

21 June 2013

ENQUIRIES: Mr K Berzins on 9725 0858

Fairfield City Council
C/- Don Fox Planning
PO Box 230
PENNANT HILLS NSW 1715

Dear Sir/Madam,

**NOTICE OF DETERMINATION OF SECTION 96
MODIFICATION NO. 5311.2 / 1995**
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

You are advised that the application to modify the subject application has been **APPROVED** pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979.

Property Description: PtL 1 DP: 515773, Lot 35 DP 3082, Lot 34 DP 657040, No. 2 Widemere Road, Wetherill Park.
Development Consent No.: 478/95 approved on 12 December 1996.
Description of Development: Road Materials Recycling Centre
Date of Determination of Modification Application: 21 June 2013

The subject Section 96 Modification Application proposing to erect a replacement pug mill in close proximity to the existing pug mill and subsequently de-commission the existing pug mill plant for removal from the site has been approved. Accordingly, Development Consent No. 478/95 has been amended as follows:

i. Condition No. 1 has been modified to read:

Development shall take place in accordance with the recommendations contained with the EIS as prepared by AGC Woodward-Clyde Pty Limited and the approved plans:-

- a. As amended in red by Council'
 - b. Excepting as modified by the following conditions; and
 - c. As modified by the Statement of Environmental Effects prepared by Don Fox Planning Pty Ltd dated March 2013.
- ii. The following conditions have been added to Development Consent No. 478/95 and reads as follows:

37. Unreasonable Noise and Vibration

The industry, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like. In the event of a noise or vibration problem arising at the time, the person in charge of the premises shall when instructed by Council, cause to be carried out, an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.

38. Foundation/Slab Certificate

Prior to operation, the applicant shall submit certification from a qualified engineer that the foundation/slab has been designed and constructed to withstand the proposed loads and ground conditions, in accordance with council's policies, guidelines and the relevant Australian Standards.

39. Erection of the Pug Mill

APPROVED PLANS

a. Compliance with Plans

The development shall take place in accordance with the approved development plans as prepared by Tylden Equipment & Space, job number 5665, drawing number 13008-001, issue D, dated 9 May 2013, except as modified in red by Council and/or any conditions of this consent.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

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

b. Construction Certificate Required

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

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

c. **Appointment of a Principal Certifying Authority**

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

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

d. **Notify Council of Intention to Commence Works**

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

e. **Sign During Construction**

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

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

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

PRIOR TO OCCUPATION OF THE DEVELOPMENT

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

f. **Interim / Final Occupation Certificate Required**

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

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

GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Fairfield City Council or an accredited certifier.

g. Compliance with Construction Certificate

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

h. Compliance with the Building Code of Australia

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

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

i. Administration Fee for the Lodgement of Certificates

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

j. During Construction or Demolition

During the construction or demolition period, the applicant must ensure that:

- i. There is provision of a trade waste service to ensure that all debris and waste material is removed from the site for the period of construction or demolition;
- ii. All plant equipment, fencing or materials of any kind is not placed or stored upon any public footpath or roadway; and
- iii. Any building work is to be carried out within the following hours.

1. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones. No work may be carried out on Sundays or public holidays.

Except that,

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

2. Monday – Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 5:00pm. No work may be carried out on Sundays or public holidays.

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

k. **Critical Stage Inspections**

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

Note: A \$600 on the spot fine will be issued for failing to request the Principal Certifying Authority to undertake the above inspections.

1. All other conditions of the subject consent remain unchanged.

The above modifications are made pursuant to Section 96 of the Environmental Planning and Assessment Act and in making these modifications Council is of the opinion that no person/s will be adversely affected. All other conditions of the consent which have not been modified remain in effect and must be complied with.

Your attention is drawn to Condition No. 1 of the consent which requires compliance with the Environmental Impact Statement (EIS) prepared by Woodward – Clyde Pty Ltd. Section 2.5.1 of the EIS envisaged a maximum processing capacity of 180,000 tonnes per annum for the Sustainable Resource Centre operation. The modifications to the consent contained in this notice do not change this maximum capacity.

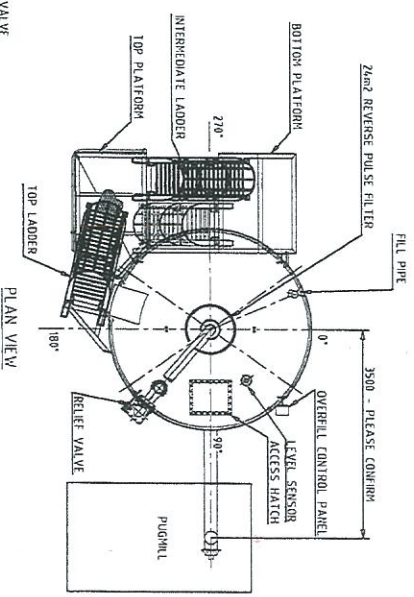
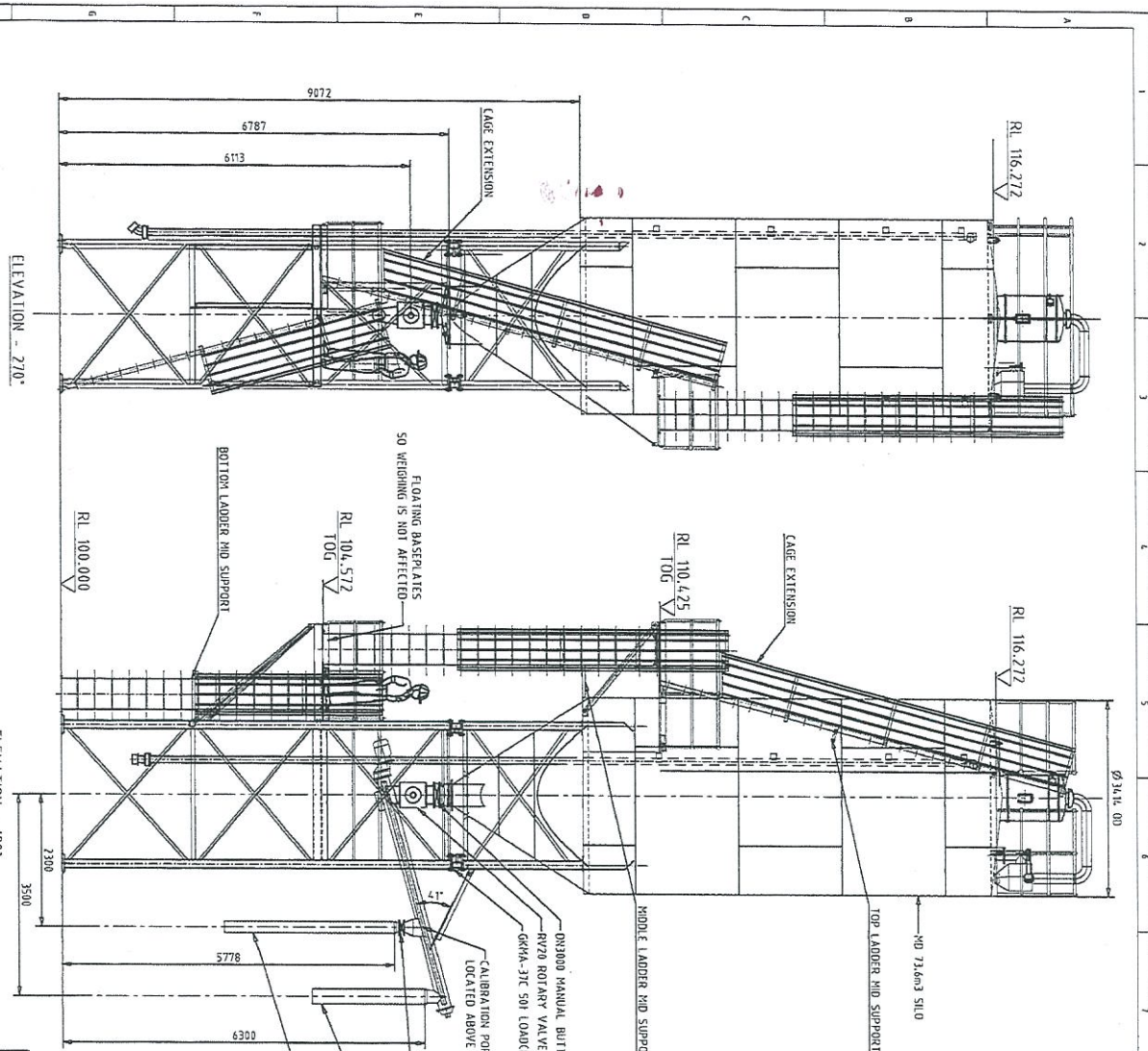
Pursuant to Section 96AB of the Environmental Planning and Assessment Act 1979, an applicant for the modification of a development consent, for which a council is the consent authority, may request the council to review a determination by the council under section 96 or section 96AA of the Act. Any application for a review must be lodged not later than 28 days after the date on which the application for modification was determined.

Pursuant to Section 97AA of the Environmental Planning and Assessment Act an applicant may seek a Right of Appeal to the Land and Environment Court if they are dissatisfied with the determination by the consent authority.

The modification of the Development Consent does NOT extend the period of the operation of the consent.

A handwritten signature in black ink, appearing to read 'George Vlamis', with a long horizontal flourish extending to the right.

GEORGE VLAMIS
MANAGER DEVELOPMENT PLANNING



ISSUED FOR CLIENT APPROVAL
PLEASE SIGN:

SECTION 06-EP&ACT 1979
REPRODUCTION NUMBER 79
5311.2195
FairfieldCity

GENI QUARRY & MINING MANUFACTURE
FACILITY 11-15 MAXWELL ROAD
POORAKA SA 5095



TYLDEN EQUIPMENT SALES
OFFICE & FACTORY TYLDEN ROAD KNECHTON 3444
P.O. BOX 605 KNECHTON 3444
Telephone (08) 5422 3072 Fax (08) 5422 3268

QRM NO 73.6m³ SLO & DN200 SCREW
GENERAL ARRANGEMENT

REV. NO.	DATE	BY	CHK	APP	DESCRIPTION
1	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
2	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
3	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
4	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
5	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
6	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
7	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
8	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
9	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
10	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
11	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL
12	15/01/15	AS	AS	AS	ISSUED FOR CLIENT APPROVAL & APPROVAL