

23 December 2009

ENQUIRIES: Mark Stephenson on 9725 0208

Wild Environment Pty Ltd
PO Box 66
ANNANDALE NSW 2038

Dear Sir/Madam,

**NOTICE OF DETERMINATION OF
DEVELOPMENT APPLICATION NO. 426.1/2009
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.

<i>Property Description:</i>	Lot 402, DP 603454, No. 20 Davis Road, Wetherill Park.
<i>Description of Development:</i>	Acceptance of putrescible waste and other wastes at an existing waste recycling and transfer facility.
<i>Date of Determination:</i>	23 December 2009
<i>Date of Operation of Consent:</i>	23 December 2009
<i>Date Consent Will Lapse:</i>	23 December 2011

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the approved development plans as prepared by Matthew Freeburn Surveyors, Reference No. 31699, Sheet 1 of 1, dated 5 March 2009, except as modified in red by Council and/or any conditions of this consent.

2. Compliance with Statement of Environmental Effects

The development shall take place in accordance with the Statement of Environmental Effects prepared by Wild Environment Pty Ltd, dated May 2009, except as modified in red by Council and/or any conditions of this consent.

3. Department of Environment and Climate Change Approval

The Environmental Protection Authority's (EPA) General Terms of Approval shall be carried out and complied with at all times, and forms Attachment A to this development consent.

N.B. The EPA's General Terms of Approval DO NOT constitute a license under the Protection of the Environment Operations (POEO) Act 1997. The applicant is required to obtain a license from the EPA for the approved development pursuant to the POEO Act 1997, prior to the commencement of any construction works, or any works or processes associated with the proposed development.

4. Maximum Output

The total amount of putrescible waste processed at the facility shall not exceed 10,000 tonnes per year. In this regard, the use of the premises for the acceptance of putrescible waste and other wastes at the existing waste recycling and transfer facility shall be in accordance with the Statement of Environmental Effects prepared by Wild Environment Pty Ltd, dated May 2009.

If in the future, output is proposed to exceed this amount, development consent is required to be obtained from Council. A separate development application is required to be lodged with Council for approval, which may also require a license variation from the Department of Environment and Climate Change.

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.

5. 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:

- Statement of Environmental Effects prepared by Wild Environment Pty Ltd, dated May 2009.
- Air Quality Assessment prepared by PAEHolmes, Job No. 3138, Version Final, dated 14 April 2009.

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.

6. Carparking - General

The provision and maintenance of the following number of car parking spaces in accordance with Chapter 12 of the Fairfield City-Wide Development Control Plan 2006 – Car Parking, Vehicle and Access Management:

- 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.

7. Hours of Operation

The approved hours of operation for the waste transfer facility are as follows:

- Seven (7) days a week, 24 hours a day.

8. 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 use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act, 1997.
- 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 facility shall accept and handle a maximum of 10,000 tonnes of putrescible waste per year. In this regard, a permanent record or receipts for the acceptance of all putrescible waste shall be kept and maintained up to date at all times. Such records are to be made available to Council Officers, upon request.
- f. The premises shall operate in accordance with the requirements of clause 42 of the Protection of Environment Operations Act (Waste) Regulation 2005 and the Environmental Licence conditions imposed by the Appropriate Regulatory Authority.

9. Offensive odour

The facility shall be conducted so as to avoid any offensive odour or odours that cause interference to adjoining or nearby occupations. Special precautions must be taken to avoid an offensive odour being emitted from the premises. In the event of an offensive odour being emitted, the person in charge of the premises shall, when instructed by Council, undertake an Air Quality Assessment, including but not limited to the emission of odour, prepared by an appropriate 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.

10. Unreasonable Noise and Vibration

The waste transfer 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.

11. Lighting

Illumination of the site is to be arranged in accordance with the requirements of Australian Standard 4282 1997 so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

12. 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 public place.

13. Environmental Management Plan

An Environmental Management Plan (EMP) shall be prepared for the approved facility. The EMP shall be carried out by a suitably qualified environment consultant and shall address means by which the commitments identified within the Statement of Environmental Effects prepared by Wild Environment Pty Ltd, dated May 2009, subsequent assessment reports, approval or licence conditions will be fully implemented. The EMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures.

14. 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.

15. Compliance with Previous Approvals

The development shall operate at all times in accordance with all previous development consents issued for the use of the site as a waste transfer station, specifically Development Consent No. 483A/89 issued by Fairfield City Council on 22 November 1989, for the erection of a non-putrescible waste transfer station.

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.

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 a 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

W: