

DRAFT CONDITIONS OF CONSENT

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DEVELOPMENT APPLICATION NO. 300.1/2019

SYDNEY WESTERN CITY PLANNING PANEL NO. PPSSWC-12

PROPERTY:

LOT 10 DP 1090834, NO. 74-76 SEVILLE STREET, FAIRFIELD.

DESCRIPTION OF DEVELOPMENT:

Use of the existing industrial premises for the purpose of a waste transfer station for used motor vehicles and resource recovery facility of recovered vehicle body parts and associated signage.

APPROVED PLANS

1. Compliance with Plans and Supporting Documentation

The development shall take place in accordance with the approved:

- Development plans as prepared by Wayne Wilson, Drawing Number 18-127-01, Revision 3DA, dated 10 September 2020, Drawing Number 18-127-02, Revision 3DA, dated 10 September 2020, Drawing Number 18-127-03, Revision 3DA, dated 10 September 2020, Drawing Number 18-127-04, Revision 2DA, dated 18 August 2020, Drawing Number 18-127-05, Revision 2DA, dated 18 August 2020, Drawing Number 18-127-06, Revision 2DA, dated 18 August 2020 and Drawing Number 18-127-07, Revision 2DA, dated 18 August 2020;
- Environmental Impact Statement as prepared by Hamptons Property Services, Project No. 2018101, dated 30 July 2019;
- Traffic and Parking Assessment Report as prepared by Varga Traffic Planning, Reference No. 18771, dated 26 July 2019;
- Additional Traffic Information as prepared by Varga Traffic Planning, Reference No. 18771, dated 7 April 2020;
- Additional Traffic Information as prepared by Varga Traffic Planning, Reference No. 18771, dated 11 September 2020;
- Additional Information Letter as prepared by Hamptons Property Services, Reference No. 2018101, dated 2 June 2020;
- Additional Information Letter as prepared by Hamptons Property Services, Reference No. 2018101, dated 19 August 2020;
- Plan of Management as prepared by SLR, Reference No. 610.18609-R09, Version No. -v1.0, dated August 2020;
- Sydney Water Trade Waste Agreement dated 22 July 2020;
- Water Management Assessment Report as prepared by SLR, Reference No. 610.18609-R08, Version No. -v2.0, dated August 2020;

- Preliminary Site Investigation as prepared by SLR, Reference No. 610.18609-R06, Version No. -v1.1, dated August 2020;
- Waste Management Plan as prepared by SLR, Reference No. 610.18609-R07, Version No. -v2.0, dated May 2020;
- Noise & Vibration Assessment as prepared by SLR, Reference No. 610.18609-R05, Version No. -v2.0, dated May 2020;
- Fuel System Operation Plan as prepared by SLR, Reference No. 610.18609.00001-R01, Version No. -v1.1, dated May 2020;
- Fire Engineering Advice Letter as prepared by Lote Consulting, Project No. 370043, dated 28 April 2020

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifier. The Certifier can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

2. Building Upgrade

To comply with Clause 93 of the EPAA Act Regulations the existing building shall be upgraded to comply with the NCC Building Code of Australia Part C Fire Resistance (CP1 – CP2), Part D Egress (DP 1, DP4 & EP2.2, D1 & D2) and Part E Essential Services.

Details of all upgrades and amended plans shall be submitted with the application for a Construction Certificate for approval by the Certifier Prior to the issue of a Construction Certificate.

3. Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifier.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

4. Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Certifier. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

5. Sydney Water Consent

The plans must be assessed by Sydney Water Tap in to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Certifier can either be Fairfield City Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

6. Construction Certificate Required

Prior to the commencement of any building and construction works, a Construction Certificate is required to be issued by a Certifier.

Enquiries regarding the issue of a Construction Certificate can be made to Council's Customer Service Centre on 9725 0222.

7. Appointment of a Principal Certifier

Prior to the commencement of any construction works, the person having benefit of a Development Consent, must:

- a. appoint a Principal Certifier; and
- b. notify Council of the appointment.

8. Notify Council of Intention to Commence Works

The applicant must notify Council, **in writing** of the intention to commence works at least two (2) days prior to the commencement of any construction works on site.

9. Road Reserve Dilapidation Report

Prior to the commencement of any works on the site, the applicant shall submit a dilapidation report for the road reserve area to Council detailing the existence of, and the condition of any foot paving, kerb & Gutter and any assets provided adjoin the site for checking against Council records. Damage to Councils road reserve and general streetscape will be restored at the developer's expense. A copy of a template report can be found on Councils web site.

10. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.12 of the Fairfield City Wide DCP 2013** shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

11. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

12. Required Signage

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal Certifier for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Occupation Certificate by the Principal Certifier.

13. Occupation Certificate Required

Prior to the commencement of any use and/or occupation of the subject development (whole or part), an Occupation Certificate must be issued.

Prior to the issue of any Occupation Certificate, the Principal Certifier must be satisfied that the development (part or whole) is in accordance with the respective Development Consent, Construction Certificate.

14. Interim Fire Safety Certificate

Prior to the issue of an Occupation Certificate a fire safety certificate shall be submitted to and approved by the Principal Certifier.

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.

15. Adjustments to Public Utilities

Prior to the issue of an Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority. Any utility costs are to be at no cost to Council.

16. Environmental Reports Certification

Prior to the issue of an Occupation Certificate, 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:

- a) Additional information Letter, prepared by Hamptons Property Services dated 19 August 2020
- b) Architectural plans prepared by Wayne Wilson dated November 2018
- c) Plan of Management prepared by SLR dated August 2020
- d) Sydney Water Trade Waste Agreement dated 22 July 2020
- e) Water Management prepared by SLR dated August 2020
- f) Preliminary Site Investigation Report, prepared by SLR dated August 2020

17. Building in Saline Environments

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

18. Loading Management Plan

Prior to the issue of an Occupational Certificate, a Loading Management Plan shall be submitted and approved by Fairfield City Council. The Loading Management Plan shall demonstrate how the deliveries to the premises can be co-ordinated and staggered to prevent traffic congestion on site.

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.

19. Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

20. Administration Fee for the Lodgement of Certificates

Where a Principal Certifier has been appointed other than Council, an administration fee is charged by Council for the lodgement of Construction Certificates and Occupation Certificates.

21. Demolition, Building and other Works

When demolition, building and other works are being undertaken on site:

- a. A trade waste service must be provided so as to ensure that all debris and waste material is removed from the site; and

- b. Plant equipment, fencing or other materials of any kind must not be placed or stored upon any public footpath or roadway; and
- c. Building works in a IN1 zone may be carried out within the following hours:
Monday - Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. No work may be carried out on Sundays or public holidays.

Note: *Council may issue a penalty infringement notice for the amount imposed under the Environmental Planning and Assessment Act 1979, for any non-compliance with this Development Consent.*

22. Hoarding / Fencing

During construction, a hoarding or site safety fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place.

If necessary, overhead protection 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.

23. Critical Stage Inspections

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Clause 162A of the Environmental Planning and Assessment Regulation 2000.

Note: Fines may be imposed if you fail to request the Certifying Authority to undertake the required mandatory inspections.

24. Signage Conditions

The proposed signage is subject to the following conditions:

- i. Wording: As per Stamped Plans.
- ii. Flush Wall Sign on Admin Building (3.6m x 1.85m)
Two (2) x Freestanding Business Identification Signs located behind Fence (2.4m x 2m height each)
- iii. Sign to be non-flashing.
- iv. Sign to be maintained in a manner satisfactory to Council at all times.
- v. Under no circumstances shall any signs be erected above the wall to which the signs are attached.
- vi. The sign shall be erected in accordance with manufacturer's specifications.

25. Driveway Gradient

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

26. Carparking - General

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. Forty- four (44) off-street car parking spaces for staff and visitors,

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.

27. 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 trucks entries and exits shall be made from the designated truck ingres and egress vehicles crossings.
- c. All customer and staff vehicles shall enter and exit the site from the designated car park vehicle crossing.
- d. The largest vehicle used for the servicing or operations of this development shall be 17m long semi-trailers.
- e. Seventeen (17) metre long semi-trailers are restricted to right-in and right-out movements only.
- f. All deliveries to the premises shall be made to the designated loading bay (20m x15m) provided on site.
- g. All vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.
- h. The operator of the premises shall co-ordinate deliveries so that they are staggered and spread evenly over the operating hours in accordance with the Loading Management Plan as required in Condition 18 of this consent.

28. Flood Affected Development

A flood evacuation plan prepared by a qualified Engineer shall be kept within the premises

29. Hours of Operation

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

Monday to Friday:	7:00am to 5:00pm
Saturday:	7:00am to 12:00pm
Sunday:	No operations permitted

Note: The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

30. Use of Warehouse No. 4 Not Approved

Separate development consent is required for the use of Warehouse No. 4 prior to the occupation of the building.

31. 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.

32. Use of 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 stored or processed 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. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- e. The use of the premises is not to interfere with the amenity of the residential area.

- 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.
- g. Public access to the site for the sale and drop off of motor vehicles shall be conducted on an appointment basis only, to ensure that there is sufficient car parking spaces for visitors.
- h. Public access to the site is restricted to the car park area and Administration Building No. 1 only.
- i. There shall be a maximum of twenty-five (25) employees working on site at any one time (20 operational staff and 5 administrative staff).

33. **Storage of Goods**

All works and storage shall be contained wholly within the buildings at all times. In this regard, all dismantling and resource recovery processes must be conducted within the designated buildings. All wrecked vehicles and recovered gear boxes and engines awaiting collection must be stored within the designated buildings as indicated in the additional information letter as prepared by Hamptons Property Services, reference No. 2018101, dated 19 August 2020.

34. **Maximum Handling Capacity**

- a. There shall be a maximum of 100 vehicles stored and processed on site at any one time.
- b. The maximum handling capacity of the facility shall be 19,250 tonnes of waste (metal, rubber, plastic, glass etc. from the vehicles) per year.

35. **Unreasonable Noise and Vibration**

The industry, including operation of vehicles, shall be conducted 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.

36. Environmental Audit

Within 12 months of the date of this development consent, the company shall carry out a comprehensive Environmental Audit of the premises and submit a report on the audit to Council for approval. This audit is to be carried out at the company's expense by a duly qualified independent person or team to be approved by Council. Further, the company shall, at its own expense, comply with any reasonable requests of Council in respect of the implementation of any measures arising from the audit, within such time as Council may agree. Further audits will be required every 12 months from the due date or such longer period as may be agreed to by Council.

37. 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*.