

Mr Thomas Filipopoulos
2b Gladstone Street
NEWTOWN NSW 2042

NOTICE OF DETERMINATION

Development Application No.: 1/2002/DA-DE/C

Approval "Modification of Consent" issued under Section 96(2) of the Environmental Planning and Assessment Act 1979

This Consent will lapse unless the development is commenced within two years from the endorsed date of the original development consent or as otherwise provided under Section 95 of the Act.

Section 82A of the Act may allow an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination within 12 months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court within 12 months from the date of this notice.

Property:	Lot 1 DP 1013852, 13 Pembury Road, MINTO
Development:	Use of site as waste transfer station
Effective date of original determination:	14 December 2004

Details of this modification:	Increase annual handling capacity of operation from 15,000 tonnes to a maximum of 30,000 tonnes
Date of this modification:	10 June 2008
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	Nil

Brendan Leo
ACTING MANAGER DEVELOPMENT SERVICES
Contact: Rad Blagojevic – 4645 4929

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.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall take place in accordance with the approved development plans dated 18.08.04 containing Council's approved development stamp relating to development consent number 1/2002/DA-DE except as modified by this consent relating to approved development plan dated 18.08.04 (Revision B dated 08.03.06) draw by Smith Chan Robertson Architects containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent including:

- a. The construction of a 5 metre high masonry wall along the southern boundary of the property between the rear of Shed A and the rear property boundary. The masonry wall shall be designed, and certified upon completion, by a suitably qualified structural engineer and shall be finished and painted on the neighbouring property side at the sole cost of the developer to the written satisfaction of the owner of the neighbouring property.
- b. The weighbridge shall be relocated to sit beside the southern elevation of Shed A and all heavy vehicles shall enter and exit the property from the southern driveway. The northern driveway shall be for the exclusive use of light vehicles. Appropriate signposting shall be provided.

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. Landscaping

The provision and maintenance of landscaping in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

4. External Finishes

The external finishes shall be in accordance with the schedule of finishes submitted with this application. Any proposed alterations to these finishes are considered to be a modification to the development consent and require separate approval by Council.

5. Deliveries

Vehicles servicing the site shall comply with the following requirements:

- a. All vehicular entries and exits shall be made in a forward direction.
- b. All vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- c. All deliveries to the premises shall be made to the loading bay/s provided.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

6. Advertising Signs – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. You should make separate enquiries with Council prior to erecting or displaying any advertising or signage.

7. Storage of Goods

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

No external storage in the open yard or within areas identified for landscaping shall occur.

8. Security Fencing

All security fencing shall be established behind the required landscape areas and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

9. Bund Wall

A bund wall shall be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

10. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with *Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids*.

11. Trafficable Bund

A 100mm high trafficable bund shall be provided to all exits from the factory building so as to prevent the escape of any pollutants into Council's stormwater drainage system.

12. Graffiti Removal

The owner/lessee of the building shall be responsible for the removal of any graffiti from the building within 48 hours of the graffiti appearing.

13. Unreasonable Noise, and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid unreasonable noise, or vibration and cause no interference to adjoining or nearby occupants. 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.

14. Flood Level Controls – Industrial Development

This site is located within an area that has been identified as being at the risk of being affected by the 100 year ARI flood. The floor level control which affects this land is RL45.45m AHD on the southern boundary, RL45.10m AHD 100m north of the northern boundary, and RL44.65m AHD on the northern boundary. In the use of these premises, all reasonable action shall be taken to minimise damage to goods or equipment or other property stored in the premises in the event of floodwaters entering the premises from the Bow Bowing Channel.

15. Crushing of Concrete

This consent does not allow for the operation of crushing, grinding dismantling or otherwise reprocessing, moulding, finishing, polishing or manufacturing any materials on site.

16. Location of Stockpiles

Stockpiles are to be limited to the seven (7) storage bays provided as shown on the approved plans. Stockpiles of any size are not permitted in the unenclosed, open yard area.

17. Height of Stockpiles

Stockpiles situated within seven (7) storage bays provided as shown on the approved plans, are not to exceed 4.0m in height.

18. Visual Barrier

The approved structure, minimising the visual impact of the development, is to be maintained in good order at all times. Should the structure be damaged or fall into disrepair, the structure is to be replaced with a structure of the same design and colour. Any changes are to be the subject of a separate development application.

19. Oil Collection Device

An oil collection device is to be fitted before the entrance to the Gross Pollutant Trap to collect any oil spilt on the areas being serviced by the Gross Pollutant Trap.

20. Gross Pollutant Trap and Bio Retention System

The proposed Gross Pollutant Trap is to be maintained in good working order at all times to ensure their serviceability.

21. Pollution of Waters

The proposed use of the site are not to result in the pollution of nearby and adjoining waters.

22. Storage of Hazardous Goods

All hazardous goods are to be stored at a level above the Probable Maximum Flood Level.

23. Roads and Traffic Authority/Sydney Regional Development Advisory Committee

The following conditions have been provided by the Sydney Regional Development Advisory Committee:

- a. The eastern driveway off Pembury Road is to be between 8 and 10 metres to cater for turning movements of B-Doubles;
- b. All vehicles, including B-Doubles must be able to enter and leave the site in a forward direction;
- c. Aisle widths, parking bay sizes and loading bays are to conform to current Australian Standards AS2890.1-1993 and AS2890.2-1989;
- d. All roadworks and regulatory signposting associated with the development is to be at not cost to the RTA.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

24. Water/Electricity Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence of the following service provider requirements:

- a. *Sydney Water* - The submission of a 'Notice of Requirements' under Section 73 of the *Water Board (Corporation) Act 1994*.
- b. *Integral Energy* - A letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

25. Telecommunications Utility Services

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit written evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.

26. Waste Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, the relevant provisions of Council's *Waste Management Plan* is to be completed to the satisfaction of Council.

27. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval.

28. Pollution Control

Prior to the principal certifying authority issuing a construction certificate, the applicant shall provide engineering details to Council for approval of suitable gross pollutant trap(s) in accordance with the relevant guidelines of the DEC and DIPNR for the stormwater drainage system where it discharges to the stormwater drainage system.

29. Landscaping Bond

Prior to the principal certifying authority issuing a construction certificate, a bond or bank guarantee for the sum of \$10,000 is to be lodged with Council to ensure the effective establishment and maintenance of landscaping on site.

Twelve months after the issue of the occupation certificate, and the satisfactory completion and maintenance of landscaping, the applicant is responsible for applying to Council for the return of the bond or guarantee.

Should no request be made to Council for the return of the bond six years after the issue of the occupation certificate, the applicant is advised that Council will surrender the bond to the *Office of State Revenue*.

30. Traffic Committee

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposals for the construction of prescribed traffic control devices and traffic control facilities and all associated line marking and/or sign posting.

31. Stormwater Management Plan (Development)

Prior to Council or an accredited certifier issuing a construction certificate, a plan indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site, building/s and adjacent catchment, shall be submitted for approval. Floor levels of all buildings shall be above finished site levels and stormwater shall be conveyed from the site to the

nearest drainage system under Council's control. All proposals shall comply with Council's *Engineering Design Guide for Development (as amended)*.

32. Finished Ground Level

Prior to the principal certifying authority issuing a construction certificate, a contour plan prepared by a registered surveyor illustrating existing levels of the land shall be submitted as the land has been identified as being affected by the 1:100 year flood. The finished ground level of the site shall be a minimum level of RL44.95m AHD on the southern boundary, RL44.6m AHD 100m north of the northern boundary and RL44.15m AHD on the northern boundary.

33. Inundation by Flood Waters

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit plans and detailed hydrological and hydraulic calculations (all to AHD) prepared by an experienced practising hydraulics engineer in accordance with Council's *Engineering Design Guide for Development (as amended)* as it is considered that the subject development may be at risk of inundation by floodwaters due to overland flow affecting the property. The plans shall include details of:

- a. The calculated 100 year flows at this location and the extent of any inundation affecting the development;
- b. Any effect on adjacent properties, public or private, likely to be caused by the development; and
- c. Measures proposed to ensure compliance with Council's *Engineering Design Guide for Development (as amended)*.

In addition to the above:

- i. Site fill levels shall be at or above the calculated 100 year ARI level and habitable floor levels shall be in accordance with the freeboard requirements in accordance with *Council's Engineering Design Guide for Development (as amended)*.
- ii. Any filling required shall be undertaken in accordance with Council's 'Specification for Construction of Subdivision Road and Drainage Works' (*as amended*), AS3789 'guidelines for Earthworks for Commercial and Residential Development (*as amended*)', and the approved construction drawings.
- iii. Where finished floor and surface levels related to flooding are specified as above, a 'work as executed' plan certified by a registered surveyor shall be submitted to Council for approval prior to release of the occupation certificate.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

34. Erosion and Sediment Control

Prior to the commencement of any works on the land, erosion and sediment control measures detailed on the approved Erosion and Sediment Control Plan shall be fully installed/implemented.

35. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a. 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;
- b. Stating that unauthorised entry to the work site is prohibited; and
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent);
- d. Stating the approved construction hours in which all works can occur.
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s 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.

36. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- a. A public sewer, or
- b. If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or
- c. If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

37. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

38. Vehicular Access During Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided to minimise ground disturbance and prevent the

transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extending from the street, kerb/road to the site is to be provided as a minimum requirement.

39. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

40. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

41. Sydney Water

The approved development plans must be submitted to *Sydney Water* to determine whether the development will affect *Sydney Water* sewer and water mains, stormwater drains and/or easements. If the development complies with *Sydney Water's* requirements, the plans will be stamping identifying that no further works are necessary.

42. Structural Engineer Details

Prior to the commencement of any works, the submission to the principal certifying authority of all details prepared by a practicing structural engineer.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

43. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No Work.

44. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period in accordance with the requirements of the manual – *Soils*

and *Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

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

45. Fill Contamination

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority's* guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

46. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *'Soils and Construction (2004) (Bluebook)*. All haul roads and construction areas shall be treated/ regularly watered to the satisfaction of the principal certifying authority.

47. Industrial / Commercial Driveway and Layback Crossing

The applicant shall provide a reinforced concrete driveway and layback crossing/s to Council's *Industrial/Commercial Vehicle Crossing Specification and Engineering Design Guide for Development (as amended)*.

A separate application for this work, which will be subject to a crossing inspection fee, fixing of levels and inspections by Council, must be lodged with Council. Conduits must be provided to service authority requirements.

48. Associated Works

The applicant shall undertake any works external to the development made necessary by the development, including additional road and drainage works or any civil works required as directed by Council to make a smooth junction with existing work.

49. Redundant Laybacks

All redundant layback/s shall be reinstated to conventional kerb and gutter to Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and with the design requirements of the *Campbelltown (Sustainable) City DCP 2007 Volume 2*.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

50. Structural Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the submission of a certificate from a practising structural engineer certifying that the building has been erected in compliance with the approved structural drawings and relevant *SAA Codes* and is structurally adequate.

51. Completion of External Works

Prior to the principal certifying authority issuing an occupation certificate, all external works, repairs and renovations detailed in the schedule of treatment/finishes, landscaping, driveways, fencing and retaining walls to be completed to the satisfaction of the consent authority.

52. Maintenance Security Bond

Prior to the principal certifying authority issuing a subdivision certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of six months from the date of release of the subdivision certificate, whichever is the longer.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

53. Contaminated Land

Prior to the principal certifying authority issuing a subdivision certificate, the applicant shall ensure by way of soil testing by a *N.A.T.A.* registered laboratory that the land and any imported filling are free from contamination in accordance with the *Environmental Health Form Health Based Soil Investigation Levels - Soil Series No. 1* and a copy of the laboratory report shall be submitted to Council.

54. Public Utilities

Prior to the principal certifying authority issuing an occupation certificate, adjustments to public utilities required as a result of the development shall be completed at the sole cost of the applicant.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4608.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the building envelope unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

Advice 3. Disability Discrimination Act

Nothing in this consent is to be taken to imply that the development meets the requirements of the *Disability Discrimination Act 1992* (DDA1992). Where a Construction Certificate is required for the approved works, due regard is to be given to the requirements of the *Building Code of Australia* (BCA). However, your attention is drawn to the existence of the DDA1992 and that compliance with the various requirements of the BCA does not provide automatic compliance with the DDA1992. In this regard it is the sole responsibility of the owner, builder and applicant to ensure compliance with the DDA1992.

Advice 4. Retaining Walls

A separate development application shall be submitted and approved for any retaining walls that exceed 1 metre in height.

Advice 5. Buried Waste

Should buried materials/wastes or the like be uncovered during the excavation of footings or trenches on site works, Council is to be contacted immediately for advice on the treatment/removal methods required to be implemented.

THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE