

DRAFT CONDITIONS OF CONSENT

**DEVELOPMENT APPLICATION NO. 428.1/2018
SYDNEY WESTERN CITY PLANNING PANEL NO. 2018WC1003**

PROPERTY:

LOT 1 DP 830767, NO. 115-119 COWPASTURE ROAD, WETHERILL PARK

DESCRIPTION OF DEVELOPMENT:

USE OF EXISTING PREMISES FOR THE PURPOSE OF A RESOURCE RECOVERY FACILITY PROCESSING UP TO 20,000 TONNES OF CONSTRUCTION AND DEMOLITION WASTE WITH THE CONSTRUCTION OF ONE (1) WEIGHBRIDGE

APPROVED PLANS

1. Compliance with Documentation

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

- Architectural Plans as prepared by Zhinar Architects Pty Ltd, Job Number 8621, Drawing Number DA 001 and DA 002, Drawing Number DA 001 and DA 002, Issue B dated 19 September 2019;
- Environmental Impact Statement prepared by MRA Consulting Group, version 3, dated 3 December 2019;
- Traffic Statement prepared by The Transport Planning Partnership (TTPP), Reference Number 19355, dated 18 September 2019;
- Traffic Management and Loading Management Plan, prepared by MRA Consulting, dated 18 September 2019;
- Traffic Engineering Assessment prepared by B Traffic Solutions, dated 19 September 2019;
- Acoustic Report prepared by Koikas Acoustics Pty Ltd, dated 28 August 2018;

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

2. Amendments in Red

The following amendments in red shall be incorporated into the design;

- Deletion of metal ramp; and
- Deletion of all details within the tenancy, including lunchroom, amenities and unloading/unloading given that tenancy 2 does not form part of this application.

3. Section 7.12 Levy Development Contributions

Prior to the use of the premises, a receipt for the payment to Fairfield City Council of Section 7.12 Levy Contributions shall be submitted to Council.

The Section 7.12 Levy as determined at the date of this consent is **\$16,000**.

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

4. Environmental Reports Certification

Prior to the use of the premises, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Fairfield City Council, stating that all works/methods/procedures/control measures/ recommendations approved by Fairfield City Council's Environmental Health Officer and the following reports have been completed:

- Environmental Impact Statement prepared by MRA Consulting Group, version 3, dated 3 December 2019;
- Acoustic Report prepared by Koikas Acoustics Pty Ltd, dated 28 August 2018.
- Traffic Statement prepared by The Transport Planning Partnership (TTPP), reference number 19355, dated 18 September 2019;
- Traffic Management and Loading Management Plan, prepared by MRA Consulting, dated 18 September 2019;
- Traffic Engineering Assessment prepared by B Traffic Solutions, dated 19 September 2019;

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 Certifier can either be Fairfield City Council or an accredited certifier.

5. Vehicle Operations and Loading/Unloading

Articulated vehicles entering the site shall be restricted to turn right into the site from Cowpasture Road. All service trucks exiting the site shall be restricted to left only movements onto Cowpasture Road. Adequate traffic signs shall be provided within the site to restrict left only exists.

All recommendations listed in the traffic Management and Loading Management Plan prepared by MRA Consulting Group dated 18 September 2019 shall be implemented during the operation of the premises to ensure the safety of visitors and staff.

6. Carparking - General

- i. The provision and maintenance of the following number of car parking spaces in accordance with Fairfield City Wide Development Control Plan, 2013 – Car Parking, Vehicle and Access Management - Chapter 12:
 - a. Sixty-three (63) off-street car parking spaces for staff and visitors, including;
 - b. Two (2) off-street accessible car space in accordance with AS 2890.6.

Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footway or landscaping areas.

- ii. All car parking spaces shall be made available to staff and visitors to the premises and shall remain free from any storage or other obstructions at all times.
- iii. The nine (9) carparking spaces parallel to the approved weighbridge shall be designated to the staff members for the approved resource recovery facility.

7. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- b. All deliveries to the premises shall be made to the internal loading bays provided.
- c. The site shall only be serviced by 10 metre long skip bin trucks and shall have a capacity between 1 to 7 tonnes.
- d. The site shall be serviced by one (1) 19 metre long articulated vehicle, once per week to remove larger quantities of waste materials in accordance with the environmental Impact Statement, version 3, dated 3 December 2019;
- e. Service vehicles with a maximum length that exceeds 19 metres are not permitted to service the resource recovery facility.

- f. Loading shall be carried out on-site with deliveries and unloading occurring a maximum of sixteen (16) times per working day for the 10 metre vehicle (skip bin trucks) which corresponds to approximately one (1) truck entering and exiting the site every forty-five (45) minutes.

8. **Maximum Processing Capacity**

A maximum of 20,000 tones of construction and demolition waste is permitted to be processed at the subject site on an annual basis.

9. **Endeavour Energy**

The use shall take into consideration the attachments provided by Endeavour energy.

10. **Hours of Operation**

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

Monday to Friday: 6:00am – 6:00pm
Saturday: 6:00am – 4:00pm
Sunday & Public holidays: No operation is permitted.

11. **Number of Staff**

The resource recovery facility shall have a maximum of twenty four (24) staff which shall be broken down as follows:

- Ten (10) truck drivers
- Five (5) yard staff; and
- Nine (9) office and administration staff

12. **Time of Vehicles Servicing the Site**

The time the vehicles servicing the site are as follows:

TIME	ACTIVITY	APPROXIMATE FREQUENCY OF VEHICLES
6:00am to 7:00am Monday to Saturday	Skip bin truck drivers arrive onsite	10 per weekday 6 per Saturday
6:00am to 7:00am Monday to Saturday	Skip bin trucks leave premises	10 per weekday 6 per Saturday
9:00am to 4:00pm to Saturday 9:00am to 1:00pm Saturdays	Deliveries and pickups for all tenancies	19 per weekday 12 per Saturday
7:00am to 8:00am and 5:00pm to 6:00pm Monday to Friday	Use of site by articulated vehicles	1 per week

13. Use of the Premises

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

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

14. Dust Suppression

Automatic sprinkler systems shall be set up on each site. Details of the sprinkler systems should be provided prior to the commencement of operations.

The applicant shall provide appropriate dust monitoring systems during the operation. The applicant should provide to Council, prior to commencement of the soil transfer operation, a monitoring protocol and performance criteria or dust monitoring. Reporting of dust suppression should be provided in progress reports.

15. Unreasonable Noise and Vibration

The use, 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.

16. **Odours Complaint**

A smoke and odour impact assessment shall be submitted to Council if any complaints are lodged with Council in relation to the emissions generated from the operation of the business. The report must be prepared by a suitably qualified environmental consultant and include modelling of the odour impact on the nearest affected receptor (e.g. residents/property occupants). Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 2015: *The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings* and AS 1668.2 – 2015: *The use of ventilation and air conditioning in buildings – Mechanical ventilation in buildings*, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

17. **NSW Protection of the Environment Operations Act 1997**

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 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*.

General Terms of Approval - Issued



Notice No: 1572534

ATTACHMENT A – GENERAL TERMS OF APPROVAL

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

- the development application DA 428.1/2018 submitted to Fairfield City Council;
- the environmental impact statement titled "Environmental Impact Statement, Construction and Demolition Waste Management Facility, 115-119 Cowpasture Rd, Wetherill Park" dated 28 August 2018 and prepared by MRA Consulting Group; and
- all additional documents supplied to the EPA in relation to the development.

Waste

2. The amount of waste received at the Premises cannot exceed 20,000 tonnes in any 12 month period.
3. The types of waste permitted to be received at the premises include:

Code	Waste	Description	Activity	Other Limits
NA	Building & demolition waste	As defined in the Protection of the Environment Operations Act (as in force from time to time)	Resource recovery Waste storage	

4. All waste handling, loading, unloading, processing and storage must be undertaken inside a fully enclosed building.
5. Putrescible waste must not be received or processed at the Premises.

Air quality

6. Water sprinklers and/or misting sprays in the enclosed building must be utilised at all times when plant is operational.
7. All roads and carparking areas at the Premises must be sealed with concrete or asphalt.
8. All operating, storage, unloading and loading areas must be sealed with concrete or asphalt.
9. All operations and activities occurring at the premises must be carried out in a manner that prevents and minimises the emission of air pollutants from the Premises.
10. The premises must be maintained in a manner that prevents and minimises the emission of air pollutants.
11. The licensee must ensure no visible dust leaves the Premises.
12. The licensee must ensure that no material including sediment is tracked from the Premises.

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13. Air Quality Management Plan: The proponent must develop and implement an air quality management plan prior to the commencement of project operations. The air quality management plan must include both proactive and reactive management measures. As a minimum, the air quality management plan must include the following parts:

- Key performance indicator(s);
- Monitoring method(s);
- Location, frequency and duration of monitoring;
- Record keeping;
- Response mechanisms; and
- Compliance reporting.

Management measures must include:

1. a protocol for managing unsuitable material, including contaminated material, setting out the method for storage, the maximum amount stored at any one time, the maximum time for storage, and the measures to ensure these limits are met; and
2. a protocol for ensuring odour emissions from green waste stored on-site is minimised including limits on the amount stored, the length of time material is stored, and the means for meeting these limits.

Hours of operation

14. Construction works must only be undertaken:

- between the hours of 7:00am and 6:00pm Monday to Friday;
- between the hours of 8:00am and 1:00pm on Saturdays; and
- at no time on Sundays or public holidays.

15. Operational activities at the Premises may only be carried out between the following hours:

- 7:00am to 6:00pm Monday to Friday;
- between the hours of 8:00am and 12:00pm on Saturdays; and
- At no time on Sundays or public holidays.

Noise

16. The following conditions related to noise as set out below must be complied with.

L6.1 Noise generated at the premises must not exceed the noise limits in Table 1 below.

TABLE 1 - NOISE LIMITS IN dB(A)

RECEIVERS	Noise Level - dB(A) - Fast Response
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Address	Location	DAY LAeq, 15min	SHOULDER PERIOD (6am – 7am) LAeq, 15min
5-13 Trivet Street	Wetherill Park	49	35

L6.2 All operational activity permitted 7:00am to 6:00pm Monday to Friday, 7:00am to 12:00pm Saturday. No operational activity permitted Saturday afternoons, Sundays and Public Holidays.

L6.3 Week day truck transporting activity permitted in the day time and shoulder period only, as per Condition L6.4 below. Truck transporting is permitted on Saturdays from 7:00am to 12:00pm only. Truck transporting is not permitted Saturday afternoons, Sundays and Public Holidays.

L6.4 For Condition L6.1;

- Day is defined as the period from 7:00am to 6:00pm Monday to Saturday.
- Evening is defined as the period 6:00pm to 10:00pm.
- Night is defined as the period from 10:00pm to 5:00am Monday to Saturday and 10:00 pm to 8:00am Sunday and Public Holidays.
- Moming shoulder is defined as the period from 6:00am to 7:00am Monday to Friday only.

L6.5 The noise limits set out in condition L6.1 apply under all meteorological conditions, including inversion meteorological conditions determined by the nominated meteorological station.

L6.6 For the purposes of condition L6.5:

- Data recorded by the meteorological station at Horsley Park must be used to determine meteorological conditions; and
- Temperature inversion conditions (stability category) are to be determined by the sigma-theta method referred to in **Fact Sheet D - Accounting for Noise-Enhancing Weather Conditions** in the NSW Noise Policy for Industry.

L6.7 To determine compliance:

- with the LAeq(15 minute) noise limits in condition L6.1, 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

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

a) with the noise limits in condition L6.1, the noise measurement equipment must be located:

- at the most affected point at a location where there is no dwelling at the location; or
- at the most affected point within an area at a location prescribed by conditions L6.7(a).

L6.8 A non-compliance of condition L6.1 will still occur where noise generated from the premises exceeds the appropriate limit as measured:

- at a location other than an area prescribed by conditions L6.7(a); and/or
- at a point other than the most affected point at a location.

L6.9 For the purposes of determining the noise generated at the premises, the modification factors in Fact Sheet C - Corrections for Annoying Noise Characteristics of the NSW Noise Policy for Industry must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

Additions to Definition of Terms of the licence

- NSW Noise Policy for Industry - the document entitled "Noise Policy for Industry" published by the Environment Protection Authority in October 2017.
- Noise – "sound pressure levels" for the purposes of conditions L6.1 to L6.7.
- "Noise sensitive locations" includes buildings used as a residence, hospital, school, child care centre, places of public worship and nursing homes. A noise sensitive location includes the land within 30 metres of the building.

Water

20. A bund must be constructed around the perimeter of the storage and processing area as set out in the MRA Consulting Group letter dated 21 March 2019.
21. A wheelwash must be installed at the Premises as stated in the MRA Consulting Group letter dated 21 March 2019, and wheelwash water must be extracted and disposed to a facility that can lawfully accept that waste.