



8 May 2017

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

Mr G Rokobauer  
Rokobauer Planning and Environment  
PO Box 4550  
PENRITH PLAZA NSW 2750

being the applicant in respect of **Development Application No 2016/413**.

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979, as amended, notice is hereby given of the determination by Council of Development Application No 2016/413, relating to the land described as follows:

**LOT: 12 DP: 1123163, 51 UPFOLD STREET GORMANS HILL**

The Development Application has been determined by GRANTING consent to the following development:

**RESOURCE RECOVERY FACILITY**

Building Code of Australia building classification **7b, 10a & 10b**.

***IMPORTANT NOTICE TO APPLICANT***

If this consent relates to a subdivision or to the erection of a building, one of the conditions listed below will require you to obtain a construction certificate prior to carrying out any work. **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE**, even if you made an application for a construction certificate at the same time as you lodged this development application. Due to changes in the law relating to planning and building approvals, Council is unable to issue the construction certificate with the development consent. If there are no conditions in this development consent which need to be met before Council issues the construction certificate, and if your plans comply fully with the Building Code of Australia, the construction certificate will be forwarded to you shortly.

This consent is issued subject to the following conditions and reasons:

## **GENERAL**

1. **Except as expressly provided by these General Terms of Approval (GTAs) or by any conditions of consent granted by Bathurst Regional Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority, works and activities must be carried out in accordance with the proposal contained in:**
  - **the Development Application 2016/413 submitted to Bathurst Regional Council; and**
  - **any other additional information provided to Bathurst Regional Council.**
2. **Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority.**
3. **Crushing and screening activities at the premises must not be undertaken simultaneously with any activities associated with the operation of the existing concrete batching plant.**
4. **All crushing plant must be located within an appropriately constructed and acoustically treated shed. The acoustic treatment will as per the specifications described in Section 4.1, Appendix J (Acoustic Assessment) of the Environment Impact Statement prepared for the project.**
5. **Only one piece of crushing plant will be operated on the premises at any one time. In this condition 'crushing plant' refers to any device, machine or piece of equipment that is principally intended to break a masonry product into smaller pieces.**
6. **Management plans:**

**The following management plans must be prepared and implemented prior to the commencement of any resource recovery activities at the premises:**

- i. **Environmental management plan. This plan must identify the potential impacts and controls associated with all activities to take place at the premises in relation to air, noise, surface water and waste. The plan must also identify roles and responsibilities of relevant staff at the premises in relation to the above; and**
- ii. **Waste handling protocol. This protocol must summarise the procedures to be undertaken on receipt of all waste at the premises in order to ensure that the accepted waste material can be lawfully processed at the premises. The protocol must also identify procedures to be followed in the event that non-complying waste**

(e.g. asbestos, waste containing coal tar or putrescible material) is contained within waste skips returned to the premises. This protocol can be a sub-set of the environmental management plan.

**7. Hours of Operation:**

**Operational activities related to the Proposal may only be undertaken during the following hours:**

**General site operations (including deliveries and dispatch of product);**

- 7:00am to 5:00pm, Monday to Friday;
- 8:00am to 2:00pm, Saturday; and
- at no time on Sundays or Public Holidays.

**Operation of crushing plant and screen;**

- 8:00am to 4:00pm, Monday to Friday; and
- at no time on Saturdays, Sundays or Public Holidays.

8. **Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.**
9. **The premises must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).**
10. **All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.**
11. **The Proponent must apply for and hold an in-force environment protection licence issued by the Environment Protection Authority prior to the Proponent carrying out any scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.**
12. **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.**

**For each discharge point or utilization area established under this license specified in the table/s below, the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentrations limits specified for that pollutant in the table.**

**Where a pH quality limit is specified in the Table, the specified percentage of samples must be within the specified ranges. To avoid any doubt, this**

condition does not authorise the discharge or emission of any other pollutants.

Pollutant	Units of measure	50% concentration	90% concentration	100% concentration limit
Oil & Grease	Milligrams per litre			10
pH	pH			6.5-8.5
Total suspended soils	Milligrams per litre			50

13. Noise generated by Operational Activities at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 5 of the table below for that point during the corresponding time periods specified in Column 2 when measured using the corresponding measurement parameters listed in Column 3.

Noise Monitoring Point	Time Period	Measurement Parameter	Measurement Frequency	Noise Level
Any sensitive receivers	Day	LAeq (15 minute)	-	38dB(A)

**NOTE:** The above noise limits do not apply at any sensitive receivers where the licensee has a written agreement with the sensitive receiver to exceed the noise limits.

The noise limits set out above apply under all meteorological conditions except for the following:

- Wind speeds greater than 3 metres/second at ground level; or
- Stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at ground level; or
- Stability category G temperature inversion conditions.

To determine compliance with the LAeq (15 minute) noise limits above, the noise measurement equipment must be located:

- approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or

- within 30 metres of a dwelling facade, but not closer than 3 metres where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or
- where applicable, within approximately 50 metres of the boundary of a National Park or Nature reserve.

**NOTE: "Noise Sensitive Locations" include buildings used as a residence, hospital, school, child care centre, place of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.**

14. The licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.
15. 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 in this licence.

Code	Waste	Description	Activity	Other limits
NA	Construction and demolition	Waste that meets the definition for building and construction waste in Schedule 1, Div. 2 of the Protection of the Operations Act 1997	Resource Recovery	30,000 tonnes per annum

16. Licensed activities must be carried out in a competent manner. This includes:
  - the processing, handling, movement and storage of materials and substances used to carry out the activity; and
  - the treatment, storage, processing , reprocessing , transport and disposal of waste generated by the activity.

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

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

17. **Activities occurring in or on the premises must be carried out in a manner that will minimise the generation, or emission emissions of dust from the premises.**

**Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.**

18. **No condition in this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.**

**Section 129 of the Protection of the Environment Operations Act 1997 provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.**

19. **For each monitoring/discharge point specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:**

<b>Pollutant</b>	<b>Units of measure</b>	<b>Frequency</b>	<b>Sampling method</b>
<b>Oil and grease</b>	<b>Milligrams per litre</b>	<b>Monthly during discharge</b>	<b>Grab sample</b>
<b>pH</b>	<b>pH</b>	<b>Monthly during discharge</b>	<b>Grab sample</b>
<b>Total suspended solids</b>	<b>Milligrams per litre</b>	<b>Monthly during discharge</b>	<b>Grab sample</b>

20. **The results of any monitoring required to be conducted by this licence must be recorded and retained as set out in this condition.**

**All records required to be kept by this licence must be:**

- In legible form , or in a form that can readily be reduced to legible form ;
- Be 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 authorized officer of the EPA who asks to see them.

The following records must be kept in respect of any samples required to be collected for the purposes of this licence:

- i. The date(s) on which the sample was taken;
- ii. The time(s) at which the sample was collected;
- iii. The point at which the sample was taken; and
- iv. The name of the person who collected the sample.

21. 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:

- 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.

22. 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.

The preceding two conditions do not apply until 3 months after the date of the issue of this licence.

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

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

**At 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. An Annual Return must be prepared in respect of each reporting period, 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**
- **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 their reporting period and ending on:**

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

**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').**

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



- the licence holder; or
  - by a person approved in writing by the EPA to sign on behalf of the licence holder.
24. **Notifications (of environmental harm) must be made by telephoning the Environment Line service on 131 555. 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 POEO Act. The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.**
25. **Where an authorised officer of the EPA suspects on reasonable grounds that:**
- where this licence applies to premises, an event has occurred at the premises; or
  - 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:**

- the cause, time and duration of the event;
- the type, volume and concentration of every pollutant discharged as a result of the event;
- 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;
- 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;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- 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.**

26. **A copy of this licence must be kept at the premises 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.**

REASON: Because of the representation to that effect made by that body. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

27. **Except where modified by the conditions imposed upon this consent the development is to be carried out in accordance with;**

- a) **Environmental Impact Statement prepared by Rokobauer Planning and Environment dated 22 November 2016;**
- b) **Additional information dated 1 March 2017 provided by Rokobauer Planning and Environment.**

REASON: Because it is in the public interest that the work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

28. **Any development involving non-friable asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the Work Health and Safety Regulation 2011.**

**The applicant/owner having the benefit of the Complying Development Certificate or Development Application must provide Bathurst Regional Council with a copy of a signed contract with such a person before any development pursuant to the consent commences.**

**Any such contract must indicate whether any non-friable asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the non-friable asbestos material or friable asbestos material is to be delivered.**

**All asbestos sheeting or asbestos waste must be taken to a landfill that can lawfully receive this waste. Transporters of asbestos waste must now use**

**WasteLocate to provide information to the Environment Protection Authority (EPA) regarding the movement of any load over 100kg of asbestos waste, or 10 square metres or more of asbestos sheeting within NSW.**

**If you are paying for an asbestos removal service (e.g. from a household or construction site), you should request the WasteLocate consignment number from the transporter. You can then use this number to track the load at <https://wastelocate.epa.nsw.gov.au/> to make sure it has reached its intended destination, just like a parcel in the post. If the load is not delivered, please contact the EPA.**

**Generators and owners of waste have a legal obligation under Section 143 of the Protection of the Environment Operations Act 1997 ("the Act") to ensure the waste is transported to and disposed of at a facility that can lawfully be used as waste facility for that waste.**

**REASON:** So that the development complies with the requirements of Clause 136E of the Environmental Planning and Assessment Regulation 2000. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

29. **The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

**NOTE 1:** No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary Construction Certificate has been obtained.

**NOTE 2:** YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

**NOTE 3:** It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

**REASON:** So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

#### **PRIOR TO ANY WORK ON SITE**

30. **Prior to any work on site, the proponent must apply for and gain a Controlled Activity Approval for work to be undertaken on waterfront land.**

REASON: Because of the representations made by Department of Primary Industries Water. Section 79C(1)(a)(b) of the Environmental Planning and Assessment Act 1979, as amended.

31. **A Soil and Water Management Plan is to be submitted in accordance with Water Quality Management of the Biodiversity Assessment Page 24.**

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

32. **If the work involved in the erection or demolition of a building:**

a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**

b) **building involves the enclosure of a public place,**

**a hoarding or fence must be erected between the work and the 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. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.**

**NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.**

**NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.**

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

33. **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 must be:**

a) **a standard flushing toilet connected to a public sewer, or**

- b) if that is not practicable, an accredited sewage management facility approved by the Council, or
- c) if that is not practicable, any other sewage management facility approved by the Council.

**NOTE 1:** The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

**NOTE 2:** Refer to Council's Guidelines for the provision of builder's temporary closet accommodation attached for additional information.

**REASON:** To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

#### **DURING CONSTRUCTION**

**34. If soil conditions require it:**

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and
- b) adequate provision must be made for drainage.

**REASON:** Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**35. The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.**

**REASON:** Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

**36. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

**REASON:** So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

**37. All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to**

**disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

**Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.**

**NOTE 1: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.**

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**38. All excavation and backfilling associated with the erection/demolition of the building must:**

- a) be executed safely and in accordance with appropriate professional standards, and**
- b) be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**39. The shed for crushing machinery is to be constructed with material with an acoustic transmission loss rating greater than or equal to RW30. The internal acoustic lining of the shed must have absorption of NRC 0.8 or greater and cover minimum 40% of the internal walls and ceiling of the shed.**

REASON: To minimise noise transmission and comply with the recommendations of the Acoustic Report prepared by Acoustik (2016). Section 79C(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**40. All internal roads are to be sealed and traffic assigned a speed limit of 5km/h.**

REASON: To ensure dust transmission is minimised, and in accordance with Air Quality Assessment of the Environmental Impact Statement. Section 79C(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

#### **PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE**

41. **The installation of a 'give-way' sign at the intersection of Lyal and Russell Streets, as recommended in Appendix K of the EIS.**

REASON: Because of the representations to that effect made by the Roads and Maritime Services. Section 79C(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

42. **A sign is to be installed within the property boundary that states 'No Soil, Fibre board or asbestos'.**

REASON: To ensure the site is only accepting approved material waste. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

43. **The development consent granted to Development Application No 2016/254 is to be complied with in all respects. No work is to commence for the resource recovery facility until the shed is constructed.**

REASON: Because it is in the public interest that Development Application be complied with in conjunction with the subject development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

44. **The owner shall submit to Council a final Fire Safety Certificate stating that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.**

**Further, the assessment is to be carried out within a period of three months of the date on which the final Fire Safety Certificate was issued. The owner of the building shall forward a copy of the certificate to the Fire and Rescue NSW and shall prominently display a copy in the building.**

**NOTE 1: A final Fire Safety Certificate must be provided before a final Occupation Certificate can be issued for the building and must be provided if a Fire Safety Order is made in relation to the building premises.**

REASON: So that the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

45. **The applicant is to obtain an Occupation Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.**

**NOTE 1: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.**

REASON: Because it is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

#### **USE OF THE SITE**

46. **The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final Fire Safety Certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: Because it is in the public interest that the development provides an Annual Fire Safety Statement. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

47. **Any unauthorised waste is to be taken to an appropriate waste facility.**

REASON: To comply with the approved material waste processing. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

48. **Concrete crushing processes must cease if flood waters saturate the soil around the levee walls, and not recommence until the soil has dried out.**

REASON: Because of the recommendations made by the Soil and Water Assessment of the Environmental Impact Statement. Section 79C(1)(b)(c) of the Environmental Planning and Assessment Act 1979, as amended.

49. **There is to be regular maintenance of all equipment and maintenance of dialogue with neighbours to ensure concerns are met regarding operational noise.**

REASON: Because it is within the public interest that the noise impact of the development is minimised. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

50. **Water sprays are to be used on storage bays and crushing machinery to limit dust transmission.**



REASON: To limit the adverse impact of the resource recovery facility on the surrounding area. Section 79C(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

51. **The local street network is to be swept regularly, in accordance with the Response to Information prepared by Air Noise Environment Pty Ltd, 2017.**

REASON: Because it is in the public interest that any potential waste spill on the road is cleared. Section 79C(1)(d)(e) of the Environmental Planning and Assessment Act 1979, as amended.

52. **Within three months of commencement of crushing works, an acoustic compliance test shall be undertaken to verify compliance with the noise and vibration conditions imposed within the consent.**

REASON: To ensure the development does not result in excessive noise impacts. Section 79C(1)(d) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

53. **Trucks entering and leaving the premises must be covered at all times, except during loading and unloading.**

REASON: To minimise transmission of dust on surrounding residential and industrial areas. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

54. **The proponent is to at least twice yearly undertake direct consultation with the surrounding residential properties to seek feedback in relation to issues, noise, vibration, traffic generated and compliance with Conditions of this Consent.**

**NOTE 1: Evidence of this consultation is to be submitted to Council.**

**NOTE 2: This condition has effect for a period of two years from the date of the EPA Licence being issued.**

REASON: Because it is within the public interest that concerns raised are adequately addressed to ensure the development does not adversely impact the surrounding amenity. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

## **PRESCRIBED CONDITIONS**

*The following conditions are known as "Prescribed Conditions" and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council's Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.*

- 55. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 56. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:**

- a) in the case of work done by a licensee under the Act:**
  - i) has been informed in writing of the licensee's name and contractor license number, and**
  - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) in the case of work to be done by any other person:**
  - i) has been informed in writing of the person's name and owner-builder permit number, or**
  - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,**

**and is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).**

**NOTE 1: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.**

REASON: So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

**57. For development that involves any building work, subdivision work or demolition works:**

- a) A sign must be erected in a prominent position:**
  - i) showing the name, address and telephone number of the principal certifying authority for the work, and**
  - ii) 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**
  - iii) stating that unauthorised entry to the work site is prohibited.**
- b) Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.**
- c) This condition does not apply in relation to work that is carried out inside an existing building that does not affect the external walls of the building.**
- d) This condition 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 provisions of the State's building laws.**

REASON: Because it is in the public interest that the persons responsible for the site can be contacted. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

**58. The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

**59. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any**

**structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**

- a) protect and support the building, structure or work from possible damage from the excavation; and**
- b) where necessary, underpin the building, structure or work to prevent any such damage.**

**The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

**Endorsement date of determination and operative date:**

**8 May 2017**

**NOTES:**

- 1. Lapsing of consent.** Unless a shorter period is specified in this notice, this consent will lapse if the development is not substantially commenced within five years of the date endorsed on this notice.
- 2. Right of Review:** If you are dissatisfied with this determination, section 82A of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.

For Development Applications lodged prior to 28 February 2011 the review must be undertaken within 12 months of the date endorsed on this notice.

For Development Applications lodged after 28 February 2011 the review must be undertaken within 6 months of the date endorsed on this notice.

- 3. Right of appeal:** If you are dissatisfied with this determination, section 97 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court.

For Development Applications lodged prior to 28 February 2011 the appeal must be lodged within 12 months of the date endorsed on this notice.

For Development Applications lodged after 28 February 2011 the appeal must be lodged within 6 months of the date endorsed on this notice.

4. See **attached** sheet for explanatory notes.
5. All monetary conditions are reviewed annually, and may change as of 1 July each year.



R Denyer  
**ACTING DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**