

Our Reference: 2015/529  
Contact: Mr M J Stephenson  
Phone: 02 9840 9823

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979  
NOTICE OF DETERMINATION OF APPLICATION**

22 September 2016

Mr B King  
80A Long Street  
SMITHFIELD NSW 2164

Dear Sir/Madam

Pursuant to Section 81 of the Act, Council has granted conditional approval to your Development Application described as follows:

<b>PROPERTY:</b>	<b>Lot 16, DP 238072</b>
<b>STREET ADDRESS:</b>	<b>7 Long Street, Smithfield</b>
<b>DEVELOPMENT CONSENT NO:</b>	<b>2015/529/1</b>
<b>DECISION:</b>	<b>Sydney West Joint Regional Planning Panel</b>
<b>DATE OF EXPIRY OF CONSENT:</b>	<b>22 September 2021</b>
<b>PROPOSED DEVELOPMENT:</b>	<b>Installation and use of an existing industrial site as a sludge dewatering plant</b>

This Development Application is APPROVED in accordance with the Environmental Planning & Assessment Act 1979 and is subject to compliance with the requirements of Cumberland City Council, the Building Code of Australia, the Local Government Act 1993, and the following conditions as set out hereunder and/or endorsed upon the attached plans.

## PRELIMINARY

1. This consent shall lapse if the above development is not physically commenced by the date of expiry shown on the front page of this Consent.
2. Development shall take place in accordance with the attached endorsed plans:
  - Architectural plans prepared by d'Riva Designs, Job No. 0332, Drawing No. DA-01, dated September 2015, as amended by Condition 18;
  - Environmental Impact Statement (EIS) prepared by Benbow Environmental, Report No. 151121\_EIS\_Rev3, dated 6 November 2015 and all appendices contained therein, and Addendum Report prepared by Benbow Environmental, Reference No. 151121\_EPA letter\_Rev3, dated 19 February 2016;
  - General Terms of Approval issued by the NSW Environmental Protection Authority, Notice No. 1538834, dated 18 March 2016; and
  - Correspondence received from Endeavour Energy dated 15 September 2016.
  - a) As amended in red by Council. All amendments are to be incorporated in the Construction Certificate plans.
3. All building work shall be carried out in accordance with the requirements of the Building Code of Australia. Fully detailed plans including fire safety details shall be submitted with the Construction Certificate application. No work is to commence until such time as a Construction Certificate is obtained for the work/building permitted by this Consent.

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

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

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

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

5. The applicant shall consult with, as required:
  - (a) Sydney Water Corporation Limited
  - (b) Integral Energy
  - (c) Natural Gas Company
  - (d) A local telecommunications carrierregarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public road(s).

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

#### **Environmental Protection Licence**

7. An Environmental Protection Licence is required to be obtained from the NSW EPA for the proposed use as outlined in the NSW EPA 'General Terms of Approval', Notice No. 1538834, dated 18 March 2016, prior to occupation and use of the premises.

**NOTE: FEES, BONDS & CONTRIBUTIONS INDICATED IN CONDITIONS OF THIS CONSENT MAY VARY IN ACCORDANCE WITH THOSE ADOPTED BY COUNCIL AT SUBSEQUENT ANNUAL REVIEWS OF ITS "FEES AND CHARGES" AND SUBSEQUENT CHANGES TO THE BUILDING PRICE INDEX. FEES CHARGED WILL BE THOSE CURRENT AT THE TIME OF PAYMENT.**

## PRIOR TO ISSUE/RELEASE OF CONSTRUCTION CERTIFICATE

The following conditions must be complied with prior to the issue of a Construction Certificate. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate:-

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

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

### Consistency with Endorsed Development Consent Plans

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

### Damage Deposit

10. A cash bond/bank guarantee of **\$2,952.20** must be paid/lodged with Council to cover making good any damage caused to the property of Council, during the course of construction associated with the development. This will be held for 'six (6) months after the completion of works' or six (6) months after the issue of 'Final Occupation Certificate' (whichever occurs last) to remedy any defects that may arise within this time.

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

### Engineering Fees and Bonds

11. Payment of a **\$337.90** fee for the design, specifications and inspection by Council of the vehicular crossing/s prior to placement of concrete.

### Road Works

12. A Traffic Management Plan shall be lodged with Council for any road and drainage works to be carried out within public road reserves, or where construction activity impacts on traffic flow or pedestrian access, in strict compliance with the requirements of Australian Standard 1742.3 (Traffic Control Devices for Works on Roads). In this regard, the applicant shall pay Council a **\$496.30** fee for the assessment of the Traffic Management Plan by Council, prior to commencing works within the road reserves. A copy of the approved Traffic Management Plan shall be kept on site during the course of construction for reference and compliance.

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

13. A building plan approval must be obtained from Sydney Water Tap In™ to ensure the development will not affect any Sydney Water wastewater and water mains, stormwater drains and/or easement.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority, prior to the issue of a Construction Certificate.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au).

14. If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
15. The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.
16. Retaining walls greater than 1.0m above finished ground level or other approved methods necessary to prevent the movement of excavated or filled ground, together with associated stormwater drainage measures, shall be designed by an appropriately qualified person. Details are to be included with any Construction Certificate application.
17. Structural engineer's details (in duplicate) prepared and certified by a practising qualified structural engineer of all reinforced concrete and structural members shall be submitted to the Principal Certifying Authority.

### **Vehicle Manoeuvrability**

18. The submitted swept path analysis shows that the 12.5m HRV is encroaching within the 1.0m setback between the vehicular crossing/driveway and the eastern boundary. This setback should be maintained. In this regard, the internal driveway and vehicular crossing shall be modified and widened to the west of the site maintaining a setback of 1.0m to the eastern boundary.

Plans detailing the above amendments shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

### **Endeavour Energy**

19. As the proposed works will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer Philip Wilson, on 9853 7110, alternately [Philip.Wilson@endeavourenergy.com.au](mailto:Philip.Wilson@endeavourenergy.com.au).

## **PRIOR TO WORKS COMMENCING**

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

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

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

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

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

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

21. The person having the benefit of the Development Consent must:-
- (a) Notify the Principal Certifying Authority that the person will carry out the work as an owner-builder, if that is the case;
- OR
- (b) Appoint a Principal Contractor for the building work (who must be the holder of a contractor licence if any residential building work is involved), and notify the Principal Contractor of any mandatory critical stage inspections and other inspections that are to be carried out in respect of the building work.
  - (c) Notify the Principal Certifying Authority of any such appointment.

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

### **Photographic Record of Council Property – Damage Deposit**

22. The applicant shall submit to Council, for the purposes of the damage deposit bond lodged to cover making good any damage caused to the property of Council, a full and satisfactory photographic record of the condition of Council's property (i.e., road pavement, kerb and guttering, footway, stormwater drainage, etc.) adjacent to the subject site. The purpose of the photographic record is to establish any pre-existing damage to Council's property to ensure that you are not liable for any re-instatement works associated with that damage. However, if in the opinion of Council, the existing damage has worsened or any new damage is caused during the course of construction, the Council may require either part or full re-instatement.

**Note:** Failure to provide a full and satisfactory photographic record described above, is likely to render the applicant liable to rectify all damages unless satisfactory proof can be provided that the damage was pre-existing.

### **Notification to Relevant Public Authority**

23. The applicant shall ensure that relevant public utility authorities are made aware of the potential salinity problems that have been identified onsite, such that their services are designed to take into consideration the effects the saline soils may have on their installations.

### **Fencing of Sites**

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

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

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

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

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

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

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

### **Prohibited Signage**

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

### **Protection of Public Places**

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

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

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

### **Site Control Measures**

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

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

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

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

### **Toilet Facilities**

31. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- Each toilet provided:
- a) Must be a standard flushing toilet, and
  - b) Must be connected:
    - i) To a public sewer,



- ii) If connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or
- iii) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- iv) The position of the toilet on the site shall be determined by Council's Building Surveyor and/or Sydney Water.

#### **Roadworks**

- 32. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant's cost.
- 33. Any required adjustment to utility services, trees, signs and other street furniture requires approval of the appropriate authority and shall be undertaken by the applicant at no cost to Council.
- 34. Any works requiring closure of any road or footway closure will require submission of a Council's Temporary Road Closure application form and payment of fees.

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

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

#### **Dial before you Dig**

- 38. Before commencing any underground activity the applicant is required to obtain advice from the ***Dial before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical or other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

## **DURING CONSTRUCTION**

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

### **Endorsed Plans & Specifications**

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

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

40. For the purpose of preserving the amenity of neighbouring occupations building work including the delivery of materials to and from the site is to be restricted to the hours of 7.00am to 6.00pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Work on the site on Sundays and Public Holidays is prohibited.

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

### **Site Control**

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

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

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

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

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

### **Road Works and Footpaving**

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

### **Underground Cabling**

47. All communications cabling shall be installed underground as per relevant authority requirements (including broadband and Category 5).

### **Underground Power Connection**

48. Where electricity reticulation cannot be obtained directly from the street, power connection is to be underground. No intermediate power pole is permitted.

### **Vehicle Cleansing**

49. Concrete trucks and trucks used for the transportation of building materials shall not traffic soil, cement or similar materials onto the road. Hosing down of vehicle tyres shall be conducted in a suitable off-street area where wash water is prevented from entering the stormwater system or adjoining property.

## PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

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

### Compliance Certificates/Documentary Evidence

50. A final clearance is to be obtained from Integral Energy if such clearance has not previously been issued.
51. A Section 73 Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation and submitted to the PCA.

(Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design).

Submission a copy of Sydney Water’s *Notice of requirements* to the Principal Certifying Authority.

### Parking/Driveway

52. The vehicle crossing between the street and front boundary shall be constructed of plain concrete with no colour or stencilling.
53. All parking spaces, aisle, driveway and internal roadways dimensions shall be in accordance with Australian Standard 2890.1.2004 and 2890.6.2009.

### Trade Waste Approval / Sydney Water

54. Prior to the issuing of the Occupation Certificate, a Trade Waste Approval shall be obtained from Sydney Water. The finalised Trade Waste Agreement must allow for the disposal of all waste water produced, which has been estimated in the Environmental Impact Statement as being at least 76.8kL per day.

### Fire Safety

55. Submission to Council of a Final Fire Safety Certificate pursuant to Clause 170 of the Environmental Planning and Assessment Regulation 2000 in respect of each essential fire or other safety measure listed on the Fire Safety Schedule attached to the Construction Certificate.

#### **NOTE:**

1. Such Certificate shall state, pursuant to Clause 80E in relation to each essential fire safety measure mentioned in the certificate:-
  - that the service has been assessed by a properly qualified person (chosen by the owner of the building); and

- that the service was found to be, when assessed, capable of performing to at least the standard required by the current fire safety schedule for the building for which the certificate is issued.
2. The person who carries out the assessment must inspect and verify the performance of each fire safety measure being assessed, and must test the operation of each new item of equipment installed in the building premises that is included in the current fire safety schedules for the building.
  3. The assessment must have been carried out within the three (3) months prior to the date on which the final fire safety certificate is issued.

### **Roadworks**

56. Any works requiring levels within the road reserve will require the submission of Council's Vehicle Crossing application form.
57. A full width **Heavy duty** vehicular crossing shall be provided opposite the truck/vehicular entry point of the property, with a maximum width of **8** metres and a minimum width of **6** metres at the boundary line. A maximum straight splay of 1.0m is permitted both sides of the vehicular crossing. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's issued drawings and level sheets.
58. Removal of all redundant vehicular crossings and laybacks along the full road frontage and replacement with kerb and gutter. These works shall be carried out by a licensed construction contractor at the applicant's expense and shall be in accordance with Council's standard drawing number SD-8100.
59. A certificate of compliance for the construction of vehicular crossings, footpath paving, kerb and guttering and roadworks shall be obtained from Council and be submitted to the Principal Certifying Authority.

### **General**

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

### **Environmental Protection Licence**

61. An Environmental Protection Licence is required to be obtained from the NSW EPA for the proposed use as outlined in the NSW EPA 'General Terms of Approval', Notice No. 1538834, dated 18 March 2016, prior to occupation and use of the premises.

## CONDITIONS RELATING TO USE

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

### **Safety and Amenity**

62. No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footpath, utility service land, customer and/or employee parking area, the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
63. The approved hours of operation for the sludge de-watering plant is as follows:-
  - 24 hours a day/7 days a week
64. Truck movements to and from the site associated with the operation of the sludge de-watering plant shall be restricted to between the following hours:-
  - Monday to Sunday: 8.00am to 4.00pm
65. All industrial activities are to be confined within the building and no such activity shall occur externally to the building and this shall include loading and unloading, also storage of new and used materials.
66. Business is to be conducted and patrons are to be controlled at all times so that no interference occurs to the amenity of the adjoining occupations.
67. The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health.
68. Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
69. All industrial activity is to be conducted so that it causes no unreasonable interference to adjoining industrial occupations.

### **Traffic and Parking**

70. At least 9 car parking spaces numbered and line-marked in accordance with the endorsed plan, are to be made available at all times for staff and visitors' vehicles only in conjunction with the occupation of the building/premises.
71. All vehicles shall enter and leave the site in a forward direction.
72. Access to the site shall be restricted to 12.5 m heavy rigid vehicle (HRV).

### **Emergency Procedures**

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

### **Alarms**

74. Where audible intruder alarms are installed in the units by residents, they shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.

### **Noise**

75. The operation of all plant and equipment shall not give rise to an equivalent continuous ( $LA_{eq}$ ) sound pressure level at any point on any residential property greater than 5dB(A) above the existing background  $LA_{90}$  level (in the absence of the noise under consideration).
76. In the event of Council receiving complaints regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises.
77. Noise and vibration from the use of the air conditioning system (if any installed) shall not exceed the background level by more than 5dB(A) and shall not be audible in any premises of a different occupancy between 10:00pm and 7:00am on weekdays and 10:00pm and 8:00am on weekends and public holidays.

### **Air Emissions**

78. The use of the premises shall not give rise to air impurities in contravention of the *Protection of the Environment Operations Act 1997* and shall be controlled in accordance with the requirements of such Act.
79. In the event of Council receiving complaints regarding air pollution or odour from the premises, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour exiting the premises.
80. Any discharge to the atmosphere must not result in any odour or other air impurity detectable outside the boundaries of the property.

### **Waste Collection**

81. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the *Protection of the Environment Operation Act 1997*. Records shall be kept of all liquid and solid waste disposal from the site, and be made available to Council Officers on request.

**Clean Water Discharge**

82. The operation of the premises shall be conducted in a manner, which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

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

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

**NSW Environmental Protection Authority**

84. The use of the premises shall be undertaken in strict accordance with the General terms of Approval (GTA) provided by the NSW Environmental Protection Authority and the operator's Environmental Protection License (EPL),



## ADVISORY NOTES

### Other Necessary Approvals

- A. The applicant's attention is drawn to the need to obtain Council's separate approval for any ancillary activity not approved by this consent, including:
- (a) Works, including the pruning or removal of any tree(s) not authorised in the preceding conditions or on the approved plans. Council's Tree Preservation Order protects trees by definition taller than 3.5m or having a trunk circumference exceeding 500mm measured one metre above ground level. If in doubt contact Council's Tree Management Officer.
  - (b) Any fencing located forward of the proposed building and exceeding the limitations specified in Schedule 1 of Development Control Plan No. 32 *"Guidelines for Exempt and Complying Development"*.
  - (c) The erection of any advertising sign, not being exempt from the need to obtain approval.
  - (d) The installation of any furnace, kilns, steam boiler, chemical plant, sand blast, spray painting booth or the like.

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

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

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

- D. The applicant and Owner are advised that the Commonwealth Disability Discrimination Act 1992 may apply to this particular proposal. Approval of this application does not imply or confer compliance with this Act. Applicants and owners should satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Parts 2, 3 and 4 of Australian Standard 1428 - Design for Access and Mobility.
- E. A Construction Certificate shall be obtained in accordance with Section 81A (2)(a) of the Act, prior to the commencement of any work on site. Council can provide this service for you.
- F. An Occupation Certificate is to be issued by the Principal Certifying Authority prior to the occupation of the building.

G. TREES

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

H. BANK GUARANTEES

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

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

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

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

I. SMOKE DETECTORS

A system of self contained smoke alarms complying with the requirements of AS3786-1993, *Smoke Alarms* or listed in the *Scientific Services Laboratory Register of Accredited Products* being installed in the dwelling, connected to the mains power supply and provided with a standby power supply. Alarms are to be positioned on the ceiling and setback a minimum distance of 300mm from any wall. Alarms are to be placed in the vicinity of each area containing bedrooms with a minimum of one (1) alarm required for each storey of the dwelling.

J. CONSTRUCTION/OCCUPATION CERTIFICATE FEES

An administration fee per certificate (in accordance with Council's adopted fees and charges) is payable to Council on lodgement of Construction and Occupation Certificates from Principal Certifying Authorities.

K. FIRE SAFETY

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

L. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or

assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

M. TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on Phone Number 1800810443.

N. DIVIDING FENCES

Please be advised that arrangements concerning existing or proposed fences between properties are a civil matter determined by the involved parties under the [Dividing Fences Act](#). You are therefore required to consult with the owners of neighbouring properties if fences are to be removed or constructed.

The Dividing Fences Act is administered by the [Department of Lands](#) who can act as a mediator in disputes. For further information please refer to the following information on Council's website:

[www.holroyd.nsw.gov.au/building\\_and\\_development/local\\_plans\\_and\\_policies/dividing\\_fences](http://www.holroyd.nsw.gov.au/building_and_development/local_plans_and_policies/dividing_fences).

Yours faithfully,

Sohail Faridy  
ACTING MANAGER DEVELOPMENT PLANNING