

Craig Bradridge

DA: 2015/203

Ardill Payne & Partners  
PO Box 20  
BALLINA NSW 2478

**NOTICE TO APPLICANT OF DETERMINATION OF A  
DEVELOPMENT APPLICATION**

(Issued under Section 81(1)(a) of the Environmental Planning and Assessment Act 1979)

**Development Application No:** DA 2015/203

**Applicant:** Ardill Payne & Partners

**Subject Land:** Lot 10 DP 1137966,  
No. 540 Pimlico Road PIMLICO

**Development Proposal:** To Undertake the Establishment of a Waste Management Facility comprising of a Waste Transfer Station capable of the temporary storage of up to 100,000 litres and Associated Works.

**Building Classification under the Building Code of Australia:** 8 & 5

**Determination:** The development application has been determined by NSW Joint Regional Planning Panel on 28 April 2016 by way of **the grant of consent subject to the conditions specified in this notice:**

**This consent operates from:** 28 April 2016

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## GENERAL

### 1. **Approved Plans**

Development being carried out generally in accordance with the plans and associated documentation lodged by, or on behalf of, the applicant including recommendations and plans prepared by;

<b>Plans prepared by</b>	<b>Drawing No.</b>	<b>Drawing Title.</b>	<b>Dated.</b>
Charlie Hewitt	034-001	Site Layout	08 December 2014
Charlie Hewitt	034-002	Layout	08 December 2014
Charlie Hewitt	034-004	Details	08 December 2014
Charlie Hewitt	034-003	Swept Paths	08 December 2014
All Steel Garages & Sheds	SK01d	Site Plan	14 November 2014
All Steel Garages & Sheds	SK02a	Storage & Parking Shed	14 November 2014
All Steel Garages & Sheds	SK03a	Liquid Store	14 November 2014
All Steel Garages & Sheds	SK04	Office Building & Toilet Facilities	14 November 2014

, except as modified by any condition in this consent.

### 2. **NSW Environmental Protection Agency General Terms of Approval**

This consent is subject to the General Terms of Approval issue by the NSW Environmental Protection Agency, Notice Number 1536855, File Number EF13/8198 Dated 11 February 2016 as per Schedule 2 (**attached**) of this consent.

### 3. **Commencement of occupation or use**

Occupation or use of the premises for the purposes authorised by this consent shall not commence until all conditions of this consent have been complied with and a final occupation certificate has been issued by the Principal Certifying Authority (PCA), unless alternative arrangements have been made with Council.

### 4. **Local Government Act approval**

Pursuant to Section 78A(3) of the Environmental Planning & Assessment Act 1979, this development consent authorises the following activities listed under Section 68 of the Local Government Act 1993, subject to full compliance with all other relevant conditions of this approval:

- (i) Carry out water supply work.
- (ii) Draw water from a Council water supply or a standpipe or selling water so drawn.
- (iii) Install, alter, disconnect or remove a meter connected to a service pipe.
- (iv) Carry out sewerage work.
- (v) Carry out stormwater drainage work.
- (vi) Connect a private drain or sewer with a public drain or sewer under the control of Council or with a drain connected to such device or facility.
- (vii) Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway. This (vii) approval expires upon completion of the building works on the land.

As provided for in Section 78A(6) of the Act, the abovementioned approvals are granted only to the applicant and do not attach to or run with the subject land.

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5. **BCA compliance**

The buildings are to comply with the requirements of the Building Code of Australia and relevant Australian Standards.

6. **Construction certificate to be consistent with DA**

Any Construction Certificate issued in association with this development must ensure that any certified plans are consistent (in terms of site layout, site levels, building location, size, internal/external design, external configuration and appearance) with the approved Development Application plans.

7. **Final vehicular access**

The final access onto a public road, to be relocated and reconstructed by NSW Roads and Maritime Services as part of the Pacific Highway Upgrade, must conform with the minimum requirements of the Northern Rivers Local Government Development Design and Construction Manuals including standard drawings R14 and R15. It must also ensure that the largest vehicle leaving the site is able to complete the movement without crossing the centre of the relocated public road. In this regard the access should conform where applicable with Austroads Guide to Road Design Part 4 Figure 7.4.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE (Building / Civil)**

*The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development.*

8. **Civil works**

Prior to the issue of the Construction Certificate, engineering design drawings shall be submitted to and approved by Council for civil works required by this consent. These drawings shall also include associated works required under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act for the following civil works. Details are to be in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Roads & Maritime Services where specified.

a. **Vehicle Parking**

The development shall provide seven car parking spaces, one articulated vehicle parking space and five heavy rigid vehicle (HRV) parking spaces. The access, manoeuvring areas, loading/unloading areas and parking areas are to be provided with an all weather gravel pavement, minimum 300mm thickness. The geometric design of parking spaces, manoeuvring areas and vehicular accesses is to be in general accordance with "Layout Drawing No. 034-002" submitted with the development application, comply with Australian Standard AS/NZS 2890.2-2002 and where appropriate accommodate the turning paths of a standard articulated vehicle and/or heavy rigid vehicle. The extent of individual parking spaces shall be designated on site with bollards, kerb stops or other approved delineation devices. Design plans are to be certified by a suitably qualified professional and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.

b. **Interim vehicular access**

The existing access onto Whytes Road must be amended to ensure, the largest vehicle leaving the site is able to complete the manoeuvre without crossing the centre of Whytes lane. In this regard the access should conform where applicable with Austroads Guide to Road Design Part 4 Figure 7.4. Until a new access is

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constructed to the development site by NSW Roads and Maritime Services, all vehicles associated with the development accessing the site from the Pacific Highway must continue east along Whytes Lane, past the site access, cross Pimlico Road and make a U-turn manoeuvre on the existing cane pad, thereby accessing the development site via a left-in movement from the east. Prior to issue of a construction certificate, a Traffic Management Plan must be submitted to and approved by Council that details these access arrangements, how they will be implemented and enforced prior to issue of the Construction Certificate.

c. **Section 138 Driveway Approval**

Prior to the issue of a Construction Certificate, a Section 138 application is to be made and fee paid for works on the road reserve. The fee is subject to review and may vary from the time of consent till time of payment see Council's schedule of Fees and Charges for the current rates

9. **Section 68 Application**

An application under Section 68 of the Local Government Act 1993 for the on-site wastewater management facility is to be lodged with Council for approval prior to the issue of any construction certificate. The applicant is to refer to the Charlie Hewitt – Engineering Design - on-site sewage management design report dated 7 May 2015 (ref 034-010) for details on the wastewater collection well requirements.

10. **Flooding**

The site pad must be filled to a minimum 3.1m AHD in accordance with Condition 9 and 10 of development consent 2013/355. Minimum floor level of buildings is to be 3.3m AHD.

11. **Erosion and sediment control plans**

Detailed erosion and sediment control plans are to be submitted to and approved by Council addressing both the construction phase and the operational phase of the development.

As the site is to be unsealed, erosion and sediment controls must remain in place permanently during the operation of the development. Erosion and sediment control devices must be properly operated cleaned out and maintained in good condition for the life of the development to ensure sediment does not escape from the site and contaminate adjacent drains and waterways.

12. **Vehicle wash down area**

Plans and specifications of a wash down area capable of washing down trucks and equipment used as part of the waste storage facility operations must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The information should include details of the facility including size, location, storage and disposal of waste water. Waste water from the wash down area must be able to be transported and disposed of at a facility that can lawfully receive the waste(s).

13. **Administration/inspection fees**

Where Council is not chosen as the Principal Certifying Authority, the relevant certificate registration fee and required sewer inspection fees are to be paid to Council in accordance with Council's Fee Schedule, prior to the issue of a Construction Certificate.

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**14. Structural engineer's design**

The Structural Engineer's design of the building must be based upon a geotechnical report from a reputable soil testing engineering consultant. The Structural Engineer is to identify on the design plan the company and date of the geotechnical report on which the design is based, prior to issue of a Construction Certificate.

**15. Issue of construction certificate**

The erection of a building under the terms and conditions of this Development Consent must not be commenced until:

- (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by:
  - (i) The Council; or
  - (ii) An accredited certifier; and
- (b) The person having the benefit of the development consent has appointed a Principal Certifying Authority has notified the Council (if Council is not the principal certifying authority) of the appointment; and
- (c) The person having the benefit of the development consent has given at least two days notice to the Council of the person's intention to commence the erection of the building.

16. In accordance with Section 109F of the EP & A Act (Section 109 F) a Construction Certificate will not be issued with respect to the plans and specifications for construction works until any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 has been paid. Currently this rate is 0.35% of the cost of the construction works costing \$25,000 or more. Works less than \$25,000 are not subject to the levy.

17. Hydraulic details for any water, sewer, stormwater and any proposed fire service installations are to be submitted to Council and approved prior to the issue of a construction certificate. The plans are to be designed in accordance with AS3500 and NSW Code of Practice and other relevant Australian Standards regarding any essential fire services.

18. Design plans are to indicate all plumbing fixtures and outlets, location and type of services, grade, invert, finished floor and ground levels, location of inspection openings, surcharge gullies and levels, vents, water meters, hot water heaters, hot water temperature control devices, etc. Design plans are to also indicate details of any pretreatment of trade waste prior to discharge to the sewerage system and pretreatment as necessary of any stormwater prior to discharge to the environment. Additional details may be requested as directed by Council.

19. In accordance with *Ballina Shire Council's Development Control Plan 2012 Chapter 2* a site waste minimisation management plan including the construction waste details must be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

20. Adequate provision must be made on site for the storage and disposal of solid wastes from the development as outlined in the submitted *Waste Management Assessment* prepared by Tim Fitzroy and Associates, dated 12 March 2015. Details of the location and method of storing and disposing of solid wastes must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate.

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**21. Developer Contributions**

Prior to issue of a Construction Certificate where building work is proposed, payment to Council of non-refundable monetary contributions shall be made towards the provision of public services, infrastructure and amenities, which are required as a result of the development in accordance with the following contribution plans prepared under Section 94 of the Environmental Planning & Assessment Act, 1979 :

<b>Contribution Plan/Development Servicing Plan</b>	<b>Adopted</b>
Ballina Shire Contributions Plan 2008	23 October 2008
Ballina Shire Roads Contribution Plan 2010	25 February 2010
Ballina Shire Carparking Contributions Plan 2014	14 May 2014
Ballina Shire Heavy Haulage Contribution Plan	27 October 2011

The Contribution Plans provide for the indexing of contribution amounts and are also subject to amendment. The contribution rates payable will be the rates that are applicable at the time payment is made. Copies of the Contribution Plans may be viewed at Council's Customer Service Centre, Cherry Street, Ballina or on Council's website [www.ballina.nsw.gov.au](http://www.ballina.nsw.gov.au).

The Contribution amounts applicable at the time this consent is issued are as per Schedule 1 (**attached**).

**PRIOR TO CONSTRUCTION WORK COMMENCING**

*The following conditions in this section of the consent must be complied with or addressed prior to commencement of construction works relating to the approved development.*

**22. Notice of Commencement and Appointment of Principal Certifying Authority**

Where Council is not nominated as the Principal Certifying Authority (PCA), the person having the benefit of this development consent is to submit to Council the following information:

- Written notification of the name and details of the Principal Certifying Authority (PCA); and
- The date of commencement and details of the Development Consent and associated Construction Certificate.

The above information is to be submitted at least two days prior to the commencement of any works, in accordance with the requirements of Section 81A(2) of the Environmental Planning & Assessment Act 1979 (as amended).

**23. Traffic control**

All traffic control shall be in accordance with the Roads and Maritime Services "Traffic Control at Work Sites Manual". A Traffic Control Plan must be prepared and submitted to Council by a person holding a current "Design & inspect Traffic Control Plan" qualification. The traffic control plan must be certified and include the designers Name & Certificate Number. Details are to be submitted to Council prior to the commencement of construction.

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**24. Erection of Signs**

- (1) 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
  - c) stating that unauthorised entry to the work site is prohibited.
- (2) 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.
- (3) 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.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with Section 109R of the Act, to comply with the technical provision of the NSW Government's building laws.

**25. Building waste containment**

A suitable waste container capable of holding blowable type building waste must be made available on the building site during the course of construction. Building waste such as paper, plastic, cardboard, sarking etc. must be regularly cleaned up and placed in the waste container so that it cannot be blown off the building site and litter the locality.

**26. Builder's toilet**

A suitable builder's toilet is to be provided on-site before building work commences. Such facility is to either connect to Council's sewer or a suitable approved chemical closet is to be provided.

**27. Safety fencing**

The building site is to be provided with adequate safety fencing preventing public access onto the site. Such protection measures are required to protect the public from construction works including dangerous excavations. Signage, restricting unauthorised site entry, containing the builder's name, licence number and contact telephone numbers is to be provided in a visually prominent location on the site.

**DURING CONSTRUCTION**

*The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the construction works relating to the approved development.*

**28. Civil Works**

All civil construction works shall be completed in accordance with the minimum requirements of the Northern Rivers Local Government Development Construction Manuals (as current at the time of construction works commencing) and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified. Inspections and approval of the road, drainage, water & sewer works shall be required by Council's Engineer (or an approved certifying authority) in accordance with the Manual.

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**29. Traffic Control**

All traffic control during construction shall be in accordance with the Roads and Maritime Services - Traffic Control at Work Sites Manual and the certified traffic control plan.

**30. Disabled access**

Provide facilities for the disabled including toilet facilities, ramped access to the office and a car parking bay for the disabled in the carpark in accordance with AS 1428.1 and AS 2890.1.

**31. Fire safety certificate**

On completion of the erection of the building, the owner is required to provide Council with a Fire Safety Certificate certifying that all essential services installed in the building have been inspected and tested by a competent person and were found to have been designed and installed to be capable of operating to the minimum standard required by the BCA.

**32. Fire safety statement**

The owner of the building must provide Council with an annual Fire Safety Statement at least once in each twelve months certifying that the essential and statutory fire safety measures in the building have been inspected and tested by a competent person and were found to have been designed, installed and capable of operating to the minimum standard required by the Fire Safety Schedule. A copy of the Annual Fire Safety Statement together with a copy of the Fire Safety Schedule are to be forwarded to the Commissioner, NSW Fire Brigades, and a copy of the Fire Statement and Schedule, prominently displayed in the building.

**33. Construction activity hours of operation**

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

34. A single all weather access way is to be provided on site. All construction vehicles are to enter and exit the site via this access way so as to minimise erosion on site and prevent the movement of soil onto surrounding roadways. When necessary roadways shall be swept and all drains and gutters cleaned of soil material.

35. Soil erosion and sediment control measures shall be, installed and maintained in accordance with the approved Erosion and Sediment Control Plan.

**Failure to comply with this requirement may result in a penalty infringement notice being issued by an Authorised Officer of Council.**

36. All construction work must comply with the *NSW Interim Construction Noise Guidelines* (DECC 2009) and the submitted *Fire and Incident Management Assessment* prepared by Tim Fitzroy & Associates, dated 12 March 2015.

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37. The liquid waste storage shed must be constructed to ensure compliance with Australian Standard 1940-1993 Storage and Handling of Flammable and Combustible Liquids.
38. A water truck designed to suppress dust from exposed surfaces and access roads shall be available at the site or in the immediate vicinity. Exposed surfaces and access pads shall be regularly wetted to suppress dust generation until such time that construction is completed and areas have been revegetated. All disturbed areas shall be revegetated immediately they are completed.
39. All rainwater tanks including inlets and overflows must be adequately screened and maintained in good condition to prevent mosquito breeding and insect entry.
40. All waste arising from the construction and operational activities must be handled, stored, removed and/or transported in accordance with the requirements of NSW EPA and the NSW Work Cover Authority pursuant to the provisions of the following:
  - (a) Protection of the Environment Operations Act 1997
  - (b) Protection of the Environment Operations (Waste) Regulation 2014
  - (c) Waste Avoidance and Resource Recovery Act 2001
  - (d) New South Wales Work Health & Safety Act 2011
  - (e) Work Health & Safety Regulation 2011

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

*Unless otherwise stated all development and works referred to in other sections of this consent are to be completed together with the following conditions prior to occupation or use.*

##### **41. Occupation certificate**

An Occupation Certificate is to be obtained prior to commencement of use or occupation of the premises. Where Council is not the Principal Certifying Authority the applicant shall ensure that a Certificate of Occupation prepared by the Principal Certifying Authority is submitted to Council prior to occupation of the building.

##### **42. Civil works**

All civil works approved with the Construction Certificate and under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993, are to be completed to the satisfaction of Council prior to issue of an Occupation Certificate. All works are to be completed in accordance with the Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards or Roads & Maritime Services where specified.

##### **43. Parking and access**

The construction of all parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant prior to issue of the Occupation Certificate.

##### **44. Stormwater**

Prior to the issue of an Occupation Certificate, certification must be provided to the Principal Certifying Authority that all erosion and sediment control works required for the operational phase of the development have been provided in accordance with the approved erosion and sediment control plan.

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45. A private water supply quality assurance program must be submitted to and approved by NSW Health prior to the issue of the occupation certificate. The private water supply quality assurance program must comply with the Public Health Act 2010, Public Health Regulation 2012 and the NSW Private Water Supply Guidelines. Documentation of the programs approval must be provided to the Principal Certifying Authority prior to the issue of the occupation certificate. Information about the requirements of private water supply quality assurance programs can be found on the NSW Health website [www.health.nsw.gov.au](http://www.health.nsw.gov.au).
46. As outlined in the Fire and Incident Management Assessment prepared by Tim Fitzroy & Associates, dated 12 March 2015, a spill management plan (standard operating procedure) for the management of spills/leaks at the waste management facility must be developed and submitted to the Principal Certifying Authority prior to the prior to the issue of the occupation certificate.
47. The waste management facility must be designed to allow for the incorporation of the odour contingency measures outlined in the additional information provided by Tim Fitzroy and Associates, dated 10 December 2016. This includes the preparation of an odour management plan and complaints management system. Details of the provision of these contingency measures must be provided to the Principal Certifying Authority prior to the prior to the issue of the occupation certificate.

#### **CONDITIONS OF USE/DURING OCCUPATION**

*The following conditions in this section of the consent are to be complied with in the day-to-day use or operation of the approved development.*

**48. Heavy Haulage Contributions**

A contribution shall be paid for any waste transported into or out of the waste management facility in accordance with the Ballina Shire Heavy Haulage Contributions Plan current at the time of payment on a quarterly basis within one month of the end of the quarter. The quarters shall comprised 1 January – 31 March, 1 April – 30 June, 1 July – 30 September, 1 October – 31 December unless otherwise notified by Council. NOTE: at the time of consent this requires a payment of 0.7060 per tonne of material hauled to or from the site. The levy is to be increased annually in accordance with the Consumer Price Index for Sydney.

**49. Remittance form, Ballina Heavy Haulage Contributions Plan**

A "Ballina Shire Heavy Haulage Contributions Plan" "remittance form" shall be submitted to Council for each quarter either accompanying the required payment or as a "nil" return. The information required includes for the applicable quarter; quantities/tonnes of waste transported in and out of the facility, contribution payment due, and certification by a company officer.

**50. Stormwater**

Erosion and sediment control devices designated in ther operational phase erosion and sediment control plan must be properly operated, cleaned out and maintained in good condition for the operational life of the development to ensure sediment does not escape from the site and contaminate adjacent drains and waterways.

51. The storage and handling of liquid waste must be carried out in accordance with *Australian Standard 1940-1993 Storage and Handling of Flammable and Combustible Liquids* and the submitted *Fire & Incident Management Assessment* prepared by Tim

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Fitzroy & Associates, dated 12 March 2015 and the approved spill management plan (standard operating procedure).

52. Operation of the facility must be in accordance with the approved odour management plan and complaints management system.
53. Operation of the facility must comply with section 120 of the Protection of the Environment Operations Act 1997 and prevent the pollution of waters. In the event of a pollution incident on the premises, that has caused, is causing, or is likely to cause harm to the environment, the incident shall be reported in accordance with the requirements of *section 148 of the Protection of the Environment Operations Act 1997*.
54. The use and occupation of the waste management facility, including all plant and equipment installed thereon, and the undertaking of normal operational activities must not give rise to offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Offensive Noise means noise:
  1. That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
    - a. is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
    - b. interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
  2. That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
55. Noise from the premise must not exceed the noise limits in the table below, as outlined in the submitted *Noise Impact Assessment* prepared by Ambience Audio Services dated 6 May 2015 to reduce the noise impacts on nearby residents.

	NOISE LIMITS dB(A)		
Locality	DAY	EVENING	NIGHT
	LAeq (15 minute)	LAeq (15 minute)	LAeq (15 minute)
Any residence	41	41	36

56. The hours of operation are limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

In the case of an emergency, truck movements are allowed to leave and return to the premise, but no pumping of waste products or other material is permitted outside of the approved operating hours as stated above.

57. All trucks that are pumping into or out of the storage tanks must park to the east of the semi-trailer pump to act as a noise barrier to receivers to the east.
58. The use and occupation of the waste management facility must not discharge offensive odour as defined in the *Protection of the Environment Operations Act 1997* beyond the boundary of the premises.

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59. The transfer of waste between the tankers to the storage vessels must be carried out using a hose and standard camlock fitting to reduce aerosol and odour generation as outlined in the submitted *Air Quality Assessment* prepared by Tim Fitzroy and Associates dated 12 March 2015.

60. All plant and equipment installed or used in connection with the waste management facility must be maintained and operated in a proper and efficient manner.

## **REASONS FOR CONDITIONS**

- ensure compliance with the requirements of the Environmental Planning & Assessment Act, 1979;
- ensure compliance with the objectives of the Ballina Local Environmental Plan, 2012;
- ensure an appropriate level of amenities and services is available;
- protect the existing and likely future amenity of the locality;
- maintain, as far as practicable, the public interest;
- ensure compliance with the Building Code of Australia and relevant Australian Standards;
- ensure satisfactory compliance with relevant Council plans, codes and policies.

## **ADVISORY MATTERS**

### **Disability Discrimination Act 1992**

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

Compliance with the BCA does not guarantee compliance with the DDA. The BCA provides important access provisions however:

- a) it does not cover all developments that are subject to the provisions of the DDA;
- b) it focuses primarily on access for people with disabilities which affect their mobility and does not address other disabilities, such as sensory disabilities;  
and
- c) while it mandates improved access for people with disabilities, it is not framed in terms of “equality of access”.

You are therefore advised to investigate your liability under the DDA with respect to any existing and proposed future works.

### **Protection of the Environment**

The development is to be operated in accordance with the provisions of the Protection of the Environment and Operations Act 1997 as it applies to issues of air quality, noise generation, water and wastewater quality.

### **Noise Control**

Use of the premises/services/equipment/ancillary fittings shall not give rise to an “offensive noise” as defined under the provisions of the Protection of the Environment & Operations Act 1997.

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**WorkCover Requirements**

The premises shall be operated in accordance with the requirements of the WorkCover Authority.

**Advisory Note:**

The applicant is advised to take care in ensuring that no damage is done to or unauthorised modifications are carried out on either Council's or any other organisation's underground infrastructure assets. Any Council sewer, stormwater or water main or other organisation owned electricity supply or telecommunication facility is not to be damaged or altered in any way without the necessary approvals being obtained beforehand from the relevant server.

The information relating to your property is to be obtained prior to any works commencing.

You are advised to contact the following:

- Council - for information on sewer, water supply & stormwater
- Rous Water - Water Supply for Rous Water Authority controlled areas
- "Dial Before You Dig" - for other service infrastructure

The information relating to your property is to be obtained prior to any works commencing.

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**SCHEDULE 1**  
**Section 94 Contributions**

Contribution	Receipt Code	Contribution Unit	Rate per contribution Unit	Total Contribution Units Payable	TOTAL COST
Rural Roads 2010	5202	equivalent residential allotment	\$11,352.00	1.2403	\$14,079.89
Roads Administration 2010	5203	equivalent residential allotment	\$172.00	1.2403	\$213.33
TOTAL					<b>\$14,293.22</b>

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## SCHEDULE 2

### NSW Environmental Protection Agency General Terms of Approval

Protection of the Environment Operations Act 1997

#### General Terms of Approval - Issued



Notice No: 1536855

Ballina Shire Council

Ballina NSW 2478

Attention: Rod Willis, Group Manager - Development and Environmental Health

Notice Number 1536855

File Number EF13/8198

Date 11-Feb-2016

**Re: Waste Management Facility comprising a Waste Transfer Station**

**Issued pursuant to Section 91A(2) Environmental Planning and Assessment Act 1979**

I refer to the development application and accompanying information provided for the Waste Transfer Station at 540 Pimlico Road, Pimlico received by the Environment Protection Authority (EPA) on 20 May 2015. I also refer to the letter of response submitted to the EPA on 10 December 2015.

The EPA has reviewed the information provided and has determined that it is able to issue a licence for the proposal, subject to a number of conditions. The applicant will need to make a separate application to EPA to obtain this licence.

The general terms of approval for this proposal are provided at attachment A. If Ballina Shire Council grants development consent for this proposal these conditions should be incorporated into the consent.

These general terms relate to the development as proposed in the documents and information currently provided to EPA. In the event that the development is modified either by the applicant prior to the granting of consent or as a result of the conditions proposed to be attached to the consent, it will be necessary to consult with EPA about the changes before the consent is issued. This will enable EPA to determine whether its general terms need to be modified in light of the changes.

In assessing the proposal EPA has also identified a number of environmental issues that Ballina Shire Council may wish to consider in its overall assessment of the application.

1 Although it is considered to be reasonable that the operation of this business may require truck movements for emergency pump outs outside the operating hours the proposed general terms of approval will not allow for pumping associated with the waste transfer station at night. It may also require

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Protection of the Environment Operations Act 1997

## **General Terms of Approval - Issued**



Notice No: 1536855

consideration from Ballina Shire Council as to how the trucks will conduct operations in these circumstances with regard to parking locations and reversing etc.

2. The proposed general terms of approval will require all waste water of an 'industrial' nature to be taken to a lawful facility that can accept the waste. It is at the discretion of Ballina Shire Council as to if they wish to accept these wastes.

3. The general terms of approval will require the septic pump out waste to be taken to a lawful facility. Ballina Shire Council may wish to consider the operational aspect of this septic pump out storage and the anticipated 1-2 week residence time before discharging to the sewer.

If you have any questions, or wish to discuss this matter further please contact Scott Hunter on 66598282.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'S. Hunter', written over a horizontal dotted line.

**Scott Hunter**  
**Acting Unit Head**  
**Waste & Resources - Waste Management**  
(by Delegation)

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### Administrative conditions

**Note:** Mandatory conditions for all general terms of approval

#### ***A1. Information supplied to the EPA***

**A1.1** Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application 2015/203 submitted to Ballina Shire Council on 19 February 2015;
- any environmental impact statement Waste Management Facility (comprising a Waste Transfer Station) April 2015 relating to the development; and
- all additional documents supplied to the EPA in relation to the development, including the response document from Tim Fitzroy and Associates dated 10 December 2015.

#### ***A2. Fit and Proper Person***

**A2.1** The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

### Limit conditions

#### ***L1. Pollution of waters***

**L1.1** Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

#### ***L2. Waste***

**L2.1** The licensee must not cause, permit or allow any waste to be received at the premises except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "other limits" in the table below. This condition does not limit any other conditions on this licence.

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<b>Code</b>	<b>Waste</b>	<b>Description</b>	<b>Activity</b>	<b>Other Limits</b>
<b>NA</b>	Certain liquid wastes	Excavation mud/ Drilling mud	Waste Storage	Maximum of 30,000 litres in total at any one time or 416,000 litres per annum. (see note)
<b>J100</b>	Waste mineral oils unfit for intended use	Waste oil storage	Waste Storage	Maximum of 4,000 litres in total at any one time or 26,000 litres per annum. (see note)
<b>J120</b>	Waste oil/hydrocarbons mixtures/emulsions in water	Waste oil/ hydrocarbons	Waste Storage	Maximum of 6,000 litres in total at any one time or 13,000 litres per annum. (see note)
<b>K130</b>	Septic tank pump out waste	As defined by the POEO Act 1997 in force from time to time	Waste Storage	Maximum of 30,000 litres in total at any one time or 832,000 litres per annum. (see note)
<b>K110</b>	Grease Trap Waste (liquid)	Grease trap waste storage	Waste Storage	Maximum of 30,000 litres in total at any one time or 624,000 litres per annum. (see note)

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**Note:** No more than 100,000 litres (in total) / 100 tonnes (in total) from a combination of vacuum excavated mud, waste oil, oily waters, septic pump out or grease trap waste can be stored on the premises at any one time.

**L2.2** The applicant must have in place and implement procedures to identify and prevent the acceptance of any waste not permitted by this licence to be at the premises.

### L3. Noise limits

**L3.1** Noise from the premises must not exceed the noise limits in the table below. The locations referred to in the table below are indicated in part 3.1 of Appendix N - Noise Impact Assessment contained within the Environmental Impact Statement prepared by Ambience Audio Services for a Waste Management Facility (comprising a Waste Transfer Station) for Jade and Fiona Rose, April 2015.

Locality	NOISE LIMITS dB(A)		
	DAY	EVENING	NIGHT
	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)	L <sub>Aeq</sub> (15 minute)
Any residence	41	41	36

**L3.2** To determine compliance with condition 3.1 the noise from the premises is to be measured within 30m of a dwelling facade, but not closer than 3m, where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises.

**L3.3** All trucks that are pumping into or out of the storage tanks must park to the east of the semi-trailer pump to act as a noise barrier to receivers to the east.

### Hours of operation

**L3.4** All construction work at the premises must only be conducted between 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday.

**L3.5** Activities at the premises, other than construction work, may only be carried on between 7.00am to 6.00pm Monday to Friday and 8.00am to 1.00pm Saturday.

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Note: In the case of an emergency it is permitted that truck movements are allowed to leave and return to the premises, this however does not permit for any pumping of waste products outside the core operating times set out in condition L3.5.

L3.6 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L3.4 or L3.5, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L3.7 The hours of operation specified in conditions L3.4 and L3.5 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

### ***Operating conditions***

#### **O1 Odour**

**01.1** The proponent must not cause or permit the emission of offensive odour beyond the boundary of the premises.

**01.2** An Odour Management Plan (OMP) must be developed for the facility and incorporate measures for odour mitigation and complaints handling.

**01.3** The facility must be designed to allow for the incorporation of the odour contingency measures outlined within the additional information supplied (Tim Fitzroy & associates letter dated 10 December 2015). In the event of odour impacts occurring the contingency measures must be investigated.

#### **O2. Dust**

**O2.1** Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

#### **O3. Waste Water**

**O3.1** Waste water from industrial sources such as vehicle wash down or tank cleaning must be disposed of at a facility that can lawfully receive the waste(s).

#### **O4. Processes and management**

**O4.1** Stormwater from all areas of the premises which has the potential to mobilise sediments and other material must be controlled and diverted through the appropriate erosion and sediment control and/or pollution control measures/structures, so as not to cause, permit or allow water pollution to occur.

#### **O5. Waste Management**

**O5.1** The licensee must minimise the tracking of waste and mud by vehicles.



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### ***Monitoring records***

**M1.1** The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2

**M1.2** All records required to be kept by the licence must be:  
in a legible form, or in a form that can readily be reduced to a legible form;  
kept for at least 4 years after the monitoring or event to which they relate took place; and  
produced in a legible form to any authorised officer of the EPA who asks to see them.

**M1.3** A record must be maintained regarding all waste(s) received at the facility, and must detail the following:

- (a) the registration number of all vehicles transporting waste(s) to and from the facility;
- (b) the amount (tonnages) of waste(s) received or transported from the facility;
- (c) the source(s) or destination of the waste(s); and
- (d) the date(s) or receipt or transportation of waste(s) from the facility;
- (e) the results of sampling and analysis to determine compliance with the appropriate waste classification.

### **Reporting conditions**

**R1.1** The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

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### Special conditions

#### E1 Financial Assurance

**E1.1** A financial assurance in the form of an unconditional and irrevocable and on demand guarantee from a bank, building society or credit union operating in Australia as 'Authorised Deposit-taking Institutions' under the Banking Act 1959 of the Commonwealth of Australia and supervised by the Australian Prudential Regulatory Authority (APRA) must be provided to the EPA either in full within 6 months of the issue of the licence, or in three installments. The financial assurance must be in the favour of the EPA to an agreed amount. The financial assurance is required to secure or guarantee funding for works or programs required by or under this licence.

**E1.2** The licensee must provide the EPA, along with the original counterpart guarantee, confirmation in writing that the financial institution providing the guarantee is subject to supervision by the Australian Prudential Regulatory Authority (APRA)

**E1.3** The financial assurance must contain a term that provides that any money claimed can be paid to the EPA, at the written direction of the EPA, to any other person.

**E1.4** The financial assurance must be maintained during the operation of the facility and thereafter until such time that the EPA is satisfied that the premises is environmentally secure.

**E1.5** The financial assurance must be replenished by the full amount claimed or realised if the EPA has claimed on or realised the financial assurance or any part of it to undertake a work or program required to be carried out by the licence which has not been undertaken by the licence holder.

**E1.6** The EPA may require an increase in the amount of the financial assurance at any time as a result of reassessment of the total likely costs and expenses of rehabilitation of the premises.

**E1.7** The licensee must provide to the EPA the original counterpart guarantee within five working days of the issue of:

- (a) the financial assurance required by condition E1.1, and
- (b) the adjusted financial assurance as required by condition E1.3 and E1.6

**E1.8** The EPA may claim on a financial assurance under s303 of the POEO Act if a licensee fails to carry out any work or program required to comply with the conditions of this licence.

#### ENVIRONMENTAL OBLIGATIONS OF LICENSEE (Works & Programs)

**E2.1** While the licensee's premises are being used for the purpose to which the licence relates, the licensee must

- a) Clean up any spill, leak or other discharge of any waste(s) or other material(s) as soon as practicable after it becomes known to the licensee or to one of the licensee's employees or agents

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b) In the event(s) that any liquid and non-liquid waste(s) is unlawfully deposited on the premises, such waste(s) must be removed and lawfully disposed of as soon as practicable or in accordance with any direction given by the EPA.

c) Provide all monitoring data as required by the conditions of this licence or as directed by the EPA

**E2.2** In the event of an earthquake, storm, fire, flood or any other event where it is reasonable to suspect that a pollution incident has occurred, is occurring or is likely to occur, the licensee (whether or not the premises continue to be used for the purposes to which the licence relates) must:

- a) make all efforts to contain all fire water on the premises
- b) make all efforts to control air pollution from the licensee's premises
- c) make all efforts to contain any discharge, spill or run-off from the licensee's premises
- d) make all efforts to prevent floodwater entering the licensee's premises
- e) remediate and rehabilitate any exposed areas of soil and/or waste
- f) lawfully dispose of all liquid and solid waste(s) stored on the premises that is not already securely disposed of,
- g) at the request of the EPA monitor groundwater beneath the licensee's premises and its potential to migrate from the licensee's premises
- h) at the request of the EPA monitor the surface water leaving the licensee's premises; and
- i) ensure that the licensee's premises is secure.

## Operating conditions

### Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

### Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- b. must be operated in a proper and efficient manner.

## Monitoring and recording conditions

### Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

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- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

### Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

## Reporting conditions

### Annual Return documents

#### *What documents must an Annual Return contain?*

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- Statement of Compliance; and
- Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

#### *Period covered by Annual Return*

An Annual Return must be prepared in respect of each reporting, except as provided below

*Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.*

Where this licence is transferred from the licensee to a new licensee,

- the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

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- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

*Note: An application to transfer a licence must be made in the approved form for this purpose.*

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence - the date from which notice revoking the licence operates.

### **Deadline for Annual Return**

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

### **Notification where actual load can not be calculated**

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

### **Licensee must retain copy of Annual Return**

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

### **Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary**

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

### **Notification of environmental harm**

*Note:* The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

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The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

### **Written report**

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

## General conditions

### **Copy of licence kept at the premises or on the vehicle or mobile plant**

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

The consent shall lapse on **28 April 2021** unless the development has commenced in accordance with the provisions of section 95 of the Act.

**Other Approvals:**            **The following approval bodies have given general terms of approval in relation to the development:**

NSW EPA

**NB. The General Terms of Approval of these approval bodies have been incorporated in Schedule 2 of this Determination Notice.**

**Note:**                      **The Planning Assessment Commission has not conducted a public hearing in respect of the application.**

**Signed:**                      \_\_\_\_\_ **on 28 April 2016**

Rod Willis  
**Group Manager**  
**Development and Environmental Health**  
On behalf of Ballina Shire Council

**Right of Appeal:**            If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to appeal to the NSW Land and Environment Court within 6 months after the date on which you receive this notice or the date on which the application is taken to have been determined under Section 82(1).

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to the determination of a development application for local development that has been the subject of a Commission of Inquiry.

Except in the case of designated development, there is no provision within the Environmental Planning and Assessment Act 1979 for a third party (objector) to appeal against the consent issued by the Council.

**Review of Determination:**    Section 82A of the Environmental Planning and Assessment Act 1979 gives you, the applicant, the right to request the Council to review the determination of your application. This request must be made within the time prescribed by Section 82A(2A) and be accompanied by the fee prescribed by Section 257 of the Environmental Planning & Assessment Regulation 2000. Review provisions do not apply to:

- (a) a determination to issue or refuse to issue a complying development certificate, or
- (b) a determination in respect of designated development, or**
- (c) a determination in respect of integrated development, or**
- (d) a determination made by the Council under Division 4 in respect of an application by the Crown.

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