

## **DRAFT CONDITIONS OF CONSENT**

**SYDNEY WESTERN CITY PLANNING PANEL REFERENCE NO. 2017SSW047**

**DEVELOPMENT APPLICATION NO. 266.1/2017**

**PROPERTY: No. 29 Chifley Street, Smithfield**

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### **APPROVED PLANS**

#### **1. Compliance with Plans and Associated Documents**

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

- Site and Warehouse Plan, prepared by Axis Architectural, Drawing No. CD / A 201, Issue D, dated 2 August 2017.
- Environmental Impact Statement, prepared by Willow Tree Planning, dated May 2017.
- Waste Management Plan, received by Council on 22 November 2017.
- Air Quality Impact Assessment, received by Council on 17 May 2017.
- Acoustic Assessment Report, prepared by Acoustic Logic, Revision 1, dated 3 August 2017.

except as varied by any conditions within.

#### **2. Compliance with Approved Tonnage Limit**

The processing capacity of the premises is restricted to a **maximum of 4,200 tonnes** per annum of materials per year.

#### **3. Use of the Adjoining Existing Building Not Approved**

This Development Consent does not authorise or permit the use, of the office building on the land, described on the approved plan as 'ADJOINING EXISTING BUILDING', in the south-western corner, for any purpose.

### **PRIOR TO OCCUPATION OF THE DEVELOPMENT**

**The following conditions of consent must be complied with prior to the occupation of the building / facility.**

#### **4. 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.

### 5. **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.

### 6. **Prior to Occupation**

The installation of equipment and associated safety rails shall not reduce the required travel distance to exits. A report shall be submitted upon completion of the installation of the equipment and safety rails stating that the travel distance for egress complies with Part D of the Building Code of Australia.

### 7. **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. Air Quality Impact Assessment, received by Council on 17 May 2017.
- b. Acoustic Assessment Report, prepared by Acoustic Logic, Revision 1, dated 3 August 2017.

### 8. **Section 73 Certificate Required**

A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-Ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-Ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-Ordinator, as it can take some time to build water / sewer pipes and this may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the building / facility.

### 9. **Utility Servicing Provisions**

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall obtain a letter from both the relevant electricity authority and the relevant telecommunications authority stating that satisfactory arrangements have been made to service the proposed development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.

### 10. **NSW Fire Brigade Notification**

Prior to the issue of an Occupation Certificate (Interim or Final), evidence that the NSW Fire Brigade has been notified of the exact location and operational procedures of the proposed stormwater isolation valve to be installed at the subject premises shall be submitted to the Principal Certifying Authority and Fairfield City Council.

### 11. **Certification of Disability Access**

Prior to the issue of an Occupation Certificate (Interim or Final) a certificate from a suitably accredited person shall be issued to the Principal Certifying Authority certifying that the building complies with the relevant requirements of the Building Code of Australia, AS 1428.1 and Disability (access to Premises) Standards.

## **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.**

### 12. **Flood Affected Development**

The development subject of this consent is affected by both mainstream and overland flooding as described in the Flood Risk Management Plan prepared by Sparks & Partners dated 23 March 2017. The following shall be complied with during and after construction:

- (a) All structures below the 100-year flood level plus freeboard to have flood compatible material.

- (b) All services and utilities connected to the property are required to be flood proofed.
- (c) A flood evacuation plan prepared by a suitably qualified consultant in accordance with Chapter 11 Flood Risk Management of Council's DCP shall be kept and implemented on site at all times.
- (d) There is to be no alteration to existing ground levels other than approved as part of this application.
- (e) Storage areas shall be provided above the proposed storage height of 22.6m.

### 13. Drain Stencilling

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

### 14. Car Parking

- (a) The 10 new car parking spaces shown on the approved plans are to be provided and used for the exclusive use of the mattress deconstruction facility.
- (b) A total of 26 car parking spaces are to be provided and made available in an unimpeded way, for the use of the mattress deconstruction facility.
- (c) All car parking areas are to be designed, provided and maintained in accordance with AS 2890.
- (d) All spaces shall be permanently line marked and maintained free of obstruction at all times.
- (e) Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises, and not within the adjoining Right of Way, on footpaths or landscaping areas.

### 15. Hours of Operation

The approved hours of operation for the use (including deliveries) of the premises are:

Mondays to Fridays:	7:00am to 5:00pm
Saturdays, Sundays & Public Holidays:	No works or operations are permitted

**16. Number of Staff**

The number of staff is to be limited to a maximum of 10 at any one time.

**17. 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 operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- d. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- e. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- 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.

**18. Unreasonable Noise and Vibration**

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

**19. Protection of the Environment Operations Act 1997**

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

### 20. **Acoustic Assessment Report**

All recommendations of Acoustic Assessment Report (prepared by Acoustic Logic, Revision 1, dated 3 August 2017) implemented to minimise the noise from the operation of the facility, including

- All highlight glass louvres of the warehouse are to be repaired and are to remain closed during operation.
- Truck and forklift movements not to commence prior to 7am.
- All vehicles (including trucks, forklifts and staff cars) are to switch off their engines during idling

### 21. **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.

### 22. **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. The largest vehicle to access / egress the facility shall be restricted to 12.5m heavy rigid truck.
- d. All deliveries to the premises shall be made from wholly within the site, using the designated loading bay areas.

### 23. **Storage of Goods**

All works and storage shall be contained wholly within the building.

### 24. **Rubbish / Recycling Bin Storage**

All bins are to be stored within the building.

### 25. **WorkCover**

The operator is to ensure that all WorkCover obligations are fully satisfied at all times.

### 26. **Storage of Flammable and Combustible Liquids**

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

### 27. **Storage of Dangerous Goods**

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

### 28. **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.

### 29. **Advertising Signs**

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

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