

# Environmental Impact Statement

## APPENDIX

# O

## CONSENTS TO BE SURRENDERED

31 May 2016

Bells Hire Pty Ltd  
Mr Bruce Fordham  
51 Violet St  
REVESBY NSW 2212

Dear Sir

**APPLICATION NUMBER: DA-332/2016**

**PROPOSAL: Demolition of Existing Buildings and Construction of Boundary Fencing**

**PROPERTY: Lot 168 DP 7866, Lot 169 DP 7866, Lot 2 DP 519053, Lot 1 DP 734866, No. 51 Violet Street, REVESBY NSW 2212, 57 Violet Street, REVESBY NSW 2212**

I refer to your Development Application referenced above and advise that consent has been granted subject to conditions by Council. The Development Consent is attached.

**Prior to the commencement of any building or subdivision works on the site a Construction Certificate must be obtained. The Construction Certificate can be issued by Council.**

An Application for a Construction Certificate accompanied with appropriate building or subdivision work plans and specifications may be lodged at Council's Customer Service Centre with payment of the relevant application fees.

Please contact Council for a fee proposal if you require the assessment of a Construction Certificate Application and to appoint Council as a Principal Certifying Authority for the building or subdivision works.

If you require further information regarding a Construction Certificate Application, please contact Council's Duty Building Surveyor on telephone 9707 9000.

Yours sincerely



Ranmal Mendis  
**DEVELOPMENT ASSESSMENT OFFICER**

## Notice of Determination of a Development Application

Environmental Planning and Assessment Act, 1979. Section 81(1)(a)

### Development Application No. DA-332/2016

Bells Hire Pty Ltd  
Mr Bruce Fordham  
51 Violet Street  
REVESBY NSW 2212

**Date of Determination:** 31 May 2016

**Determination Notice No.:** DA-332/2016

**Property:** Lot 168 DP 7866, Lot 169 DP 7866, Lot 2 DP 519053, and Lot 1 DP 734866, No. 51 Violet Street, REVESBY NSW 2212, 57 Violet Street, REVESBY NSW 2212

Canterbury-Bankstown Council hereby Consents to the above described land being developed for the following purpose, subject to compliance with the conditions and requirements set out in the attached schedules.

**Description of Development:** Demolition of Existing Buildings and Construction of Boundary Fencing

**Planning Instrument:** Bankstown Local Environmental Plan 2015  
Published 5 March 2015

**Zoning of Property:** IN1 General Industrial IN1 General Industrial

**Consent to Operate From:** 31 May 2016

**Consent to Lapse On:** 31 May 2021

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 79C of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

#### Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.

2. This Determination Notice operates or becomes effective from the endorsed date of Consent.
3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 (does not apply to Integrated Development proposals) or appeal to the Land and Environment Court pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Section 82A must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Section 125 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

## **CONDITIONS OF CONSENT**

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No.DA-332/2016, submitted by Bruce Fordham – Bells Hire P/L , accompanied by Drawing No. 59915106-100 Rev A, dated 6 April 2016, 59915106-101 Rev B & 59915106-500 Rev B, dated 22 April 2016, prepared by C Newberry – Cardno and affixed with Council's approval stamp dated 31 May 2016, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
  - a. The proposed fence is to have an approximate gap of 50mm between the existing ground level and the bottom bar.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

*Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:*

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to lop or remove only the trees identified to be lopped or removed on the approved plans. Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.
- 5) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards, and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 6) The Council Approved building plans, including demolition plans, must be submitted to Sydney Water for assessment. This will determine if the proposed structure(s) would affect any Sydney Water infrastructure or if there are additional requirements. Building plan approvals can be submitted online via Sydney Water Tap in™.

Please refer to [www.sydneywater.com.au/tapin](http://www.sydneywater.com.au/tapin)

For Sydney Water's Guidelines for building over or next to assets, visit [www.sydneywater.com.au](http://www.sydneywater.com.au) 'Plumbing, building & developing' then 'Building Plan Approvals' or call 13000 TAPIN.

Prior to release of a construction certificate Sydney Water must issue either a Building Plan Assessment letter which states that your application is approved, or the appropriate plans must be stamped by a Water Servicing Coordinator.

- 7) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 8) A long service levy payment of \$203.00 which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 9) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

## A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

### WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Councils Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.bankstown.nsw.gov.au](http://www.bankstown.nsw.gov.au)

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

## CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION

10) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

### 11) Tree Removal: On-Site

- Approval is granted for the removal of the following trees:
- Any tree/s growing within the building footprint of the approved structures;
  -
- Any tree/s where the base of the trunk of the tree is located within 3 metres of the external wall of an approved dwelling on the same property;
  -
- Any declared noxious plant. The applicant, builder and all contractors are to ensure that all noxious plants are properly identified, controlled and/or removed on this site without injury or death of any protected plants;
  -
- Any tree species listed under clause 2.4 of Bankstown Development Control Plan 2015 Part B11 – Tree Preservation Order;

Any of the following tree/s:

<u>Tree Species</u>	<u>Location</u>
3 x <i>Casuarina glauca</i> (Swamp Oak)	Adjacent to the southern boundary
1 x <i>Melaleuca decora</i> (Bracelet Honey Myrtle)	Adjacent to the southern boundary

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW).

All other vegetation not specifically identified above, and protected by Councils Tree Preservation Order, is to be retained and protected from construction damage and pruning. The Tree Preservation Order protects trees over 5m in height.

- 12) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 13) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 14) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 15) A sign must be erected in a prominent position on any site on which demolition work is being carried out:
  - a. showing the name of the principal contractor (if any) for any demolition work and a telephone number on which that person may be contacted outside working hours, and
  - a. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the demolition work is being carried out, but must be removed when the work has been completed.

- 16) Permission is granted for the demolition of structures as marked on approved Drawing No. 59915106-100 Rev A, dated 6 April 2016 currently existing on the property, subject to strict compliance with the following: -
  - a) The developer is to notify adjoining residents seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site.
  - a) Written notice is to be given to Canterbury-Bankstown Council for inspection prior to demolition. Such written notice is to include the date when demolition will commence and details of the name, address, business hours and contact telephone number and licence number of the demolisher. The following building inspections shall be undertaken by Canterbury-Bankstown Council:

- (i) A *precommencement* inspection shall be carried out by Council when all the site works required as part of this consent are installed on the site and prior to demolition commencing.
- (ii) A *final* inspection shall be carried out by Council when the demolition works have been completed to ensure that the site is left in a satisfactory manner, in accordance with the conditions of this consent.

**NOTE:** Payment of an inspection fee at Council's current rate will be required prior to each inspection. Council requires 24 hours notice to carry out inspections. Arrangements for inspections can be made by phoning **9707 9410** or **9707 9635**.

- b) Prior to demolition, the applicant must erect a sign at the front of the property with the demolisher's name, license number, contact phone number and site address.
- c) Prior to demolition, the applicant must erect a 2.4m high temporary fence or hoarding between the work site and any public place. Access to the site shall be restricted to Authorised Persons Only and the site shall be secured against unauthorised entry when the building work is not in progress or the site is otherwise unoccupied. Where demolition is to occur within 3m of a public place a Work Permit application for the construction of a Class A or Class B hoarding shall be submitted to Council for approval.
- d) The demolition plans must be submitted to the appropriate Sydney Water Office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the demolition plans will be stamped indicating that no further requirements are necessary.
- e) Demolition is to be carried out in accordance with the appropriate provisions of Australian Standard AS2601-2001.
- f) The hours of demolition work shall be limited to between 7.00am and 6.00pm on weekdays, 7.00am and 1.00pm on Saturdays and no work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- g) Where materials containing asbestos cement are to be removed, demolition is to be carried out by licensed contractors who have current Workcover Accreditation in asbestos removal.
- h) Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of WorkCover NSW and the NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.

- i) Demolition procedures shall maximise the reuse and recycling of demolished materials in order to reduce the environmental impacts of waste disposal.
- j) During demolition, the public footway and public road shall be clear at all times and shall not be obstructed by any demolished material or vehicles. The public road and footway shall be swept (NOT hosed) clean of any material, including clay, soil and sand. (NOTE: If required, Council will clean the public road/footway at the applicant's expense). On the spot fines may be levied by Council against the demolisher and or owner for failure to comply with this condition.
- k) All vehicles leaving the site with demolition materials shall have their loads covered and vehicles shall not track soil and other material onto the public roads and footways and the footway shall be suitably protected against damage when plant and vehicles access the site. All loading of vehicles with demolished materials shall occur on site.
- l) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- m) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, and phone) are not damaged. Any damage caused to existing services shall be repaired by the relevant authority at the applicant's expense.
- n) Suitable erosion and sediment control measures shall be erected prior to the commencement of demolition works and shall be maintained at all times.
- o) Prior to the demolition of any building constructed before 1970, a Work Plan shall be prepared and submitted to Council in accordance with Australian Standard AS2601-2001 by a person with suitable expertise and experience. The Work Plan shall outline the identification of any hazardous materials, including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.

## **CONDITIONS TO BE SATISFIED DURING DEMOLITION**

- 17) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 18) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 19) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions

must be made for drainage. Separate approval may be required for retaining walls should they be required.

- 20) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- a. protect and support the adjoining premises from possible damage from the excavation, and
  - a. where necessary, underpin the adjoining premises to prevent any such damage.
- 21) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING**

- 22) The building / subdivision work in accordance with the development consent must not be commenced until:
- a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
  - b. the person having benefit of the development consent has:
    - i. appointed a principal certifying authority for the building / subdivision work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    - ii. notified the principal certifying authority of any such appointment, and

- iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 23) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 24) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 25) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 26) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 27) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.
- 28) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 29) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- 30) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the

development to which the work relates (not being the council) has given the council written notice of the following information:

- a. in the case of work for which a principal certifying is required to be appointed:
  - i. the name and licence number of the principal contractor, and
  - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
- b. in the case of work to be done by an owner-builder:
  - i. the name of the owner-builder, and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

- 31) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - b. showing the name, address and telephone number of the principal certifying authority for the work, and
  - c. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - d. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 32) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 33) The proposed fence is to be wholly within the property.

34) The building work must be carried out in accordance with the requirements of the Building Code of Australia.

35) **Trees to be Retained and Protected: On-site**

Tree retention and protection measures shall be implemented in accordance with s3 of the Arborist Report dated April 2016 prepared for Cardno Pty Ltd, and Landscape Plan Rev B. dated 20/4/2016 by Cardno Pty Ltd.

**Trees on adjoining properties: Protection Measures**

All fencing constructed within the Tree Protection Zone (TPZ) of the *Corymbia citriodora* (Lemon-scented Gum) located on the adjoining property at 63 Violet Street, Revesby, shall not result in the damage or cutting of roots 25mm or greater in diameter.

- 36) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 37) All excavations and backfilling must be executed safely and in accordance with the relevant Australian Standards.
- 38) If soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided, and adequate provisions must be made for drainage. Separate approval may be required for retaining walls should they be required.
- 39) If the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
- b. protect and support the adjoining premises from possible damage from the excavation, and
  - c. where necessary, underpin the adjoining premises to prevent any such damage.
- 40) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

## CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION

### 41) *Tree Planting: On-Site*

The applicant is to plant twelve replacement trees on the site as follows:  
8 x *Melaleuca decora* (White feather Honey Myrtle), 2 x *Eucalyptus fibrosa* (broad-leaved Ironbark) and 2 x *Eucalyptus longifolia* (Woollybutt) as per the Tree Planting Schedule on Landscape Plan

The tree shall have a container size not less than 75 litres, shall comply with NATSPEC Specifying Trees: a guide to assessment of tree quality (2003) or Australian Standard AS 2303 – 2015 Tree stock for landscape use, and be planted and maintained in accordance with Councils standard specification. The trees shall to be planted prior to the issue of an occupation certificate. The trees shall be maintained for the life of the development.

- 42) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

## SCHEDULE A: ADVICE TO APPLICANTS

- A. Council at any time may serve a notice under the Protection of the Environment Operations Act to prevent any environmental impact or provide/maintain any environmental control. This notice incurs a fee. Failure to comply with the notice or any direct pollution incident and environmental impact, may incur a penalty of \$4,000 for an individual or \$8,000 for a corporation.
- B. To reduce the potential for adverse environmental impact, demolition work should not be undertaken during wet weather.
- C. Inspection of building works shall be undertaken as determined by the PCA. If Bankstown Council has been nominated as the PCA then details of inspection type and number required will be determined prior to the issue of a construction certificate.
- D. Where a combined development consent is issued for demolition of buildings and construction of new work, a Construction Certificate must be obtained for the work, including demolition.

Also, before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance to nearest cross street) for underground utility services information for any excavation areas. For further information regarding this notice please contact Ranmal Mendis in Development Services on 9707 9080.

Yours faithfully

A handwritten signature in black ink, appearing to be 'RANMAL MENDIS', written in a cursive style with a large initial 'R' and 'M'.

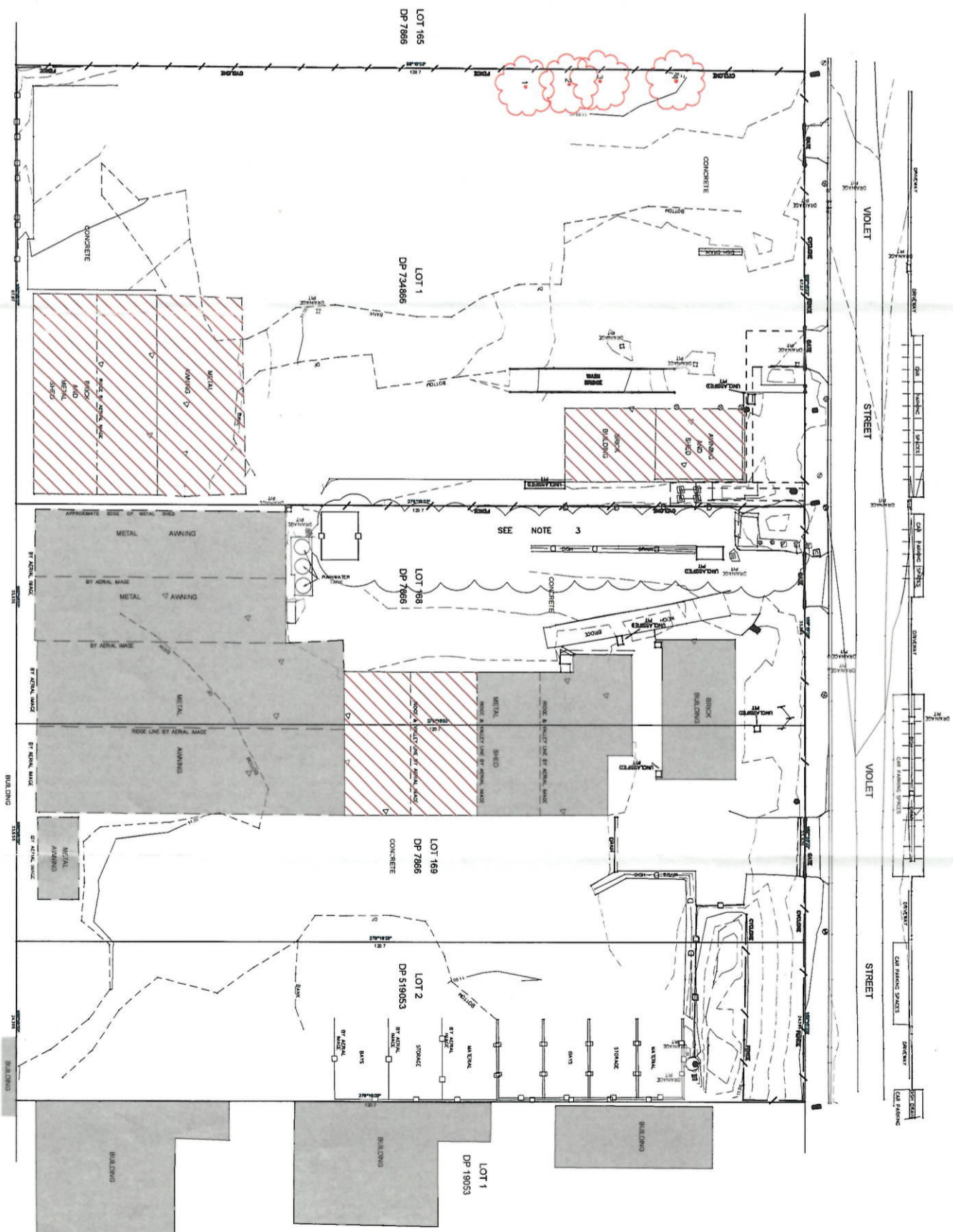
**Ranmal Mendis**  
**DEVELOPMENT ASSESSMENT OFFICER**

**LEGEND**

- TREES TO BE REMOVED
- GATE
- FENCE
- BUILDINGS DEMOLISHED

**TREE REMOVAL SCHEDULE**

ID	Scientific Name	Common Name	Height (metres)	Spread (metres)	DBH (mm)
1	<i>Casuarina glauca</i>	Swamp oak	8	5	450
2	<i>Melaleuca armillaris</i>	Bracelet honey myrtle	8	6	450
3	<i>Casuarina glauca</i>	Swamp oak	10	10	450
4	<i>Casuarina glauca</i>	Swamp oak	10	10	550



**CANTERBURY-**  
**BANKSTOWN COUNCIL**

**31 MAY 2016**

This is the approved plan in respect to  
 Determination Notice No. **332-2016 (P)**

Rev	Date	Description	LM	LM	GM
A	06.04.2016	FOR REVIEW			

© Cardno Limited All Rights Reserved.  
 This document is produced by Cardno Limited solely for the benefit of and use by the client in accordance with the terms of the contract. Cardno Limited does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by third party on the content of this document.

**Cardno**  
 Shaping the Future

Cardno (Qld) Pty Ltd ABN 57 051 074 892  
 Level 11, 515 St Pauls Terrace  
 Fortitude Valley, QLD 4005  
 Tel: 07 3389 5022 Fax: 07 3389 9722  
 Web: www.cardno.com.au

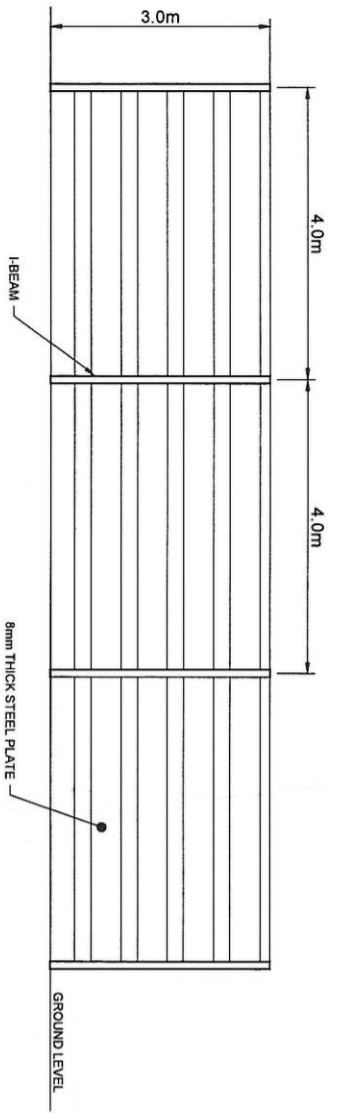
Drawn	Date	Client	Project	Scale	Size	Revision
C. Newberry	07.04.2016	EMVIRO RECYCLING	51-57 VIOLET STREET, REVSBSY	1:400	A1	
L. Mitchell	07.04.2016		REVSBSY WASTE FACILITY			
Approved	07.04.2016					
G. McCormick	07.04.2016		TREE LOCATION PLAN			

NOT TO BE USED FOR CONSTRUCTION PURPOSES

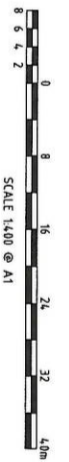
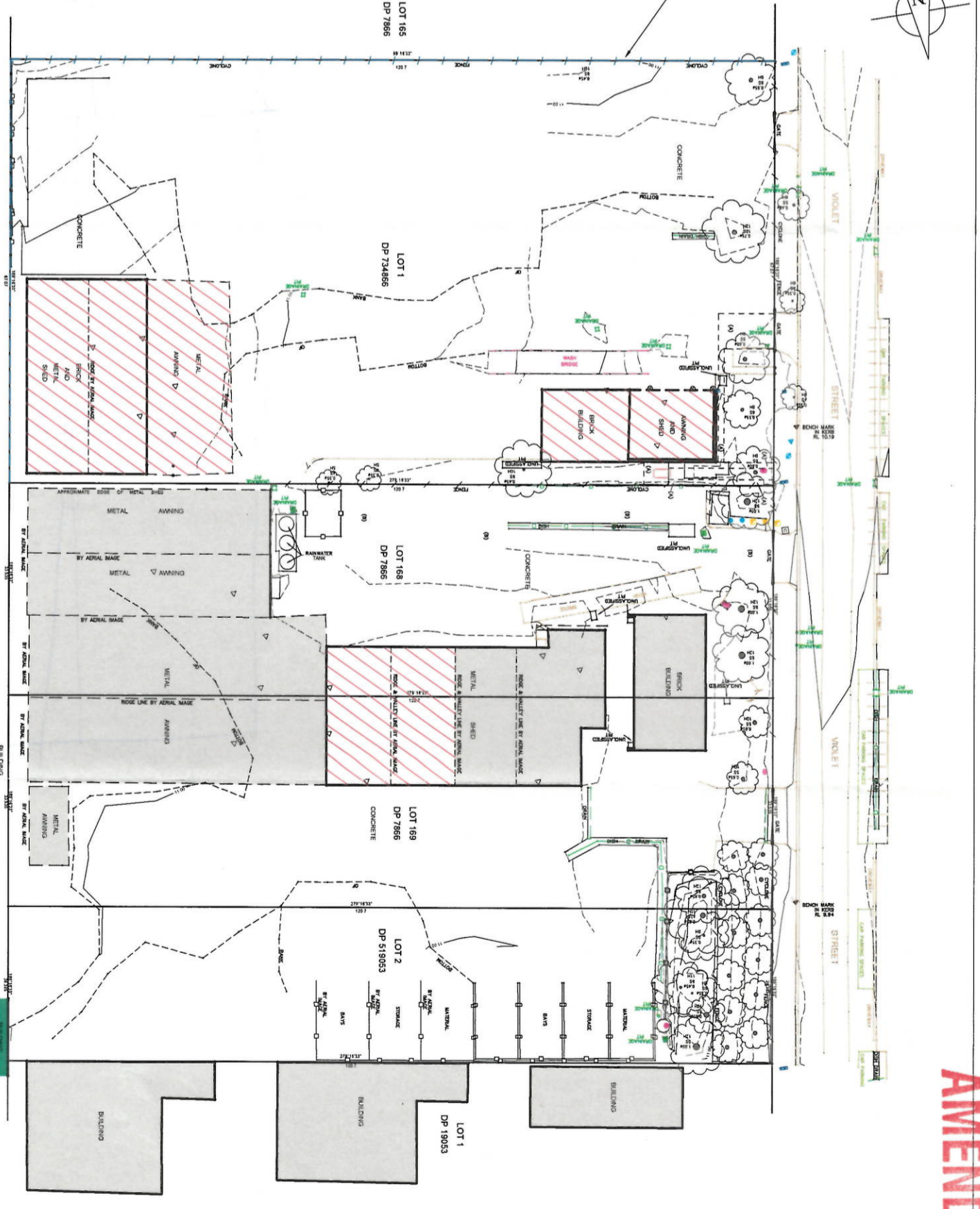
Drawing Number: 59915106-100



- LEGEND**
- EXISTING TREES
  - GATES
  - FENCE
  - BUILDINGS DEMOLISHED
  - SOUTHERN BOUNDARY FENCE
  - EASTERN BOUNDARY FENCE



**DETAIL A**  
**SOUTHERN BOUNDARY FENCE DETAIL**



**SITE PLAN**  
SCALE: 1:400

**CAMPBERRY - BANKSTOWN COUNCIL**

**31 MAY 2016**

This is the approved plan in respect to  
Determination Notice No. **332-2016** *TPM*

**AMENDED**

Rev	Date	Description	Des	Verif	Appr
A	11/04/2016	ISSUED FOR CLIENT REVIEW	SE	SE	SE
B	22/04/2016	STEEL WALL HEIGHT UPDATED	SE	SE	SE

Drawn	Checked	Design	Valid	Approved	Date	Time
AJAO	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	11.04.2016	
	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	11.04.2016	
	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	11.04.2016	

**Cardno**  
Shaping the Future

Cardno (NSW/ACT) Pty Ltd (ABN 55 001 145 035)  
Level 3 One Tower, 201 Pacific Highway  
Tel: 02 2468 2700 Fax: 02 9439 5170  
Web: www.cardno.com.au

Drawn	Checked	Design	Valid	Approved	Date	Time	Project	Client	Scale	Size	Revision
AJAO	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	11.04.2016		ENVIRO RECYCLING	ENVIRO RECYCLING	1:400	A1	B
	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	11.04.2016		REVERSBY WASTE FACILITY	REVERSBY WASTE FACILITY	1:400	A1	B
	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	SEDMT ENCL	11.04.2016		SOUTHERN BOUNDARY FENCE DETAIL	SOUTHERN BOUNDARY FENCE DETAIL	1:400	A1	B



8 April 2016

Bells Hire Pty Ltd  
Mr Bruce Fordham  
PO Box 362  
CONDELL PARK NSW 2200

Dear Sir,

**APPLICATION NUMBER: DA-1029/2014/2**  
**PROPOSAL: Use of Premises as a Materials Recycling Yard - S96(1a)**  
**PROPERTY: Lot 168 DP 7866, Lot 169 DP 7866, Lot 2 DP 519053, No. 51 Violet Street, REVESBY NSW 2212**

I refer to your application to modify the above development consent under the provision of Section 96(1A) of the *Environmental Planning and Assessment Act, 1979*. It is advised that the modifications seeking to relocate the crushing plant equipment has been approved.

Accordingly, Condition No. 2 and 36 of Determination Notice No. DA-1029/2015 is amended to read (*amendments in italics*):

- 2) Development shall take place in accordance with Development Application No. DA-1029/2014, submitted by PDC Maejiirs Consultants, accompanied by Drawings, Job No. V56, Drawing No. C11, prepared by Vinh Tran & Associates Pty Ltd, dated 28 January 2015 and affixed with Council's approval stamp and Section 96(1) Modification Application DA-1029/2014/1, submitted by Bells Hire Pty Ltd on 2 June 2015 and approved on 5 June 2015 and *Section 96(1A) Modification Application DA-1029/2014/2, submitted by Bells Hire Pty Ltd, accompanied by Sheet 1 of 1, dated March 2016 and affixed with Council's approval stamp dated 8 April 2016*, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 36) *All industrial activities except crushing activities are to be confined within the building and no such activity shall occur externally to the building and this shall include loading and unloading, also storage of new used materials.*

Also, the following Condition No's 50, 51, 52, 53, 54 & 55 have been included into Determination Notice No. DA-1029/2015:

- 50) *The development shall comply with the Noise Impact Assessment prepared by Muller Acoustic Consulting Pty Ltd titled Noise Impact Assessment Materials Recycling Yard at 37-51 Violet Street, Revesby NSW, report No. MAC150108RP1V2 dated 22/3/16.*

- 51) *The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.*

*In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $L_{A90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an  $L_{Aeq, 15min}$  and adjusted in accordance with the NSW Industrial Noise Policy and Environmental Noise Control Manual.*

- 52) *The use of plant equipment for crushing is restricted to the hours of 8am to 4pm, Monday to Friday.*
- 53) *Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the Protection of the Environment Operations Act 1997.*
- 54) *All plant and associated equipment must be located within the approved building envelope and is not to be located on the roof. Details on the location of all plant and equipment must be consistent with the approved plans.*
- 55) *The operation shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupants. In the event of Council receiving complaints and considers that excessive noise is emanating from the premises, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.*

The approval is subject to full compliance with all other conditions contained within Development Consent DA-1029/2014/2 and the associated Building Approval/Construction Certificate.

A copy of the approved plans are attached for your information.

You are also advised that an amended Construction Certificate is required as a result of the above modification. The Construction Certificate can be issued by Bankstown City Council.

If you have any enquiries, please contact Monica Samuel in Development Services on 9707 9090 and please quote the application number.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'MS', with a large, sweeping flourish underneath.

Monica Samuel  
**DEVELOPMENT ASSESSMENT OFFICER**

5 June 2015

Bells Hire Pty Ltd  
PO Box 362  
CONDELL PARK NSW 2200

Dear Sir / Madam,

**APPLICATION NUMBER: DA-1029/2014/1**  
**PROPOSAL: Use of Premises as a Materials Recycling Yard – S96(1)**  
**PROPERTY: Lot 168 DP 7866, Lot 169 DP 7866, Lot 2 DP 519053, No. 51 Violet Street, REVESBY NSW 2212**

I refer to your application to modify the above development consent under the provision of Section 96(1) of the *Environmental Planning and Assessment Act, 1979*. It is advised that the modifications seeking to modify Condition No's 24, 36 & 39 of Determination Notice No. DA-1029/2014 have been approved.

Accordingly, Condition No's 2, 24, 36, & 39 of Determination Notice No. DA-1029/2014 is amended to read (*amendments in italics*):

- 2) Development shall take place in accordance with Development Application No. DA-1029/2014, submitted by PDC Maejiirs Consultants, accompanied by Drawings, Job No. V56, Drawing No. C11, prepared by Vinh Tran & Associates Pty Ltd, dated 28 January 2015 and affixed with Council's approval stamp and *Section 96(1) Modification Application DA-1029/2014/1, submitted by Bells Hire Pty Ltd on 2 June 2015 and approved on 5 June 2015* except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 24) *Maximum tonnage shall not exceed 30,000 tonnes on site at any one time and these volumes may require a licence with the Environment Protection Authority (EPA), Schedule 1 of the POEO Act 1997. Any increase above this threshold will require separate DA approval from Council.*
- 36) *All pre-sorting activities are to be confined within the buildings and no such activity shall occur externally to the buildings.*
- 39) *Storage of materials within the storage bays shall not exceed the height of the bay. Elsewhere, storage of materials shall not be closer than 3m from the boundary unless stored in the approved storage bays as defined in the Environmental Management Plan, prepared by Enviro Recycling, Violet Street, Revesby, Version 1, January 2015 including amendments to air, water, noise, waste, maintenance of equipment.*

The approval is subject to full compliance with all other conditions contained within Development Consent DA-1029/2014 and the associated Building Approval/Construction Certificate.

If you have any enquiries, please contact Monica Samuel in Development Services on 9707 9090 and please quote the application number.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Samuel', written over a horizontal line.

**Monica Samuel**  
**DEVELOPMENT ASSESSMENT OFFICER**

12 March 2015

Josephine Maejiirs  
PDC Maejiirs Consultants  
100 Walpole Street  
MERRYLANDS NSW 2160

Dear Madam,

**APPLICATION NUMBER: DA-1029/2014**  
**PROPOSAL: Use of Premises as a Materials Recycling Yard**  
**PROPERTY: Lots 168 & 169 DP 7866 & Lot 2 DP 519053, No. 51 Violet Street, REVESBY**

I refer to your Development Application referenced above and advise that consent has been granted subject to conditions by Council. The Development Consent is attached.

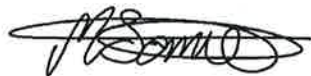
**Prior to the commencement of any building or subdivision works on the site a Construction Certificate must be obtained. The Construction Certificate can be issued by Council.**

An Application for a Construction Certificate accompanied with appropriate building or subdivision work plans and specifications may be lodged at Council's Customer Service Centre with payment of the relevant application fees.

Please contact Council for a fee proposal if you require the assessment of a Construction Certificate Application and to appoint Council as a Principal Certifying Authority for the building or subdivision works.

If you require further information regarding a Construction Certificate Application, please contact Council's Duty Building Surveyor on telephone 9707 9999.

Yours sincerely,



**Monica Samuel**  
**DEVELOPMENT ASSESSMENT OFFICER**



## Notice of Determination of a Development Application

Environmental Planning and Assessment Act, 1979. Section 81(1)(a)

### Development Application No. DA-1029/2014

Josephine Maejiirs  
PDC Maejiirs Consultants  
100 Walpole Street  
MERRYLANDS NSW 2160

**Date of Determination:** 12 March 2015

**Determination Notice No.:** DA-1029/2014

**Property:** Lots 168 & 169 DP 7866 & Lot 2 DP 519053, No. 51 Violet Street, REVESBY

Bankstown City Council hereby Consents to the above described land being developed for the following purpose, subject to compliance with the conditions and requirements set out in the attached schedules.

**Description of Development:** Use of Premises as a Materials Recycling Yard

**Planning Instrument:** Bankstown Local Environmental Plan 2001  
Gazetted 17 May 2002

**Zoning of Property:** 4(a) - General Industrial

**Consent to Operate From:** 12 March 2015  
**Consent to Lapse On:** 12 March 2020

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 79(C) of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

#### Notes:

1. This Determination Notice does not constitute permission to begin works associated with the development. A Construction Certificate (where applicable) must be obtained prior to the commencement of any development works.
2. This Determination Notice operates or becomes effective from the endorsed date of Consent.

3. If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979 (does not apply to Integrated Development proposals) or appeal to the Land and Environment Court pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979. Any application for a review of determination pursuant to Section 82A must be received, assessed and determined by Council within 6 months after the date of receipt of this Notice.
4. Section 125 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
5. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
6. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979.
7. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

## **CONDITIONS OF CONSENT**

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-1029/2014, submitted by PDC Maejiirs Consultants, accompanied by Drawings, Job No. V56, Drawing No. C11, prepared by Vinh Tran & Associates Pty Ltd, dated 28 January 2015 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.
- 3) The building must comply with the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

- 4) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.

- 5) A detailed landscape plan prepared by a qualified landscape architect or designer is to be approved prior to the issue of a Construction Certificate. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant.
  - a) The landscape plan shall incorporate dense foliage to screen the activities on the site.
- 6) A soil erosion and sediment control plan must be prepared by a suitably qualified professional in accordance with Part E1 Bankstown Development Control Plan 2005 and Development Engineering Standards and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 7) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 8) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 9) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

#### A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

#### WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles

- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$50,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.bankstown.nsw.gov.au](http://www.bankstown.nsw.gov.au)

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

## **CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION / SUBDIVISION WORKS COMMENCING**

- 10) The building / subdivision work in accordance with the development consent must not be commenced until:
  - a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
  - b. the person having benefit of the development consent has:
    - i. appointed a principal certifying authority for the building / subdivision work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    - ii. notified the principal certifying authority of any such appointment, and
    - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 11) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.

- 12) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 13) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 14) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.
- 15) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 16) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.
- 17) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the principal certifying authority for the work, and
  - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

## **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 18) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.

- 19) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 20) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA).
- 21) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

## **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 22) The occupation or use of the building or operation of the use of the site must not be commenced unless an occupation certificate has been issued for the building.
- 23) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.

## **USE OF THE SITE**

- 24) Maximum tonnage shall not exceed 30,000 tonnes and these volumes may require a licence with the Environment Protection Authority (EPA), Schedule 1 of the POEO Act 1997. Any increase above this threshold will require separate DA approval from Council.
- 25) Car parking spaces for twenty-three (23) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 26) The hours of operation of the use shall be limited to between 7am to 6pm on weekdays and 7am to 2pm on Saturdays and closed on Sundays and Public Holidays.
- 27) All loading and unloading of goods shall take place within the site or from the adjoining service lane in a manner that does not interfere with parking areas, driveways or landscaping.
- 28) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.

- 29) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 30) All chemicals shall be stored, handled and disposed of in accordance with:
  - a) AS 1940 – 2004 The Storage & Handling of Flammable and Combustible Liquids.
  - b) NSW EPA 'Storing and Handling Liquids, Environmental Protection, Participants Manual 2007'.
  - c) NSW EPA 'Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes 2004'.
- 31) All filtration devices for odour control shall be regularly maintained to prevent odour problems.
- 32) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 33) No signs or goods are to be displayed or trading of any description is to be carried out on the public road, public footway, utility service land, customer and/or employee parking area or the driveways or pedestrian walkways outside or in the immediate vicinity of the premises.
- 34) Identification number/s are to be conspicuously displayed at the front of the premises.
- 35) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 36) All industrial activities are to be confined within the building and no such activity shall occur externally to the building and this shall include loading and unloading, also storage of new and used materials.
- 37) The operations of the site shall be maintained in accordance with the Environmental Management Plan submitted to Council on 30 January 2015, prepared by Enviro Recycling, Violet St Revesby, Version 1, January 2015, including amendments to air, water, noise, waste, maintenance of equipment.
- 38) The proprietor shall maintain records of annual tonnage of materials to be processed and or stored on the premises. The records must be produced in a legible form to any Officer of Council or Environment Protection Authority (EPA) who asks to see them.

- 39) Storage of materials within storage bays shall not exceed the height of the bay. Elsewhere, storage of material shall not be closer than 3m from boundary.
- 40) All pollution control devices (including drainage systems, sumps and trays) shall be maintained regularly or as prescribed by the manufactures specifications.
- 41) Individual stored containers shall be bunded by continuous imperious secondary containment devices capable of holding 110% of the volume of the container being stored.
- 42) Multiple liquid containment (compatible liquids) shall be bunded by a continuous impervious secondary containment capable of holding 110% of the largest stored container.
- 43) Provide and maintain a spill kit located in an accessible area for the purpose of clean-up of small oil / chemical spills.
- 44) Noise from the premises shall not exceed 70 dBA from the nearest industrial boundary during the day period (7:00am to 6:00pm).
- 45) The proposed turning areas are to be painted on site in accordance with the approved plans and are to be kept clear of any obstacles, including parked cars at all times.
- 46) The maintenance / cleaning of equipment / bins and machinery shall be undertaken in a suitable dedicated bunded area not to allow spills to discharge to the stormwater system.
- 47) All load to and from the site shall be covered at all times.
- 48) Appropriate measures / procedures shall be implemented to prevent tracking of dirt.
- 49) All vehicles are to enter and leave the subject site in a forward direction.

## **SCHEDULE A: ADVICE TO APPLICANTS**

Inspection of building works shall be undertaken as determined by the PCA. If Bankstown City Council has been nominated as the PCA then details of inspection type and number required will be determined prior to the issue of a construction certificate.

Also, before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance to nearest cross street) for underground utility services information for any excavation areas.

For further information regarding this notice please contact Monica Samuel in Development Services on 9707 9090.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'MS', enclosed within a large, horizontal, loopy scribble.

**Monica Samuel**  
**DEVELOPMENT ASSESSMENT OFFICER**



## Notice of Determination of a Development Application

Environmental Planning and Assessment Act, 1979. Section 81(1)(a)

### Development Application No. DA-61/2015/1

Mr Carlo Di Giulio  
4/39 Martin Place  
SYDNEY NSW 2000

**Date of Determination:** 20 August 2015

**Determination Notice No.:** DA-61/2015/1

**Property:** Lot 1 DP 734866, No. 57 Violet Street,  
REVESBY

Bankstown City Council hereby Consents to the above described land being developed for the following purpose, subject to compliance with the conditions and requirements set out in the attached schedules.

**Description of Development:** Use of Premises as a Materials Recycling Yard  
- Section 82A Review

**Planning Instrument:** Bankstown Local Environmental Plan 2001  
Gazetted 17 May 2002

**Zoning of Property:** 4(a) - General Industrial

**Consent to Operate From:** 20 August 2015  
**Consent to Lapse On:** 20 August 2020

These conditions are imposed taking into account the matters for consideration in determining a Development Application pursuant to Section 79(C) of the Environmental Planning & Assessment Act, 1979 and other relevant Acts and Regulations.

**Notes:**

1. This Determination Notice operates or becomes effective from the endorsed date of Consent.



20 August 2015

Mr. Carlo Di Giulio  
4/39 Martin Place  
SYDNEY NSW 2000

Dear Mr. Di Giulio,

**APPLICATION NUMBER: DA-61/2015/1**  
**PROPOSAL: Use of Premises as a Materials Recycling Yard - Section 82A Review**  
**PROPERTY: Lot 1 DP 734866, No. 57 Violet Street, REVESBY**

I refer to your request seeking a review under Section 82A of the Environmental Planning and Assessment Act 1979 of Council's refusal of DA-61/2015 and advise that Council has changed its original determination and grants consent to the development subject to conditions. The Development Consent is attached.

If you have any enquiries, please contact Sindhu Kaphle in Development Services on 9707 9469 and please quote Council's application number.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Sindhu Kaphle".

**Sindhu Kaphle**  
**DEVELOPMENT ASSESSMENT OFFICER**

2. If you are dissatisfied with this decision, you may appeal to the Land and Environment Court pursuant to Section 97 of the Environmental Planning and Assessment Act, 1979.
3. Section 125 of the Environmental Planning and Assessment Act, 1979 confers the authority to direct any person to comply with the terms and conditions of any Consent and any person failing to comply with such a direction shall be guilty of an offence under that Act.
4. This consent will lapse 5 years from the endorsed date of consent unless the use has commenced, or any building works have physically commenced.
5. The applicant or any other person entitled to act on this Consent may apply to modify the Development Consent in accordance with Section 96 of the Environmental Planning and Assessment Act, 1979.
6. Failure to comply with a condition contained within this Development Consent may result in a fine or prosecution by Council.

## **CONDITIONS OF CONSENT**

- 1) The proposal shall comply with the conditions of Development Consent.
- 2) Development shall take place in accordance with Development Application No. DA-61/2015/1, submitted by Mr Carlo Di Giulio, accompanied by the following drawings and documents:
  - Drawing No. A.04, Issue E, dated 14 August 2015 and A.05 & A.06, Issue C, dated 16 June 2015, prepared by Christo Architects;
  - Statement of Environmental Effects, dated, June 2015, prepared by MarcoPlan Dimasi;
  - Traffic Impact Assessment, dated January 2015, prepared by Apex Engineers;
  - Acoustic Report, dated 29 January 2015, prepared by DK Acoustics Pty Ltd;
  - Environmental Health Compliance Report, dated January 2015, prepared by Jody White Consulting;
  - Stormwater Management Plan, dated 18 June 2015, prepared by envirotech; and
  - Emergency Response Management Plan, dated June 2015.

and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) The parking layout shall be amended generally as marked in red on the approved site plan to provide adequate space to retain the existing tree.

- 3) A separate application shall be submitted to Council prior to the erection of any signage unless the proposed signage is "exempt development" in accordance with Bankstown DCP 2005 – Part D1.
- 4) A detailed landscape plan shall be prepared by a qualified landscape architect or designer for the site. The landscape plan is to be prepared in accordance with the relevant DCP and is to show all features, built structures including retaining walls, irrigation, mulch and natural features such as significant gardens, landscaping, trees, natural drainage lines and rock outcrops that occur within 3 metres of the site boundary. The landscape plan shall consider any stormwater, hydraulic or overland flow design issues where relevant. In particular the landscape plan shall include the following planting to provide visual screening from the street:
  - Incorporate 1 x *Corymbia maculata* in a 400 litre pot size located 5m south of car space no. 5 as marked in red on the approved site plan.
  - Hedge planting within the proposed landscape area with hardy species like *Vibrunum sp.*, *Photinia sp.*, *Murraya paniculata*, *Westringia cvs.*
- 5) Approval in accordance with Council's Tree Preservation Order (TPO) is granted to remove 1 street tree affected by the proposed vehicle crossing subject to the replacement planting of 2 x *Corymbia ficifolia* (Dwarf Flowering Eucalypt) in 100 litre pot size at a location to be determined in consultation with Council's Tree Management Planner (Contact; Robert Kerr: 9707 9282).

Separate approval shall be obtained to prune or remove trees on adjoining properties or other trees located on the site. Failure to comply with Council's TPO may result in a fine of up to \$100,000.

- 6) The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agent details - see Building and Developing then Quick Check; and
- Guidelines for building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating

or telephone 13 20 92.

- 7) Finished surface levels of all internal works and at the street boundary, including driveways, landscaping and drainage structures, must be as shown on the approved plans. The levels at the street boundary must be consistent with the Street Boundary Alignment Levels issued by Council.

- 8) A Work Permit shall be applied for and obtained from Council for the following engineering works in front of the site, at the applicant's expense:
- a) A heavy duty VFC of maximum width of 12.5 metres at the property boundary.
  - b) Drainage connection to Council's system.
  - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
  - d) Repair of any damage to the public road including the footway occurring during development works.
  - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.

Note: As a site survey and design is required to be prepared by Council in order to determine the necessary information, payment for the Work Permit should be made at least twenty one (21) days prior to the information being required.

- 9) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to carrying out of works, a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

#### A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

#### WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.

- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.

For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath i.e. Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.bankstown.nsw.gov.au](http://www.bankstown.nsw.gov.au)

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 10) The developer must ensure that all stormwater runoff from all operational areas including those used for trafficking, dismantling, degreasing, washing and storage is not polluted with oil and sediments prior to discharge to Council's stormwater system.
- 11) The developer shall engage a suitable qualified Hydraulic Engineer to prepare a stormwater treatment plan to ensure and verify that all stormwater is directed to appropriately sized triple interceptor pits for the purpose of retaining grease, oil and sediments prior to discharging to the Council drainage system. Should the developer be required to upgrade the drainage system, to comply with this requirement, the developer must apply for a Construction Certificate prior to commencing any works on the drainage system.
- 12) The developer shall provide certification that the final built drainage system complies with the requirements in the above condition, prior to the issue of any occupation certificate or use of the development.
- 13) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 14) Suitable erosion and sediment control measures shall be erected prior to the commencement of construction works and shall be maintained at all times.
- 15) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 16) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 17) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 18) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 19) Prior to the commencement of work, the builder shall prepare a photographic record of the road reserve which clearly shows its condition prior to works occurring on site. For the entirety of demolition, subdivision or construction works, there shall be no stockpiling of building spoil, materials, or storage of equipment on the public road, including the footway and the road reserve shall be maintained in a safe condition at all times. No work shall be carried out on

the public road, including the footway, unless a Work Permit authorised by Council has been obtained.

- 20) Landscaping is to be installed in accordance with the approved landscape plan. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate. The landscaping shall be maintained for the life of the development.
- 21) The parking areas and entry/exit points need to be clearly delineated through line marking and signage to ensure smooth, safe traffic flow.
- 22) Any lighting of the premises shall be installed in accordance with Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting so as to avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads. Flashing, moving or intermittent lights or signs are prohibited. The intensity, colour or hours of illumination of the lights shall be varied at Council's discretion if Council considers there to be adverse effects on the amenity of the area.

## **USE OF THE SITE**

- 23) A maximum of 10,000 tonnes per annum of metals shall be processed on this site. The Proprietor shall maintain records of annual tonnage of materials to be processed and stored on the premises. The records must be produced in a legible form to any Officer of Council or Environment Protection Authority (EPA) who asks to see them.
- 24) Car parking spaces for five (5) vehicles shall be provided in marked spaces in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.
- 25) The hours of operation of the use shall be limited to between 8am to 5pm on weekdays and 8am to 12pm on Saturdays.
- 26) All loading and unloading of goods shall take place within the site in a manner that does not interfere with parking areas, driveways or landscaping.
- 27) There shall be no emissions of noise, smoke, smell, vibration, gases, vapours, odours, dust, particulate matter, or other impurities which are injurious or dangerous to health, or the exposure to view of any unsightly matter or otherwise.
- 28) All waste materials associated with the use shall be stored in containers located either within the building or behind screen walls in accordance with the approved plans.
- 29) All filtration devices for odour control shall be regularly maintained to prevent odour problems.

- 30) The use of the premises shall not contravene the *Protection of the Environment Operations Act 1997*. The operation of the premise shall be carried out in accordance with the requirement of the NSW EPA, where relevant.
- 31) Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times.
- 32) Waste liquids should be collected and stored for recycling or offsite disposal. Liquids should be adequately stored within bunded areas to ensure spills are easily captured and removed off site.
- 33) The developer must ensure that there is a maintenance plan to service the triple interceptor pits and that these pits are regularly serviced at a minimum of three month intervals. Records of servicing, including pump out and cleaning should be kept for inspection by Council.
- 34) The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background  $LA_{90, 15min}$  noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an  $LA_{eq, 15min}$  and adjusted in accordance with the NSW Industrial Noise Policy and Environmental Noise Control Manual.

- 35) The acoustic report submitted in support of this application, prepared by *DK Acoustics Pty Ltd* titled *Environmental Noise Impact Assessment, Proposed Metal Recycling Facility, 57 Violet Street, Revesby*, REF 141208, dated 29 January 2015 and the noise attenuation recommendations stated in the report form part of the development consent.
- 36) Any activity carried out in accordance with this approval shall not give rise to offensive odour, offensive noise or pollution of air, land or water as defined in the *Protection of the Environment Operations Act 1997*.
- 37) The Environmental Health Compliance Report submitted in support of this application, prepared by *Jody Houston of Jody White Consulting for Macro Plan Dimasi* dated January 2015 and recommendations stated in the report form part of the development consent.
- 38) All areas where scrap metal is to be stored is to be concreted and bunded to a minimum height of 400mm.
- 39) Stormwater from outdoor vehicle storage and car parking areas shall be collected into a pre-treatment device for the collection of waste from stormwater prior to discharge into the local stormwater system.

- 40) All chemicals shall be stored, handled and disposed of in accordance with:
- a) AS1940-1993. The Storage and Handling of Flammable and Combustible Liquids;
  - b) Department of Environment and Conservation's Environment Protection Manual for Authorised Officers: Technical Section (Bunding and Spill Management);
  - c) Department of Environment and Conservation's Guidelines titled "Assessment, Classification and Management of Liquid and Non Liquid Wastes 1999" and the Protection of the Environment Operations Act 1997.
- 41) Any works to motor vehicles are to be carried out wholly within the factory unit / building. All such works are to be conducted in a bunded area. No dismantling of any sort are to be carried out in the car park, outdoor areas or on the public road.
- 42) Covered, bunded work areas including workshops are to be graded into collection sumps and/or grated drains so that surface effluent generated within the workshop area is directed into a dedicated drainage system for treatment, storage and disposal and/or reuse.
- 43) If liquid wastes are to be disposed of to the sewer, a trade Waste Agreement from Sydney Water is to be obtained and provided to Council.
- 44) Damaged or leaking vehicles are to be stored within the unit / building to ensure no contaminants are washed into stormwater drains.
- 45) All new and used oils/lubricants are to be stored in sealed containers under cover, in a designated, bunded area while awaiting removal from the premises.
- 46) The business is to be operated in a manner so that no contaminants from the workshop are permitted to enter the stormwater drainage system by the washing down of work areas or the disposal of waste and spills.
- 47) The applicant shall enter into a commercial contract for the collection of wastes and recycling. A copy of the commercial waste and recycling contract shall be lodged with Council and invoices should be available for inspection at any time.
- 48) The vehicle storage yard shall be used for the storage of vehicles only. Recycling of vehicles and/or vehicle parts shall not take in this area.
- 49) The Emergency Response Management Plan report submitted in support of this application, titled *Emergency Response Management Plan, 57 Violet Street, Revesby* dated June 2015 the recommendations stated in the report form part of the development consent.

- 50) Spill kits, clean up facilities and equipment are to be provided to the premises in areas that are susceptible to spills, leaks and the like.
- 51) Industrial activities within the buildings shall be limited to the removal of car parts, tyres, oil and electrical components from vehicles.
- 52) Vehicles shall be transported around the site by forklift. No crane shall be used at the site for the moving and/or storage of vehicles.
- 53) Stack heights of stock piles shall not exceed nine (9) metres.
- 54) No more than four vehicles shall be stacked on top of each other at the site. The stacking of the vehicles shall be sufficiently setback from the side and rear boundaries to avoid any vehicle toppling onto the adjoining properties.

### **SCHEDULE A: ADVICE TO APPLICANTS**

For further information regarding this notice please contact Sindhu Kaphle in Development Services on 9707 9469.

Yours faithfully,



**Sindhu Kaphle**  
**DEVELOPMENT ASSESSMENT OFFICER**