the need for a Trade Waste Discharger's Licence, and where a Licence is required, to obtain Licence prior to occupation of the building.

#### *11.0 Signs*

No signage is proposed as part of the subject DA.

#### *12.0 State and Regional Considerations*

Refer to discussion of SEPP 33, SEPP 55 and GMREP 2 in the earlier section of this report.

#### *13.0 Flood Liable Land*

The site has been identified as being within a low risk flood precinct. The proposed change of use and associated site works has been assessed to have no detrimental impacts in terms of flood affectation and Council's Engineering Services Department has raised no objections to the proposed development.

### **Holroyd Development Control Plan 2007 Part A – Introduction and General Guidelines**

#### *2.2.11 Fire Safety*

The proposed development has been assessed to be acceptable in terms of complying with the fire safety provisions of the Building Code of Australia.

#### *3.3.31 Controls - flood liable land*

The site has been identified as being within a low risk flood precinct. The proposed change of use and associated site works has been assessed to have no detrimental impacts in terms of flood affectation and Council's Engineering Services Department has raised no objections to the proposed development.

#### 4.3 Parking Requirements

Under Part A, the proposal requires a minimum of 192 car parking spaces (comprising 178 spaces for the industrial component based on 1 space per 70m<sup>2</sup> for 12,460m<sup>2</sup> of gross floor area + 14 spaces for 548.1m<sup>2</sup> of office at 1 space per 40m<sup>2</sup>).

The subject site currently provides 85 car parking spaces.

The DA is accompanied by a Traffic Report prepared by Traffix that provides an assessment of the potential parking and traffic implications of the proposed development.

This assessment references the likely traffic generation rates provided in the RTA's *Guide to Traffic Generating Development – Section 3 – Landuse Traffic Generation* and estimates a peak hour traffic generation of 34 trips to/from the site. The assessment concludes that this likely traffic generation will not have an adverse impact on the operation of the surrounding road network.

The report acknowledges that the proposed on-site parking provision does not comply with the required rates under Part A of Holroyd DCP, however, as the proposal is for a change of use and does not propose an increase to the existing floor area, the existing 85 car spaces are considered adequate. The report also states the site has ample space to construct extra parking in the future, if required, and the car park layout, bay dimensions comply with the requirements of AS/NZS 2890.1.

Council's Traffic Engineer has reviewed the application and the Traffic and Parking Assessment and advised that the proposal is satisfactory with respect to traffic and parking.

#### 5.3.9 Vehicular Crossings

Council's Traffic Engineer has reviewed the application and advised the proposal is satisfactory with respect to works to the driveways and vehicular crossings.

#### 7.1 Landscaping Controls

The site will be landscaped in accordance with the submitted landscape plan and Arborist report.

There are three (3) trees identified to be removed from the site as follows:

1. *Eucalyptus botryoids* (Bangalay) (No. 1) to accommodate for the expansion of the truck maneuvering area along the north-east of the site. Refer to Photograph No. 8 above.
2. *Melaleuca armillaris* (No. 19) to allow for water connection.
3. *Eucalyptus punctata* (Grey Gum) (No. 23) to accommodate for the pipe bridge.

The removal of the above trees is considered acceptable on the basis that new native trees will be planted which will embellish the landscape character and quality of the site. In this regard, the proposed development is considered to be satisfactory with regard to the natural environment.

#### 8.1 Erosion and Sediment Control Plan

An erosion and sediment control plan has been submitted with the DA and it has been assessed to be acceptable.

### *9.0 Waste Management*

Council's Waste Officer has reviewed the proposed development and accompanying documents and has raised no objections subject to the imposition of conditions of consent.

### *10.0 Services*

The design, construction and location of existing and future utility services, such as electricity, gas, water and sewerage and telecommunications will be maintained and provided in accordance with the requirements of the relevant supply company, accordingly, the proposal is satisfactory in this regard.

### *11.4 Stormwater Drainage*

Council's Development Engineer has reviewed the proposed development and accompanying documents and has raised no objections subject to the imposition of conditions of consent.

### *11.5 Easements*

The proposed development includes a new easement for services over both Lot 2 DP 849480 and Lot 34 DP 850596 and the easement shall be created pursuant to Section 88B of the Conveyancing Act 1919.

## **External Referrals**

### **NSW EPA**

NSW EPA has advised the development is not an integrated development and Holroyd City Council is the appropriate regulatory authority for the proposed development. The NSW EPA has raised no objections to the proposal.

In the event of approval, a condition is recommended to be imposed requiring the submission of suitable documentation demonstrating the proposed development complies with the noise requirements for EPA's *Interim Construction Noise Guidelines (ICNG) & Industrial Noise Policy (INP)*, during both construction and operation of the premises.

### **NSW Office of Water**

The Office of Water has advised the proposal does not require an approval under the Water Management Act, and is not integrated development, as the proposed works will be located more than 40m from Prospect Creek.

## **Internal Referrals**

### **Building Services Unit Comments**

No objection is raised to the proposal subject to conditions.



### **Landscaping Comments**

No objection is raised to the proposal subject to conditions.

### **Traffic Engineer Comments**

No objection is raised to the proposal subject to conditions.

### **Development Engineer Comments**

No objection is raised to the proposal subject to conditions.

### **Environmental Health Unit Comments**

No objection is raised to the proposal subject to conditions.

### **Waste Management Comments**

No objection is raised to the proposal subject to conditions.

***"(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and"***

There are no planning agreements applicable to the proposed development.

***"(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) that apply to the land to which the development application relates,"***

The proposal is consistent with the requirements of the Environmental Planning and Assessment Regulations, 2000.

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

The proposal is considered supportable in terms of its impacts on the natural and built environment and will not pose any detrimental or economic impacts.

***"(c) the suitability of the site for the development,"***

The site is considered to be suitable for the proposed development with respect to the site context, surrounding land uses and built form.

***"(d) any submissions made in accordance with this Act or the regulations,"***

The application was advertised for a period of 30 days from 18 April 2012 until 18 May 2012. During the notification period no submissions were received by Council.

***"(e) the public interest"***

The proposed development is not considered contrary to the public interest.

## **Conclusion**

The proposal has been assessed against the relevant heads of consideration under Section 79C of the *Environmental Planning and Assessment Act, 1979*, SEPP 33, SEPP 55, GMREP 2, Holroyd LEP 1991, Draft Holroyd LEP 2012 and Holroyd DCP 2007 and is considered satisfactory under the provisions.

The proposal is considered supportable in terms of its impacts on the natural and built environment and will not pose any detrimental or economic impacts.

## **Recommendations**

Pursuant to the provisions of Section 80(3) of the *Environmental Planning and Assessment Act, 1979* the development application be granted a Deferred Commencement Consent subject to the completion of the following:

### **SCHEDULE A - Deferred commencement condition**

The following deferred commencement condition must be complied with to the satisfaction of Council within 12 months of the date of this deferred commencement consent, prior to the issue of an operational development consent:

#### **Acoustic Assessment**

1. To ensure the proposed development will be acceptable in terms of acoustic impacts, a revised acoustic report prepared in accordance with the NSW Environment Protection Authority's *Industrial Noise Policy*, and which includes seven days of continual unattended background noise monitoring and considers noise from sources including but not limited to plant, machinery and equipment and that from vehicle movements, shall be submitted to Council for approval.

Upon receipt of written notification from Council that the abovementioned condition has been satisfied, the following conditions will apply:

### **SCHEDULE B - The standard conditions of consent are set out as follows:**

1. Development shall take place in accordance with the attached endorsed documentation:
  - Architectural plans prepared by David Saba Architects, Sheet Nos. DA 01, DA 05 to DA 08, DA 10 and DA 11, Project No. 201105, Revision C, dated 18 June 2012;
  - Architectural plans prepared by David Saba Architects, Sheet Nos. DA 02 to DA 04, and DA 09, Project No. 201105, Revision B, dated 18 June 2012;
  - Architectural plans prepared by David Saba Architects, Sheet No. DA 14, Project No. 201105, Revision A, dated 18 June 2012;
  - Drainage plan prepared by K.J. Klopfer & Dobos Pty Ltd, Drawing Number 12652 – D1 & 12652 – D2, Issue C, dated April 1997;
  - Stormwater management plan prepared by Storm Consulting, dated 29 May 2012;
  - Sediment control plan prepared by David Saba Architects, Sheet No. SP 01 Project No. 201105, Revision E, dated 16 March 2012;
  - Statement of Environmental Effects prepared by Urban Perspectives, dated 15 March 2012;

- Addendum to Statement of Environmental Effects prepared by Urban Perspectives, dated 4 April 2012;
  - Building Code of Australia Compliance Report prepared by Brentnall Technical Solutions, dated 17 February 2012;
  - SEPP 33 Review prepared by Aecom, dated 8 March 2012;
  - Construction Noise and Vibration Impact Assessment prepared by Aecom, dated 23 February 2012;
  - Traffic Impact Assessment prepared by Traffix, dated 2 February 2012; and
  - Acoustic Report submitted to satisfy Schedule A conditions.
- a) As amended in red by Council. The above amendments are to be incorporated in the Construction Certificate plans.
2. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

**Appointment of Council or a Private Certifier as the Principal Certifying Authority (PCA)**

3. Either Council or a Private Certifier is to be appointed as the Principal Certifying Authority (PCA) for the development in accordance with Section 109E of the Act.

Accordingly, wherever reference is made to the Principal Certifying Authority in this Consent, it refers to Council or the Private Certifier as chosen by you.

**Note:** Once you have chosen either Council or a Private Certifier as the PCA, you cannot change from one to the other, or from one Private Certifier or another, without the approval of Department of Planning & Infrastructure.

4. The applicant shall consult with, as required:
- (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) A local telecommunications carrier
- regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).
5. The proposed structure/s are to be located clear of existing Council easements. Special footings will be required where the proposed/existing structures are adjacent to a drainage easement. The footings shall be taken down to the invert level of the existing drainage structure or to solid rock, whichever is the lesser. The footing depth may decrease by 500mm for every 1000mm increment in distance the footing is from the easement boundary.
- The footing system is to be designed by a practising professional structural engineer.

6. Building materials, builders sheds, waste bins, site fencing, gates or any material of any description shall not be left or placed on any footway, road or nature strip. Footways and nature strips shall be maintained, including the cutting of vegetation, so as not to become unsightly or a hazard for pedestrians. Offenders will be prosecuted.

#### **PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE**

**The following conditions must be complied with prior to the issue of a Construction Certificate. 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:-**

##### **Payment of Bonds, Fees and Long Service Levy**

7. The Principal Certifying Authority is to ensure and obtain written proof that all bonds, fees and contributions as required by this consent have been paid to the applicable authority. This includes all Long Service Levy payments to be made to the Long Service Payments Corporation.

##### **Damage Deposit**

8. A cash bond/bank guarantee of **\$1,512.60** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

**Note:-** The applicant/owner shall be held responsible for and may be required to pay the full reinstatement costs for damage caused to Council's property (such as road pavement, kerb and guttering, footway, stormwater drainage etc), unless the applicant/owner notifies Council in writing and provides photographic proof of any existing damage to Council's property. Such notification shall occur prior to works/demolition commencing. However, if in the opinion of Council, during the course of construction existing damage has worsened, Council may require full reinstatement. If damage does occur during the course of construction, prior to reinstating any damage to Council's property, the applicant/owner shall obtain design specifications of all proposed restoration works. Restoration/construction works within the road reserve shall be carried out by a licensed construction contractor at the applicant/owners expense and shall be inspected by Council prior to placement of concrete and/or asphalt.

##### **Consistency with Endorsed Development Consent Plans**

9. The Principal Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans.

##### **Tree Planting/Landscaping**

10. A bond of **\$2,000** is to be lodged with Council against the planting, establishment and maintenance of the required landscaping/tree planting. This bond will be retained for a minimum period of twelve (12) months from the issue of a Final Occupation Certificate after which a further inspection will be undertaken by Council or the Principal Certifying



Authority (PCA), to ensure the satisfactory establishment and maintenance of the landscaping/tree planting.

If Council is not the PCA, certification from a suitably qualified person or the designer of the landscape works (as appropriate) that the required landscaping/tree planting is establishing and being maintained satisfactorily, is to be submitted to Council at the expiry of the bond period prior to the bond being refunded.

If the landscaping is not established or maintained to Council's or the PCA's satisfaction, the bond monies will be applied to fully implement the landscape plan.

**Note:** Retention of bonds for twelve (12) months provides for the landscaping/tree planting to establish over a full cycle of seasons.

### **Landscape Inspection Fee**

11. Payment of a **\$260.70** fee for the inspection by Council of landscape works and/or trees to be retained at the key stages, where Council is the Principal Certifying Authority.

### **Engineering Fees and Bonds**

12. Payment of a **\$300** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.
13. Payment of a **\$1,895** fee for the design, specifications and inspection by Council of the footpath paving prior to placement of concrete.
14. The applicant shall lodge with Council a **\$15,000** cash bond or bank guarantee for the satisfactory completion of the construction and/or reconstruction of the concrete footpath paving adjacent to the site. This bond will be held for 'Six (6) months after the completion of works' or issue of a 'Final Occupation Certificate' (whichever occurs last) to remedy and defects that may arise within this time.

### **Road Works**

15. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$440** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

### **Required Submissions to Certifying Authority**

16. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

17. The applicant/owner is to give written notice to the Certifying Authority of the measures that are currently implemented in the building or premises to ensure the safety of persons in the building in the event of fire. The schedule of measures must be provided with the Construction Certificate application.
18. The Construction Certificate is to include a schedule specifying all of the essential fire or other safety measures (both current and proposed) that are required for the building or premises to ensure the safety of persons in the building in the event of fire.

#### **PRIOR TO WORKS COMMENCING**

**The following conditions are to be complied with prior to any works commencing on the site:**

##### **Appointment of Principal Certifying Authority and Notification of Commencement of Work**

19. The person having the benefit of the development consent, not the principal contractor (builder), must: -
  - a) appoint a Principal Certifying Authority in accordance with Section 81A(2)(b) of the Act.
  - b) Have the Principal Certifying Authority complete the 'Accredited Certifier Details' on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.
  - c) Notify Council of the appointment of the Principal Certifying Authority and of the intention to commence building work, such notification is to be given to Council at least two (2) working days prior to the proposed commencement date, and be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

*If nominated, Council can provide this service for you and act as the Principal Certifying Authority.*

**N.B.** The Principal Certifying Authority must also notify the person having the benefit of the Development Consent of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work such notification must comply with Clause 103A of the Regulations.

##### **Notification of Principal Contractor (Builder)/Owner-Builder**

20. The person having the benefit of the Development Consent must:-
  - (a) notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;

OR

- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
- (c) notify the Principal Certifying Authority of any such appointment.

Where Council is the Principal Certifying Authority, such notification is to be on the approved form provided by Council for this purpose, an original of which is attached to this Development Consent.

#### **Fencing of Sites**

- 21. Fencing of sites is required to prevent public access when the site is unoccupied and building works are not in progress. In this regard the MINIMUM acceptable standard of fencing to the site is properly constructed chain wire fencing 1.8m high, clad internally with Hessian or Geotextile fabric. All openings are to be provided with gates, such gates are not at any time to swing out from the site or obstruct the footpath or roadway.

#### **Signs to be Erected on Sites**

- 22. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted **outside working hours and at any time for business purposes**, and
  - (c) stating that unauthorised entry to the work site is prohibited.

The sign must be rigid and durable and be read easily by anyone in any public road or other public place adjacent to the site.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Note:** Principal Certifying Authorities and Principal Contractors must also ensure that signs required by this clause are erected and maintained (clause 227A of the Regulations currently imposes a maximum penalty of \$1,100).

#### **Prohibited Signage**

23. Advertising, Real Estate Agents, Architects, Designers, site suppliers and any other signage not mentioned in the conditions, is not to be placed or displayed on the site, such that the signage is visible from any public place. Offenders may be prosecuted.

#### **Protection of Public Places**

24. A hoarding or fence must be erected between the work site and any public place, if the work involved in the erection or demolition of the building; is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place.

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

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

#### **Site Control Measures**

25. Suitable erosion and sediment control measures shall be provided at all vehicular entry/exit points and all other measures required with and/or shown on plans accompanying the Construction Certificate, to control soil erosion and sedimentation, are to be in place prior to the commencement of construction works. Such controls are to be provided in accordance with Holroyd City Council's "Erosion & Sediment Control Policy."

**Note:** On-the-spot fines may be issued by council where measures are absent or inadequate.

26. An Arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all demolition/construction work to ensure the proper protection and management of the tree/s required to be retained/transplanted and that any necessary pruning work within 1m of the building/s approved, is carried out in accordance with Australian Standard 4373-1996 "Pruning of Amenity Trees". This includes on site supervision of the erection of tree protection measures and, where necessary, any works that are required within tree protection zones.

27. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected prior to and throughout the demolition/construction process in accordance with the report from Treescan dated February 2012, the attached Guidelines for the Protection of Trees On and Adjacent To Demolition/Building sites, and relevant conditions of this Consent. All trees not authorised to be removed by this Consent must be retained. Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to the Principal Certifying Authority by a suitably qualified person or the Arborist (as appropriate) engaged to ensure the proper protection and management of the tree/s required to be retained/transplanted. A copy of the Certificate is to be issued to Council within seven (7) days of the inspection and prior to any works commencing. Additionally, trees identified for removal are to be retained until immediately prior to works commencing, to assist with soil management and erosion control.



28. Protective fencing is to be installed around the tree/s to be retained/transplanted in line with the outer edge of the canopy which overhangs the site and no further than 0.5m from any buildings. This fencing is to be constructed of chainwire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts. Where appropriate the trunk/s of the tree/s on the site and any street tree/s (which are not to be fenced other than as mentioned above), shall also be protected by vertical timber boards, installed by or under the supervision of a suitably qualified person or the arborist (as appropriate) engaged to ensure the proper protection and management of the trees required to be retained/transplanted to accepted horticultural and TAFE standards.

**Note:** Removal of the protective fencing or timber boards during construction work, will affect the Bonds and may result in legal proceedings being instigated by Council against the applicant and builder.

29. The fenced zone/s surrounding the trees to be retained shall be mulched with 100mm of composted leaf mulch.

#### **Footpaving, Kerbing and Guttering**

30. Protection must be provided for Council footpaving, kerbing and guttering. Wooden mats must also be provided at all entrances where the site fronts paved footpaths.
31. Finished street levels shall not be assumed. The owner or builder must make application to Council's Engineering Services Department for street levels.

#### **Toilet Facilities**

32. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- a) Must be a standard flushing toilet, and
- b) Must be connected:
  - i) To a public sewer,
  - ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved 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 the Council.
  - iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

#### **Roadworks**

33. The applicant is to submit to Council an application for a road opening permit when the drainage connection into Council's system is within the road reserve. In this regard the applicant shall pay Council a **\$145** fee prior to the commencement of works. Additional road opening permits and fees may be necessary where there are connections to public utility services (eg. telephone, electricity, sewer, water or gas) required within the road reserve.

34. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.

#### **Works within Council's Reserve**

35. All works within the Council reserve shall be completed within three (3) weeks of the date of commencement. Council's Development Engineer shall be advised prior to the commencement of works.
36. Submission to Council of a Certificate of Currency of the contractor's Workers' Compensation Policy prior to the commencement of works.
37. All construction works shall be in accordance with the WorkCover safety requirements. Submission of insurance documentation demonstrating a minimum Public Liability cover of \$10,000,000 is to be submitted prior to commencement of works. Holroyd City Council shall be named on the Certificate of Currency as an interested party.

#### **Sydney Water**

38. The approved plans must be submitted to 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. Plans will be appropriately stamped. (For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au), see Your Business then Building & Development then Building & Renovating or telephone 13 2092.)

### **DURING CONSTRUCTION**

**The following conditions are applicable during construction:-**

#### **Endorsed Plans & Specifications**

39. A copy of the endorsed stamped plans and specifications, together with a copy of the Development Consent, Construction Certificate and approved Traffic Management Plan are to be retained on site at all times.

#### **Hours of Work & Display of Council Supplied Sign**

40. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited. **Note: Demolition work is not permitted on weekends or Public Holidays - refer to specific demolition condition for approved hours.**

The yellow "Hours of Building Work" sign (supplied by Council with the approval), is to be displayed in a prominent position at the front of the site for the duration of the work.

#### **Site Control**

41. All soil erosion measures required in accordance with the approved sediment and erosion control plan and any other relevant conditions of this Consent are to be put in place prior to commencement of construction works and are to be maintained during the entire construction period until disturbed areas are restored by turfing, paving or revegetation. This includes the provision of turf laid on the nature strip adjacent to the kerb.
42. Builder's refuse disposal and storage facilities are to be provided on the development site for the duration of construction works and all rubbish shall be removed from the site upon completion of the project.
43. Stockpiles of sand, soil and other material shall be stored clear of any drainage line or easement, tree protection zone, water bodies, footpath, kerb or road surface and shall have erosion and sediment control measures in place to prevent the movement of such materials onto the aforementioned areas and adjoining land.

#### **Waste Management Plan**

44. The approved Waste Management Plan must be implemented and complied with during all stages of works on site.
45. Within seven (7) days of completion of construction/building works, the applicant shall submit a signed statement to Council or the Principal Certifying Authority verifying that demolition work and recycling of materials was undertaken in compliance with the Waste Management Plan. The Principal Certifying Authority shall submit a copy of the statement to Council.  
*In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.*

#### **Compliance with Critical Stage Inspections and other Inspections nominated by the Principal Certifying Authority**

46. Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by clause 162A of the Regulations) and known as 'Critical Stage Inspections' to be carried out for building work. Prior to permitting commencement of the work your Principal Certifying Authority is required to give notice of these inspections pursuant to clause 103A of the Regulations.

**N.B.** An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

#### **Tree Protection**

47. The tree/s identified on the endorsed plans as being retained/transplanted shall be protected against damage throughout the demolition/construction process in accordance with the report from Treescan dated February 2012, the attached Guidelines for the Protection of Trees On and Adjacent to Demolition/Building Sites and relevant conditions of this Consent.

48. The applicant shall accept all responsibility for the accuracy of the information provided to Council for assessment. If any tree/s are not shown on the endorsed plan or are required to be retained/transplanted and protected but are threatened by demolition/construction work through unforeseen construction requirements or plan inaccuracy, all site and building works so affected are to cease until the matter is resolved to the satisfaction of Council. Council's Environmental and Planning Services Department is to be notified immediately upon such a problem being encountered.
49. Branches of trees to be retained/transplanted within 1m of the approved building, may be pruned by an Arborist qualified to at least Australian Qualification Framework (AQF) Certificate Level 3 in accordance with Australian Standard AS4373-1996 'Pruning of Amenity Trees' to enable demolition/construction works to occur.

**Note:** Any other pruning works not authorised by this Consent are subject to the approval of an application for General Tree Works activities.

50. No works are to occur within the fenced tree protection zone. All authorised works/activities within the fenced tree protection zone/s are to be undertaken by hand held equipment under the supervision of the consulting Arborist. No roots over 50mm in diameter are to be cut within the tree protection zone without prior consultation with Council officers or the consulting Arborist.

All roots over 50mm in diameter which are encountered outside the fenced tree protection zone/s are to be cleanly cut and not ripped.

#### **Works within Council's Reserve**

51. All works within the Council reserve shall be suitably fenced to prevent public access to the work site during construction of the stormwater drainage.

#### **Road Works and Footpaving**

52. Pedestrian access, including disabled and pram access, is to be maintained as per Australian Standard AS1742.3 "Part 3 – Traffic Control Devices for Works on Roads".
53. All advisory and regulatory sign posting (for example parking restriction signage, pedestrian crossing signs, warning signs) are to remain in place during construction.

#### **Importation of Fill**

54. All imported fill shall be validated in accordance with Council's Contaminated Land Policy to ensure that it is suitable for the proposed land use from a contamination perspective.

#### **Additional Information during Demolition/Construction**

55. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to Council immediately.



## **PRIOR TO ISSUE OF OCCUPATION CERTIFICATE**

**The following conditions are to be complied with prior to the issue of an occupation certificate:-**

### **Compliance Certificates/Documentary Evidence**

- 56. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
- 57. A Section 73 Certificate (Sydney Water) must be submitted to the Principal Certifying Authority prior to occupation of the development.

### **Landscaping/Tree Protection**

- 58. Certification is to be provided to the Principal Certifying Authority (PCA) from a suitably qualified person, that all tree planting/landscape works have been carried out in accordance with the endorsed plan. If Council is the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council is **not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.
- 59. The Arborist engaged to ensure the proper protection and management of the trees required to be retained/transplanted is to provide a report to Council concerning the health and condition of the tree/s and if necessary any remedial works required. The report should also provide documentary evidence that the tree protection conditions were complied with throughout the demolition/construction phases, in the form of site notes and photographs. Should the trees require remedial works which are not exempt under Council's Tree Management Order, an application for General Tree Works will be required to be submitted and approved before the works are carried out and certified by the Arborist. Remedial works which are exempt under Council's Tree Management Order will also be required to be completed and certified.
- 60. 11 x Australian native trees as per the Treescan report dated February 2012 are to be planted in the locations nominated on the endorsed site plan. The tree/s are to come from a minimum 25L container and be planted, so as not to affect existing services, and in accordance with Council's guidelines.

### **Parking/Driveway**

- 61. The driveway shall be signposted indicating availability of visitor off-street parking. Spaces reserved for this purpose shall be marked as such.
- 62. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.

### **Fire Safety**

- 63. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire

or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

**NOTE:**

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:—
    - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and
    - that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
  2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
  3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.
64. A copy of the Fire Safety Certificate, together with a copy of the current Fire Safety Schedule, is to be given to the Commissioner of New South Wales Fire Brigades, and a further copy of the Certificate and Schedule is to be prominently displayed in the building.
65. At least once in each period of twelve (12) months after a Fire Safety Certificate is required to have been furnished to the Council, the owner of the building shall, pursuant to Clause 177 of the Regulation, submit to the Council and the Commissioner of the New South Wales Fire Brigades, an Annual Fire Safety Statement, in respect of each essential fire or other safety measure listed on the current Fire Safety Schedule. A copy of the Certificate and Schedule is to be prominently displayed in the building.

**Road Works**

66. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
67. The existing full width heavy duty vehicular crossing (opposite the light vehicle access point) shall be widened to a maximum width of 6.0 metres at the boundary line. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
68. The construction or reconstruction of concrete footpath paving and associated works along all areas of the site fronting Herbert Place. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing SD-8100 and issued level sheets.
69. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

### **Air Handling/Cooling Towers**

70. The air handling system is to comply with the requirements of Sections 45 and 46 of the New South Wales Public Health Act 1991 and the air handling system/cooling tower requirements of Australian Standard AS 3666 - Air Handling and Water Systems in Buildings - Microbial Control. In this regard:
- (a) a certificate, attesting to the compliance of the system with AS 3666 shall be submitted to the Principal Certifying Authority upon completion of the installation;
  - (b) all drainage and liquid discharges are to be discharged into a waste water system to the satisfaction of the Principal Certifying Authority (Note: discharge to stormwater is not satisfactory); and
  - (c) upon completion of the installation and before being commissioned, the system shall be cleaned to the satisfaction of Council.
71. Copies of reports prepared during annual compliance checks are to be submitted to Council.

### **Cooling/Water Systems**

72. For the purpose of inhibiting or preventing the growth of micro organisms that are liable to cause Legionnaires' Disease, all cooling towers, evaporative condensers, and warm water systems shall be designed, constructed and installed in accordance with the requirements of *Public Health Act 1991 (Part 4 Microbial Control) and Regulations* and *AS3666 -2002 Air handling and water systems in building - microbial control*.

### **Air Handling**

73. All air handling, warm water and water cooling systems shall be designed, installed and maintained in accordance with the requirements of the *Public Health Act 1991 (Part 4 Microbial Control) and Regulations* and *AS3666 -2002 Air handling and water systems in building - microbial control*.

### **Emergency Spill Response Management Plan**

74. A policy on 'spill procedures' is to be developed and implemented to ensure that all staff are aware of what to do in the event of a spill. A copy of this policy is to be submitted to Council.

### **Registration – Air Handling/Cooling/Water Systems**

75. An application shall be made to Council for registration of the regulated system liable to cause legionnaires disease prior to the issuing of the Occupation Certificate. Regulated systems include air handling systems, hot water systems, warm water systems and water cooling systems.

### **Noise Compliance Report**

76. A noise compliance report shall be submitted to Council prior to the issuing of the Occupation Certificate. The report shall state that the noise reduction measures detailed

endorsed acoustic report have been implemented, and confirm that the noise emissions from the premises complies with specified noise criteria.

#### **General**

77. Documentary evidence and/or certificate of compliance must be submitted to Council to show that all works have been completed in accordance with this Development Consent and its accompanying Construction Certificate.

### **CONDITIONS RELATING TO USE**

**The following conditions are applicable to the use of the development:-**

#### **General**

78. Compliance with the Statement of Environmental Effects prepared by Urban Perspectives, dated 15 March 2012 and addendum to Statement of Environmental Effects prepared by Urban Perspectives, dated 4 April 2012.
79. Compliance with the recommendations and conditions of Development Consent 13/94 for Smithfield Energy Facility by the Department of Planning.

#### **Safety & Amenity**

80. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
81. The use of the silos is permitted in conjunction with the approved use of the plastic processing plant subject of this consent.
82. The hours of operation are 24 hours seven days a week.
83. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
84. Where 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.
85. Where required, a Trade Waste Dischargers' Licence is to be obtained from Sydney Water.
86. The business is to be operated in a manner so that no contaminants are permitted to enter the stormwater drainage system by the washing down of work areas or the disposal of waste and spills.



### **Parking**

87. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
88. At least 85 car parking spaces numbered and linemarked in accordance with the endorsed plan, are to be made available at all times for employees and visitors' vehicles only in conjunction with the occupation of the building/premises.
89. Employee parking spaces are exclusive to employees only and not to be used by service vehicles.
90. Disabled Parking, Staff Parking, Visitor Parking and Loading Bays are to be clearly marked on the ground in white paint in accordance with Australian Standards.
91. The directional arrows for internal circulation shall be prominently displayed on the pavement on approaches to and within the carpark area.
92. The entry/exit driveways must be indicated with appropriate signage and linemarking to avoid the conflict at the driveways.
93. All vehicles are to enter and leave the site in a forward direction.
94. Queue area to be provided and to be offset from the boundary, so that security gates do not cause queuing on the street.
95. Where entry points to carpark areas are fitted with the gates, it is required to provide a suitable communication system to allow the security gates to be opened remotely by occupants of the building.
96. All service vehicles are not to load or unload on the streets.

### **Refuse and Trade Waste**

97. Waste storage bins must be covered at all times to prevent entry of stormwater or dispersal by wind and must be sealed to prevent leakage.

### **Emergency Procedures**

98. The owner of a building to which an essential fire safety measure is applicable must not fail to maintain each essential fire safety measure in the building premises to a standard not less than that specified in the Fire Safety Schedule.

### **Air Emissions**

99. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.

100. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
101. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.
102. Within one (1) month of the plant becoming fully operational the applicant shall submit to Council a compliance report demonstrating that no detectable odour is observed either beyond the boundaries of the site or at the nearest residential receiver. The report shall be prepared by a suitably qualified person and the report shall be prepared in accordance with the EPA "Technical Framework – Assessment and management of odour from stationary sources in NSW".

In the event of odours being detected, the applicant shall provide details of amelioration measures to ensure the use of the premises is acceptable in accordance with the requirements of the EPA. Council approval shall be granted prior to the implementation of these measures.

#### **Noise**

103. The operation of all plant and equipment shall not give rise to an equivalent continuous ( $LA_{eq}$ ) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background  $LA_{90}$  level (in the absence of the noise under consideration).
104. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
105. Noise compliance testing shall be undertaken within 3 months following issue of the Occupation Certificate and submitted to Council for review. The noise compliance testing shall confirm that recommendations of the acoustic report in accordance with the NSW Environment Protection Authority (EPA) Industrial Noise Policy are being achieved.

#### **Clean Water Discharge**

106. The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.
107. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only', 'Clean water only - NO waste' or 'H<sub>2</sub>O only'.

#### **Signage on Stormwater Drains (Commercial/Industrial)**

108. Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only clean water is allowed to enter these drains. Examples of possible signage include: 'Clean Rainwater Only' , 'Clean water only - NO waste' or 'H<sub>2</sub>O only'.

#### **Maintenance of Stormwater Treatment Devices**

109. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the devices shall be disposed of in a manner that does not pollute waters.

#### **Maintenance of Bunded Area**

110. Bunded areas shall be properly maintained and all spillages and/or wastes within the bunded areas cleaned up as soon as practicable and disposed of in a manner that does not pollute waters.

#### **Cooling/Air Handling/Water Systems**

111. All waste water from the cooling tower/humidifier/evaporative cooler/warm water system shall be discharged to sewer under a Trade Waste Agreement from Sydney Water.

### **ADVISORY NOTES**

#### **Other Necessary Approvals**

- A. Additional off-street parking shall be provided, should changes result in additional parking demand (e.g. changes to the number of staff, use, owners, operating/shift hours, operation, etc). The amount of parking shall be provided in accordance with the current Holroyd Development Control Plan requirement.
- B. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
  - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Schedule 1 of Development Control Plan 2007, Part I "*Exempt and Complying Development*".
  - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
  - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

**NOTE: \*** If you carry out building work as an owner builder and sell your home within seven (7) years from the date of completion (date of final occupation certificate), then a Certificate of Insurance must be attached to your Contract of Sale.

- C. Section 97 of the Act provides that an applicant who is dissatisfied with the Council's determination of the Development Application may appeal to the Land and Environment Court within 6 months of the date of determination, or as otherwise prescribed.
- D. Section 82A of the Act provides that an applicant may request, within 6 months of the date of determination of the Development Application, that the Council review its determination (this does not apply to integrated or designated development). A fee is required for this review.

It should also be noted that an application under Section 82A of the Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 82A Application must allow sufficient time for Council to complete its review within the prescribed time frame, including the statutory requirement for public notification.

- E. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Australian Human Rights Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- F. Information regarding the location of underground services may be obtained from Sydney One Call Service (NSW Dial Before You Dig), telephone 1100, Fax 1300 652 077. Inquirers should provide SOCS with the street/road name and number, side of street/road and the nearest cross street/road.
- G. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- H. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.
- I. TREES

The trees indicated on the endorsed plans to be retained and protected are to be considered with any future development of the subject allotments. In this regard no works are to occur within the driplines of trees to be retained.

#### J. BANK GUARANTEES

Bank guarantees will be accepted from list of banks which have at least an "A" rating from Standard and Poors and at least an "A2" or "Prime-1" standard from Moodys Investor Services.

To enable the bank guarantee to be enforceable during an entire project with consideration for delays, **the guarantee must not contain a facility expiry date.**

To get to Standard and Poors [www.standardpoors.com](http://www.standardpoors.com) then from Ratings Action choose Ratings Lists. Then click on Financial Institutions followed by clicking on Financial Institutions Counterparty Ratings List. Go to **"Banks"** and download to Australian Banks.

To get to Moodys [www.moodys.com](http://www.moodys.com) then look up Ratings and then Banking and then Bank Ratings list. It will take you to Bank Credit Research page. Look at the table of contents and choose Global Bank Ratings by Country. Look up Australian Banks.

K. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee of \$30.00 per certificate is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

L. FIRE SAFETY

Paths of travel a minimum of 1000mm wide in accordance with D1.6 of the Building Code of Australia are to be clearly defined and line marked on the floor prior to occupation.

M. FEES

Fees, bonds and contributions indicated in conditions of this consent mat vary in accordance with those adopted by Council at subsequent annual reviews of its "fees and changes" and subsequent changes to the Building Price Index. Fees charged will be those current at the time of payment.



Nabila Sarwary  
Senior Development Planner



