**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**

1. 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:
   * + - 1. Sixty-three (63) off-street car parking spaces for staff and visitors, including;
         2. 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.

1. 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.
2. 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:

1. The operation of the business shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
2. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
3. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
4. The use of the premises is not to interfere with the amenity of the residential area.
5. 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*.







