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ENQUIRIES: Ms Nadia Elbotaty on 9725-0858

28 October 2005

Sita Environmental Solutions
 20 Davis Road
 WETHERILL PARK NSW 2164

Dear Sir/Madam,

**NOTICE OF DETERMINATION OF
 DEVELOPMENT APPLICATION NO. 816/2005
 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

You are advised that the subject application has been **APPROVED** pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 and is subject to the following conditions.

Property Description:	Lot 402, DP 603454, No. 20 Davis Road, Wetherill Park.
Description of Development:	Extension of existing awning for the purposes of recycling cardboard and paper products as part of the operation of the non-putrescible waste transfer station.
Date of Determination:	28 October 2005
Date of Operation of Consent:	31 October 2005
Date Consent Will Lapse:	31 October 2007

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved development plans as prepared by Peter Ellsmore and Associates, Drawing No. 0339-03 Revision B dated December 2003 and plans prepared by Sita Environmental Solutions titled "Proposed Additional Car Spaces for Development Application 816/2005 dated 22 September 2005" and plans prepared by Greg Dallas Drawing No. 05-008.02 and 05-008.01 dated 5 May 2005, except as modified in red by Council and/or any conditions of this consent.

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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 Principal Certifying Authority. A Principal Certifying Authority 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. Outstanding fees and Charges

Prior to the issue of a construction certificate, a receipt for the payment to Fairfield City Council of the following fees shall be submitted to the Principal Certifying Authority:

- a. Kerb and Gutter Inspection Fee \$77.
- b. Kerb and Gutter Bond \$500.

3. Outstanding Long Service Levy Fee

Prior to the issue of a Construction Certificate a receipt for payment of Long Service Levy fee of \$400 shall be submitted to the Principal Certifying Authority. The above payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

4. Stormwater Drainage Certificate

Prior to the Issue of a construction certificate, a certificate shall be submitted to the Principal Certifying Authority certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;
- b. The piped drainage system has been designed to an Average Recurrence Interval of not less than 5 years.

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 Principal Certifying Authority 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.

5. Construction Certificate Required

Prior to the commencement of any works, a construction certificate is required to be issued by a Principal Certifying Authority.

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

6. Appointment of a Principal Certifying Authority

Prior to the commencement of any works, the applicant must:

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

7. 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 works on site.

8. Sydney Water Consent

Prior to the commencement of any works on site, the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped and shall be submitted to the Principal Certifying Authority prior to the commencement of any works on site.

For Quick Check agent details please refer to the website www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone: 13 20 92.

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9. Kerb and Gutter Status Form

Prior to the commencement of any works on site, the applicant shall return the attached footpath/kerb and gutter form to Council detailing the existence of, and the condition of, any foot paving, and/or kerb and gutter provided adjoining the site for checking against Council's records. Damage to footpaths, kerbs, stormwater systems and general streetscape will require restoration at the developer's expense.

10. Erosion and Sedimentation Control

Prior to the commencement of any works on site, controls in accordance with Council's Erosion and Sedimentation Control Policy 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 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. Sign During Construction

Prior to the commencement of works, a sign must be erected in a prominent position on site during construction:

- a. Stating that unauthorised entry to the work site is prohibited,
- b. Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours, and
- c. Showing the name, address and a telephone number of the Principal Certifying Authority for the development.

Note: A \$600 on the spot fine may be issued for non-compliance with this condition.

01genneesd_121005_2250

Page 4 of 11

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Interim Occupation Certificate or Final Occupation Certificate by the Principal Certifying Authority for the subject development.

The Principal Certifying Authority is the certifying authority that issued the Construction Certificate or the Complying Development Certificate. If Council is not the Principal Certifying Authority, the Interim Occupation Certificate must be submitted to Council within (7) seven days from the date of determination by the nominated Principal Certifying Authority. Included with this submission must be all relevant documents used in the determination of the Interim Occupation Certificate.

13. 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.

14. Structural Certification

Prior to the issue of an occupation certificate (Interim or Final), a certificate from a practising Structural Engineer shall be submitted to the Principal Certifying Authority certifying that the building has been erected in compliance with the approved structural drawings and relevant Australian Standards and is structurally adequate.

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.

15. 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).

16. Administration fee for the lodgement of certificates

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

17. During Construction

During the construction period the applicant must ensure that:

- a. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction;
- b. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- c. Any building work is to be carried out within the following hours.
 1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

01genneesd_121005_2250

Page 6 of 11

Except that,

Building work in a 4(a) zone may be carried out within the following hours:

2. 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: These extended hours only apply to the 4(a) industrial zone for a period of twelve (12) months from 1 July 2005 until 30 June 2006. Council may enforce the provisions of the Protection of the Environment Operations Act 1997 should a noise nuisance occur.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement.

18. No Enclosure of Structure

The awning shall not be enclosed beyond the extent shown on the approved plans.

19. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to Council's street kerb and gutter.

Note: Drainage lines across the footpath shall be of 75mm x 200mm galvanised R.H.S laid at a fall not exceeding 1:40 (A 100mm sewer grade pipe is an acceptable alternative for single lot residential applications).

Note: If a street outlet is required it shall be constructed using a 100mm x 50mm galvanised rectangular connector laid into the kerb with the invert of the converter to be 10mm above the invert of the gutter.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

20. Critical Stage Inspections

In accordance with Section 109E of the Environmental Planning and Assessment Act 1979 the Principal Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Section 109E (3) (d) Environmental Planning and Assessment Regulation 2000.

Note: A \$500 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

01genneesd_121005_2250

Page 7 of 11

21. Drainage Pits

All existing drainage pits within the undercover areas shall be sealed.

22. Line Marking

Clear line marking shall be provided which provides clear direction of traffic flow throughout the site for all vehicles traversing through the site as indicated on the approved development plan.

23. Carparking - General

The provision and maintenance of the following number of car parking spaces in accordance with Council's Development Control Plan No. 19/96:

- a. Twenty-four (24) off-street car parking spaces for staff and visitors; including
- b. One (1) off-street car parking spaces for disabled persons (minimum width 3.8m).

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.

24. Compliance with AS 2890

Off-street parking associated with the proposed development (including driveways, aisle lengths, aisle widths, parking bay dimensions, sight distances and loading bays) shall be designed in accordance with AS 2890.1 - 2004 and AS 2890.2 - 2002.

25. Car Spaces to be Line Marked

All car spaces shall be permanently line marked and maintained free from obstruction at all times, as indicated on the approved plans.

26. Compliance with the Statement of Environmental Effects

The construction of the awning and the operation of the associated machinery shall operate and comply with the provisions outlined in the Statement of Environmental Effects Prepared by Sita Environmental Solutions dated 10 June 2005, and additional information prepared by Andrew Wild of KMH Environmental dated 27 July 2005, at all times.

01genneesd_121005_2250

Page 8 of 11

27. Maximum Level of Paper Recycling On Site

The storage and recycling of cardboard and paper products, that is currently received on site for handling shall not exceed 1500 tonnes per month.

The operation and use of the premises for the purposes of recycling paper and associated products shall be in accordance with the additional information prepared by Andrew Wild of KMH Environmental submitted to Council on 27 July 2005 and Statement of Environmental Effects prepared by Sita Environmental Solutions dated 10 June 2005. In this regard, this consent does not permit the increase of paper recycling materials and associated products currently received at the site as part of the alterations to the recycling operations, the subject of this approval.

28. Use of Premises

Storage and recycling of cardboard and paper products within the premises shall operate in accordance with the approved use on site for the purpose of a non-putrescible waste transfer station stipulated in Development Consent No. 483A/89 dated 22 November 1989.

29. Hours of Operation

The approved hours of operation shall be 24 hours a day 7 days a week. These hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc being received.

30. Trafficable Bund

A 100mm high trafficable bund shall be provided around the vicinity of the awning so as to prevent the escape of any pollutants into Council's stormwater drainage system.

31. Unreasonable Noise and Vibration

The industry, 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.

01genneesd_121005_2250

Page 9 of 11

32. Drain Stencilling

The two (2) stormwater drains located on the western elevation 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.

33. 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.

34. Storage of Goods

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

35. Compliance with Development Consent No. 483A/89 and Development Consent No. 2192/2003

The premises shall comply and operate in accordance with all conditions set out in Development Consent No. 483A/89 dated 22 November 1989 for erection of a non-putrescible waste transfer station and Development Consent No. 2192/2003 dated 24 March 2004 for the establishment of a timber stockpile for recycling of timber and timber by-products and the construction of a partially enclosed awning, at all times.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with other relevant Council policy(s) and any other relevant requirements. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

- **Covenants which may Affect this Proposal**

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

- **Car parking**

In accordance with Condition No. 2 of Development Consent No. 483A/89, Council reserves the right to require the provision of additional carparking in the event that Council is of the opinion that carparking is inadequate.

HOW LONG DOES THIS APPROVAL LAST?

Pursuant to Section 95 of the Environmental Planning and Assessment Act, 1979 physical commencement of construction works/use of the land, building or work is required within two (2) year period from the issue of the date of consent after which time the approval will lapse.

WHAT RIGHTS OF REVIEW EXIST?

Pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 an applicant who is dissatisfied with the determination with respect to the matters relating to the EP & A Act, may within a twelve (12) month period from the date of determination, request Council, in writing, to review the determination.

WHAT APPEAL RIGHTS EXIST?

Pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979 an applicant may seek a Right of Appeal to the Land and Environment Court within twelve (12) months from the date of consent if they are dissatisfied with the determination by the consent authority.

GEORGE VLAMIS
MANAGER, DEVELOPMENT PLANNING

01genneesd_121005_2250

Page 11 of 11