

DRAFT CONDITIONS OF CONSENT

DRAFT CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 786.1/2016
SYDNEY SOUTH WEST PLANNING PANEL NO. 2016SSW003

PROPERTY: LOT 3 DP 262054, NO. 88 REDFERN STREET, WETHERILL PARK.

DESCRIPTION OF DEVELOPMENT:

Alterations and additions to an existing waste transfer station used to consolidate waste paper and cardboard and modifications to the operation of the facility to include the recycling of plastic film products and process up to 75, 000 tonnes of waste per year, including reconfiguration of on-site car, construction of retaining walls and filling at the rear of the site.

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved;

- Architectural plans as prepared by Fedele Design Pty Ltd, job number 21610, drawing number DA01 to DA10 (inclusive) and Landscape plan drawing number LA01, dated 7 June 2017, revision D;
- Stormwater plans as prepared by Sparks and Partners Consulting Engineers, job number 16190, DA1.01, DA2.01, DA4.01 and DA4.11, revision 2, dated 14 October 2016
- Environmental Impact Statement as prepared by Jackson environmental and Planning dated 29 November 2016;

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

2. Final Stormwater Drainage Plan

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a qualified civil engineer experienced in stormwater drainage design and analysis. The final plan shall be in accordance with the above mentioned stormwater concept plan and shall comply with Fairfield City Council's Stormwater Drainage Policy, the BASIX requirements and with AS3500.

3. Stormwater Drainage Certificate

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

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed in accordance with Council's Stormwater Drainage Policy and conditions of this consent.

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

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

4. Retaining Walls/Structural Wall Panels (Industrial/Commercial)

Any development that requires the construction of a retaining wall or structural panels located within the immediate vicinity of an adjoining boundary shall be wholly within the property boundaries of the subject development site and shall not encroach upon the adjoining properties. Details of the retaining wall or structural panels and associated drainage shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

5. Outstanding Fees and Charges

Prior to the issue of a Construction Certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Certifying Authority:

a. Demolition Inspection Fee	\$245.10
b. Kerb and Gutter Inspection Fee	\$110.00
c. Kerb and Gutter Damage Deposit	\$2311.00

6. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifying Authority.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

7. Section 94A Levy Development Contributions

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

The Section 94A Levy as determined at the date of this consent is **\$15,150.15**.

The contribution amount payable may be adjusted at the date of payment. Any unpaid contributions will be adjusted on a quarterly basis to account for movements in the Australian Bureau of Statistics, Producer Price Index – Building Construction (New South Wales).

8. Sydney Water Consent

The plans must be assessed by Sydney Water Tap in to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

9. NSW Roads and Maritime Conditions

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

10. Construction Certificate Required

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

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

11. Appointment of a Principal Certifying Authority

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

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

12. Notify Council of Intention to Commence Works

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

13. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.12 of the Fairfield City Wide DCP 2013** shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

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

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

14. Toilet Facility

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

15. Required Signage

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

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

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

16. Interim / Final Occupation Certificate Required

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

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

17. Interim Fire Safety Certificate

Prior to the issue of an Occupation Certificate (Interim or Final) fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

Note: An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

18. **Building in Saline Environments**

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate (Interim or Final), documentary evidence shall be submitted to the Principal Certifying Authority, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

19. **Landscape Certificate**

Prior to the issue of an Occupation Certificate (Interim or Final), a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the approved landscape plans shall be submitted to Principal Certifying Authority and Fairfield City Council.

20. **Works on Adjacent Roads**

Prior to the issue of the Final Occupation Certificate, the following works are to be completed:

- a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.
- b. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

21. **Works-As-Executed Plans for Stormwater Drainage**

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

22. **Adjustments to Public Utilities**

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

23. Environmental Reports Certification

Prior to the issue of an Occupation Certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Fairfield City Council, stating that all works/methods/procedures/control measures/recommendations approved by Council in the following reports have been completed:

- a. Environmental Impact Statement, dated, 29 November 2016, prepared by Jackson Environment and Planning.

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.

24. Compliance with the Building Code of Australia

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

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

25. Compliance with Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to throughout all stages of the demolition and/or construction process. Source separation of materials and maximum reuse and recycling of materials are requirements of Fairfield City Council's Waste Not DCP. The applicant is required to keep supporting documentation (receipts/dockets), of reuse/recycling/disposal methods carried out, which are to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

In addition, the applicant is to supply Council with the name and address of the waste disposal facility where the fill materials will be disposed. The applicant must keep supporting documentation (dockets/receipts), which is to be produced upon request by Council.

Note: Any non-compliance with this requirement will result in penalties being issued.

26. Demolition Requirements

Demolition of the existing building(s) shall be carried out in accordance with the requirements of AS 2601 – 2001 and the following:

- a. The property being secured to prevent unauthorised entry.
- b. Asbestos sheeting shall only be removed by licensed operators in accordance with the requirements of the SafeWork Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
- c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with the approved Waste Management Plan.
- d. Five (5) days notification to commence demolition work shall be given to SafeWork NSW in accordance with Clause 466(1) of the Work Health and Safety Regulation 2011.
- e. Should you require information in relation to the safe disposal of asbestos waste, please contact the Environment Protection Authority NSW (www.environment.nsw.gov.au)

27. Administration Fee for the Lodgement of Certificates

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

28. During Construction or Demolition

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

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 - Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. No work may be carried out on Sundays or public holidays.

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

29. Method of Stormwater Drainage

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

Note: Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

Note: If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the connector to be 10mm above the invert of the gutter.

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

30. Driveway Gradient

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

31. Hoarding / Fencing

During construction, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building 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.

32. Post-Demolition Inspection Required

On completion of demolition works, a post-demolition inspection is to be carried out by Fairfield City Council. It is necessary to telephone Council on 9725-0222 to request an inspection of the site.

It should be noted that once demolition has been completed the site should be kept tidy and safe at all times. It is recommended to fence the site to prevent public access onto the property. It is also recommended that all sediment and erosion control measures have been installed on the site.

33. Landscaping to be Completed

The provision and maintenance of landscaping in accordance with the approved landscape plan prepared by Fedele Design Pty Ltd, reference number 21610, drawing number LA01, revision D, dated 7 June 2017, including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

34. 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. Twenty-four (24) off-street car parking spaces for staff and visitors,

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.

35. 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. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the designated loading areas provided.
- d. Servicing and all loading activities shall be carried out in accordance with the Traffic Operational Plan of Management as prepared by Grima Environmental Services Pty Ltd dated 12 February 2018.
- e. A maximum of two (2) semi-trailer vehicles shall service the site per hour.
- f. The maximum of sixty-four (64) trucks shall service the subject site on a daily basis.
- g. All loading and unloading activities carried out at the site shall be scheduled to ensure that a maximum of seven (7) medium and/or heavy rigid vehicles enter the site per hour.
- h. Entry and exit points and vehicle circulation area shall be clearly identified through pavement arrows (line markings) and signposting.
- i. Delivery and collection vehicles (medium rigid vehicles and semi-trailers) shall only carry out loading and unloading activities from designated

loading areas and shall not obstruct the car parking areas and traffic flow within the car park.

- j. Usage shall be restricted to that which requires the services of semitrailers that are no more than 17.0m long.

36. Hours of Operation

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

Twenty-four (24) hours a day, seven (7) days a week

Use of the Premises

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

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. No sales of manufactured or stored goods shall be made to the general public from the subject premises.
- c. The 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.
- f. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.
- g. Food contaminated or wet plastic products shall not be processed on site.

37. Storage of Goods

All works shall be contained wholly within the building.

38. Control of Truck Traffic

The applicant shall be responsible for maintaining a daily log of trucks involved in the fill material process. The number of loads per day shall not exceed 64 vehicles.

39. Unreasonable Noise and Vibration

The waste transfer station, 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.

40. Maximum Waste Processing Capacity

A maximum capacity of 75,000 tonnes of waste paper, cardboard and plastic film products is to be permitted to be processed at the subject site per year.

41. Environment Protection Authority (EPA)

The attached Environment Protection Authority General Terms of Approval shall be complied with at all times.

NB: The EPA 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 EPA 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.

42. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282_1997 *Control of the obtrusive effects of outdoor lighting* so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

43. 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.

44. Fill Validation Report

Prior to the importation of any landfill material onto the site, a validation report prepared in accordance with the Environment Protection Authority's '*Guidelines for Consultants Reporting on Contaminated Sites*', 2011, shall be submitted to Council for approval. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

45. Chain of Custody Documentation

'Chain of Custody' documentation shall be kept for the transport of the validated fill material from the source site to the subject premises. A record of 'Chain of Custody' shall be submitted to Council within 7 days of the fill material being moved to or from the subject site.

46. Environmental Management Plan

An Environmental Management Plan shall be prepared for the approved facility. The Plan shall be carried out by a suitably qualified environment consultant and shall address means by which the commitment in the EIS, subsequent assessment reports, approval or licence conditions will be fully implemented. The EMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures.

47. Site Operation

The subject site shall operate in accordance with the Environmental Management measures and recommendations outlined in the following reports at all times:

- Environmental Impact Statement as prepared by Jackson Environmental and Planning;
- Environmental Management Procedures – Additional Information as prepared by Grima Environmental Services Pty Ltd, Wetherill Park, dated 16 September 2015;
- Pollution Incident Response Management Plan as prepared by Grima Environmental Services Pty td, Wetherill Park, dated September 2015; and
- Traffic Operational Plan of Management as prepared by Grima Environmental Services Pty Ltd, dated 12 February 2018.