DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 876.1/2013

LOT 3 DP 203077, NO. 73 VICTORIA STREET, SMITHFIELD

USE OF THE PREMISES FOR THE PURPOSE OF AN E-WASTE REGARDING FACILITY INCLUDING THE REFURBISHMENT OF COMPUTERS AND STORAGE OF BATTERIES.

APPROVED PLANS

1. Compliance with Plans and Associated Documents

The development shall take place in accordance with the approved development plans and associated documents as follows:

- Architectural plan as prepared by Benbow Environmental, Drawing Number 137021, dated 11 December 2013 and Architectural plan as prepared by Claron Consulting Pty Ltd, Drawing Number DA01 C, Amendment C dated 8 October 2014;
- Environmental Impact Statement as prepared by Benbow Environment, Report Number 137021_EIS_Rev3 dated July 2014 and addendum, Reference Number 137021_Let5 dated 12 September 2014;
- Environmental Management Plan prepared by Benbow Environment, Report Number 141175_EMP_Rev dated July 2014;
- Parking and Access Arrangment Report prepared by Transport & Urban Planning Pty Ltd, Reference Number 13137L2 dated 13 May 2014; and
- Figure 7A 12.5m HRV Swept Path with Containers prepared by Transport & Urban Planning Pty Ltd, Job Number 13137.

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

GENERAL CONDITIONS

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

2. Environmental Reports Certification

Within sixty (60) days of the consent, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works/methods/procedures/ control measures/recommendations approved by Council in the following reports have been completed:

a. Environmental Impact Statement No.137021_EIS_Rev3, prepared by Benbow Environmental, dated 2 July 2014 and addendum Ref. 137021_Let5, prepared by Benbow Enviromental, dated 12 September 2014;

b. Environmental Management Plan for MRI, Report No. 141175_EMP_Rev2, prepared by Benbow Environmental, dated 4 July 2014.

3. **Existing Signage**

The existing pylon and pole signage located along Victoria Street is dilapidated. The applicant shall upgrade the existing signage in order to enhance the streetscape. The signage must comply with the conditions of Development Consent No. 575/2007. In addition, the existing signage is subject to the following conditions:

i. Sign to be non-flashing.

ii. Sign to be maintained in a manner satisfactory to Council at all times.

iii. Submission of a certificate of adequacy from a practising structural engineer upon erection of the sign.

iv. Overall height of the sign not to exceed 8 metres.

v. The sign is to be setback a minimum distance of 1metre from the property boundary. No portion of the sign is to infringe the setback.

vi. The sign shall be erected in accordance with manufacturer's specifications.

4. **Existing Landscaping**

The existing landscape strip along Victoria Street is devoid of vegetation. The operator or owner is required to revegetate this area. The required revegetation shall include the mulching of the area, planting of shrubs and planting of at least three (3) advanced trees. The subject trees are to be of the Eucalyptus Species and have a minimum mature height of 9m. The required replanting shall be completed within three (3) months from the date of this Consent.

5. **Carparking - General**

The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:

a. Forty (40) off-street car parking spaces for staff and visitors; including

b. One (1) off-street car parking spaces for disabled persons (minimum width 3.8m).

Note: Upon the cessation of the approved use, the premises shall provide fifty – one (51) car parking spaces onsite.

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

6**.** **Deliveries**

Vehicles servicing the site shall comply with the following requirements:

a. All vehicular entries and exits shall be made in a forward direction.

b. Vehicles shall be used for the servicing or operations of this development as follows:

- Vehicles accessing the site via Victoria Street shall not be greater in length than an articulated vehicle (19m); and
- Vehicles accessing the site via O'Connell Street shall not be greater in length than a heavy rigid vehicle (12.5m).

c. All deliveries to the premises shall be made to the loading bays provided within the building.

d. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

7**.** **Hours of Operation**

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

Monday to Friday:	6:00am to 11:00pm
Saturday:	8:00am to 4:00pm
Sunday & Public Holidays:	No work / trading / operation is permitted

No deliveries shall occur between 5:00pm to 6:00am the next day. All deliveries shall be conducted within the following hours, at all times:

Monday to Friday:	6:00am to 5:00pm
Saturday:	8:00am to 4:00pm

8**.** **Twelve (12) Month Consent Only**

The consent is valid for a period of **twelve (12) months** from the date of this Consent. Prior to the expiration of this 12-month period, a new development application will be required to be lodged and approval obtained prior to the use continuing. It is the applicant's responsibility to advise Council of the date of the commencement of the use. In the event that no such advice is provided to the Council, the commencement date will be deemed to be the same as the date of issue of the development consent.

9. Advertising Signs

No advertising signs or structures associated with the use of the premises are to be erected or displayed without prior approval being obtained from Council.

This requirement relates to all advertising matter, including any promotional material, displayed on the premises or in any public place.

10. Use of the Premises

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

a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.

b. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.

c. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.

d. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.

e. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.

11. Storage of Goods

All works and storage shall comply with the approved Site Plan contained within the addendum to the Environmental Impact Statement, Ref. 137021_Let5, prepared by Benbow Environmental, dated 12 September 2014.

Only securely baled plastic (eg. shrink wrapped) shall be stored within the uncovered area as illustrated within Attachment 1 of Correspondence, issued by Benbow Environmental, Ref. 137021_Let5, dated 12 September 2014.

12. Unreasonable Noise and Vibration

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

13**.** **Resource Recovery Facility**

The use of the premises shall comply at all times with the following definition of a Resource Recovery Facility (Fairfield LEP, 2013):-

"resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but

14**.** **Department of Environment and Climate Change Approval**

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

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

15**.** **Lighting**

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

16**.** **Public Address System**

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

17**.** **Storage of Flammable and Combustible Liquids**

Flammable and combustible liquids shall be stored in accordance with AS 1940-2004 – The Storage and Handling of Flammable and Combustible Liquids.

18**.** **Storage of Dangerous Goods**

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

19**.** **External Areas**

The external areas of the site shall, at all times, be managed to comply with the following:

a. All external areas are to be kept at all times in a clean and tidy condition free from any loose solid waste items of any size.

b. All recycling and processing activities shall be managed and maintained in such a manner so as to prevent the escape of any waste materials from the premises at all times.

c. All stormwater drainage pits are to be appropriately grated or screened to prevent the ingress of any loose solid waste items of any size.

20**. Drain Stencilling**

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

21**. Waste Receipts**

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such record is to be made available to Council's Officers, upon request.

22**. Environmental Audit**

Within twelve (12) months of the date of this development consent, the company shall carry out a comprehensive Environmental Audit of the premises and submit a report on the audit to Council for consideration.

The audit shall assess compliance with all conditions of Development Consent including all mitigation measures as contained within Section 8 of the Environmental Impact Statement, Report No. 137021_EIS_Rev3, prepared by Benbow Environmental, dated 2 July 2014 and addendum to the Environmental Impact Statement, Ref. 137021_Let5, prepared by Benbow Environmental, dated 12 September 2014.

The audit is to be carried out at the company's expense by a duly qualified independent person or company. Further, the company shall, at its own expense, comply with any reasonable requests of Council in respect of the implementation of any measures arising from the audit, within such time as Council may agree. Further audits will be required every twelve (12) months from the due date or such longer period as may be agreed to by Council.

23**. NSW Protection of the Environment Operations Act 1997**

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997.* All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

24**. Environment Protection License**

The facility shall operate in accordance with all conditions contained within the premises current Environment Protection License issued by the NSW Environment Protection Authority.

25. **Compliance with Approved Tonnage Limit**

The processing capacity of the site is restricted to a **maximum of 5,000 tonnes** per annum of materials per year. Should the intended processing capacity increase above 5,000 tonnes, a separate application must be submitted to Council.

26**.** **Compliance with Documentation**

The use of the recycling facility shall operate in compliance with the following documentation:

a) Environmental Impact Statement as prepared by Benbow Environment, Report Number 137021_EIS_Rev3 dated July 2014 and addendum, Reference Number 137021_Let5 dated 12 September 2014;
b) Environmental Management Plan prepared by Benbow Environment, Report Number 141175_EMP_Rev dated July 2014;
c) Parking and Access Arrangment Report prepared by Transport & Urban Planning Pty Ltd, Reference Number 13137L2 dated 13 May 2014; and
d) Figure 7A 12.5m HRV Swept Path with Containers prepared by Transport & Urban Planning Pty Ltd, Job Number 13137.