

10 December 2019

ENQUIRIES: Ms H Tasdarian on 9725 0249

Safe Oz Australia Pty Ltd
Suite 7, 5-7 Ross Street
PARRAMATTA NSW 2150

Dear Sir/Madam,

**NOTICE OF DETERMINATION OF
DEVELOPMENT APPLICATION NO. 165.1/2019**
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

You are advised that the subject application has been **APPROVED** pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979 and is subject to the following conditions.

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| <i>Property Description:</i> | Lot 1 DP 515773, No. 2 Widemere Road, Wetherill Park. |
| <i>Description of Development:</i> | Proposed removal of trees, earthworks and the construction of an industrial building including the construction of an internal road and associated hardstand manoeuvring area, signage, drainage works and landscaping for the purpose of a drop-off Community Recycling Centre. |
| <i>Date of Determination:</i> | 09 December 2019 |
| <i>Date of Operation of Consent:</i> | 10 December 2019 |
| <i>Date Consent Will Lapse:</i> | 10 December 2023 |

APPROVED PLANS

1. Compliance with Plans

The development shall take place in accordance with the following approved development plans and reports:

- Architectural Plans as prepared by Eco Factor Pty Ltd, Job No. 1750, Revision C, dated 21 August 2019, Drawing Number DA-00 to DA-11 (inclusive);
- Stormwater Concept Plans as prepared by Safe Oz Consulting Engineers, Project Number 190216, Revision 1, dated 16 August 2019, Drawing Number S0 to S13 (inclusive);

- Landscape Concept Plan as prepared by William Manners, dated September 2019;
- Schedule of Finishes as prepared by Eco Factor Pty Ltd, dated 3 September 2019;
- Statement of Environmental Effects as prepared by MRA Consulting Group, Version No. 1, dated 6 September 2019;
- Arboricultural Impact Assessment and Tree Management Plan as prepared by Redgum Horticultural, Reference Number 5559, dated 15 August 2019;
- Traffic Report as prepared by McLaren Traffic Engineering, Reference Number 190113.01FA; and
- Stormwater Concept Plan, prepared by Safe Oz consulting engineers, Project Number 190216, Drawing Numbers S6, S7, S8, S11 and S13, dated 16 August 2019.

except as modified in red by Council and/or any conditions of this consent.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a Construction Certificate by a Certifier. The Certifier can be either Fairfield City Council or an Accredited Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a Construction Certificate.

2. Long Service Levy Fee

Prior to the issue of a Construction Certificate, a receipt for payment of the Long Service Levy (in accordance with the Building and Construction Industry Long Service Levy Payments Act 1986) shall be submitted to the Certifier.

The Long Service Levy is calculated at 0.35% of the value of building works, as is in force at the date of this consent. The rate of calculation is subject to change and should be verified (and adjusted) at the date of payment. Payment can be made to Fairfield City Council or direct to the Long Service Levy Corporation.

3. Stormwater Drainage Certificate

Prior to the issue of a Construction Certificate, a certificate from a suitably qualified person shall be submitted to the Certifier certifying that:

- a. Satisfactory arrangements have been made for the disposal of stormwater;

- b. The proposed development and alterations to the natural surface contours will not impede or divert natural surface water runoff so as to cause a nuisance to adjoining properties;
- c. The piped drainage system has been designed to an Average Recurrence Interval of not less than that in accordance with Council's Stormwater Management Policy - September 2017.

Note: Where Fairfield City Council is nominated to issue a Construction Certificate for stormwater drainage, the following details will be required:

- i. Full details of the proposed stormwater drainage system should be submitted. Details should include a full calculation schedule producing hydrologic and hydraulic grade line analysis (similar to that shown in "Australian Rainfall and Runoff", published by the Institution of Engineers, Australia), catchment plan, pipe sizes, discharge points, natural and finished surface levels, invert levels etc.
- ii. A Plan showing the natural surface and finished surface and finished surface contours to AHD should be submitted. The natural surface contours should be extended into the adjoining properties. The finished surface contours should be of such an interval as to give a true representation of the proposed regarding of the site. If so desired, the finished surface contours may be presented in red ink on a single print of a site plan that shows proposed finished surface spot levels.

4. **Construction Certificate (Engineering Approval)**

Prior to the issue of a Building Construction Certificate, a Construction Certificate (Engineering Approval) shall be submitted to the Certifier for the construction of the connection into Council's Stormwater Drainage System in accordance with approved plans and specifications.

For the issue of Construction Certificate (Engineering Approval), five (5) copies of plans and specifications giving full details of the design and construction shall be submitted with the application.

- a. Asphaltic concrete sealing of the pavement shall be undertaken in two stages:
 - i. Initial 25mm thickness of AC 10 to be laid by the developer and is to finish 25mm below the lip of the gutter.
 - ii. Final layer of 25mm AC 10 to be laid by the developer and is to finish 25mm flush with the lip of the gutter.

5. **Vehicular Crossing Application**

Prior to the issue of a Construction Certificate, a vehicular crossing application shall be submitted to and approved by Council. Access to the development shall be via a 12.5 metre crossing in accordance with Council's requirements. All vehicular crossings shall be located a minimum of one (1) metre from any utility pillar/pole.

6. **Erosion and Sediment Control Plan**

Prior to the issue of a Construction Certificate, an Erosion and Sediment Control Plan shall be submitted to and approved by the Certifier. The Erosion and Sediment Control Plan shall be prepared in accordance with the requirements of the Fairfield City Council's Erosion and Sediment Control Policy. The Erosion and Sediment Control Plan shall clearly show and demonstrate how erosion is to be minimised and how sediments are to be trapped on the site and prevented from escaping, transported, carried or discharged across and outside the boundaries of the site of the development or building activity.

7. **Sydney Water Consent**

The plans must be assessed by Sydney Water Tap in to determine whether the development will affect any Sydney Water asset and if any requirements need to be met. The plans will be appropriately stamped. All amended plans will require restamping.

Please refer to the web site <https://tap-in.sydneywater.com.au> for:

- See the Building plan approvals section on the Tap in site, and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building and developing then Building and renovating

Or telephone 13 20 92

8. **Final Stormwater Drainage Plan**

The Construction Certificate application shall include a final detailed stormwater drainage plan and specifications suitable for construction, prepared by a suitably qualified and experienced stormwater drainage consultant. The consultant's qualifications shall be included on the stormwater plan.

The final plan shall be in accordance with the stormwater concept plan noted in condition No. 1 above and shall comply with Fairfield City Council's Stormwater Management Policy 2017. The plan shall also include the following details:

- Gutter type, capacity designed for 1 in 100 year storm event

- Gutter Guard System
- Gutter levels
- Cleaning eye / pit levels
- Isolation pit at boundary with invert and surface levels
- Location and levels of any services in footpath
- Discharge point
- Pipe sizes, capacity and design flows in each section.
- Connection to Existing Council Pit.

9. **Landscape Plans Certified by Landscape Architect**

Prior to the issue of a Construction Certificate, a landscape plan prepared and certified by a qualified landscape architect and designed in accordance with Fairfield Council's Landscape Policy and the Arboricultural Impact Assessment and Tree Management Plan as prepared by Redgum Horticultural, Reference Number 5559, dated 15 August 2019 shall be submitted to Council.

Landscape plans shall contain the following information:

- a. Outline of the proposed building;
- b. Existing trees (height and location);
- c. Trees to be removed;
- d. Proposed planting (quantity, species, and expected mature height);
- e. Proposed earth mounding;
- f. Paths and paving (location and materials);
- g. The method of planting and the proposed maintenance program; and
- h. Details of lighting, fencing, seating and paving, where relevant.

10. **Updated Site Plan**

Prior to the issue of a Construction Certificate, an updated Site plan, demonstrating the following, shall be submitted and approved by the Manager of Development Planning at Fairfield City Council:

- a. The proposed driveway width and the sight distance requirement for the access driveway shall comply with the requirement of AS 2890.2:2002.
- b. The proposed driveway profile (grades and level) shall comply with the requirements of AS 2890.2:2002.
- c. The entry point of the driveway shall be at least 1 metre clear of power poles, telephone poles, street trees and metre boxes.

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 Certifier 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.

11. Construction Certificate Required

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

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

12. Appointment of a Principal Certifier

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

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

13. 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.

14. Kerb and Gutter Status Form

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

15. Erosion and Sedimentation Control

Prior to the commencement of any construction works on site, controls in accordance with **Chapter 3.12 of the Fairfield City Wide DCP 2013** shall be implemented prior to clearing of any site vegetation, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

The documented erosion and sediment control plan shall be available on-site for inspection by Council Officers and all contractors undertaking works on the site.

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

16. Toilet Facility

Prior to the commencement of any construction works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility or to an alternative sewage management facility (chemical closet) approved by Fairfield City Council.

17. Required Signage

For building, subdivision or demolition work that will affect the external walls of the building, signage shall be installed in a prominent position detailing:

- The name, address and telephone number of the principal Certifier for the work; and
- The name of the principal contractor (if any) of the building work and a telephone number on which that person may be contacted outside working hours; and
- Stating that unauthorised entry to the work site is prohibited.

This sign shall be maintained while the building, subdivision or demolition work is being carried out and must be removed when the work has been completed.

PRIOR TO OCCUPATION OF THE DEVELOPMENT

The following conditions of consent must be complied with prior to the issue of an Occupation Certificate by the Principal Certifier.

18. Occupation Certificate Required

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

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

19. **Works on Adjacent Roads**

Prior to the issue of an Occupation Certificate, the following works are to be completed:

- a. The footway adjacent to the development shall be regraded topsoiled and turfed in accordance with the approved levels.
- b. All redundant kerb laybacks shall be removed and replaced with Council's standard kerb and gutter. Any redundant crossings shall be removed and the footpath topsoiled and turfed.
- c. The proponent shall remove and replace all damaged or displaced path paving in Widemere Road.

All works to be carried out on adjacent lands under the control of Council, shall be in accordance with the standard requirements and specifications of Council.

20. **Works-As-Executed Plans for Stormwater Drainage**

Prior to the issue of an Occupation Certificate, Works-As-Executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved shall be submitted to the Principal Certifier.

21. **Interim Fire Safety Certificate**

Prior to the issue of an Occupation Certificate a fire safety certificate shall be submitted to and approved by the Principal Certifier.

Note: An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

22. **Adjustments to Public Utilities**

Prior to the issue of an Occupation Certificate, adjustments to any public utilities necessitated by the development are to be completed in accordance with the requirements of the relevant Authority.

23. **Building in Saline Environments**

The whole of the Fairfield Local Government Area is potentially saline affected, and as such appropriate design features and building materials need to be incorporated into the construction of buildings, to minimise the risk of salt damage.

Prior to the issue of an Occupation Certificate, documentary evidence shall be submitted to the Principal Certifier, certifying that the building has been constructed in accordance with Fairfield City Council's 'Building in Saline Environments Policy'.

24. Certification of Energy Efficiency Installations for Buildings Class 2 - 9

Prior to the issue of an Occupation Certificate, a certificate(s) shall be submitted to the Principal Certifier, certifying that the building has been constructed in compliance with the pertinent requirements of Section J – Energy Efficiency of the Building Code of Australia.

25. Landscape Certificate

Prior to the issue of an Occupation Certificate, a Landscape Certificate from a qualified landscape architect, certifying that the completed landscape works on site are in accordance with the updated landscape plan as required by Condition No. 10 shall be submitted to Principal Certifier and Fairfield City Council.

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 Certifier can either be Fairfield City Council or an accredited certifier.

26. 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).

27. Administration Fee for the Lodgement of Certificates

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

28. Demolition, Building and other Works

When demolition, building and other works are being undertaken on site:

- a. A trade waste service must be provided so as to ensure that all debris and waste material is removed from the site; and
- b. Plant equipment, fencing or other materials of any kind must not be placed or stored upon any public footpath or roadway; and
- c. Such works must only be carried out within the following hours:

Monday - Friday between the hours of 7:00am to 6:00pm and Saturday between 8:00am and 1:00pm in all zones.

No work shall be carried out on Sundays or public holidays. Except that,

Building works in a IN1 zone may be carried out within the following hours:

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: *Council may issue a penalty infringement notice for the amount imposed under the Environmental Planning and Assessment Act 1979, for any non-compliance with this Development Consent.*

29. Hoarding / Fencing

During construction, a hoarding or site safety 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.

If necessary, overhead protection is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

30. Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to the existing stormwater pit located Widemere Road.

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

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

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

31. **Critical Stage Inspections**

In accordance with Section 6.5 of the Environmental Planning and Assessment Act 1979 the Certifying Authority for this development is to inform the applicant of the Critical Stage Inspections prescribed for the purposes of Clause 162A of the Environmental Planning and Assessment Regulation 2000.

Note: Fines may be imposed if you fail to request the Certifying Authority to undertake the required mandatory inspections.

32. **Driveway Gradient**

- a. The driveways and manoeuvring areas are to be designed in accordance with Australian Standard AS 2890 part 2.
- b. The internal driveways and parking areas are to be designed in accordance with AS 2890 part 1.

33. **Unloading/dropping-off Waste Material**

All unloading activities and the dropping-off of waste material to the site shall comply with the following requirements:

- a. Each vehicle dropping off waste to the subject site shall be stopped within the designated loading zone located to the north of the subject building.
- b. All vehicles within the loading zone shall not stop for more than 10 minutes and shall not obstruct the flow of traffic into, within and out of the site.
- c. All waste material shall be placed into the appropriate waste receptacle.

34. **Waste Collection**

All waste collection activities carried out on 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. No articulated rigid vehicles shall be used for the servicing or operations of this development.
- d. Waste shall be collected from the site by heavy rigid vehicles with a maximum length of 12.5 metres only.
- e. Waste shall be collected from the site once per week.
- f. Waste collection vehicles are not permitted to enter the site during hours of operation listed in Condition No. 37.

35. **Landscaping to be Completed**

The provision and maintenance of landscaping in accordance with the updated landscape plan as required by Condition No. 10; including the engagement of a suitably qualified landscape consultant/contractor for landscaping works.

36. **Schedule of Finishes**

The development is to be constructed and finished in the materials and colours contained within the approved Architectural plans as prepared by Eco Factor Pty Ltd, Job No. 1750, Revision C, dated 21 August 2019, Drawing Number DA-00 to DA-11 (inclusive).

37. **Hours of Operation**

The approved hours of operation for the use of the premises are:

| | |
|------------|---------------|
| Wednesday: | 8:30 – 1:30pm |
| Sunday: | 8:30 – 3:30pm |

Note: The approved hours of operation shall be subject to review by Council in the event of any objections regarding noise nuisance etc. being received.

38. Use of the Premises

The use of the premises shall comply with the following requirements:

- a. The portion of the site not the subject of this approval shall be maintained in a clean and tidy state at all times.
- b. The use of the premises shall not give rise to “offensive noise” as defined under the Protection of the Environment Operations Act, 1997.
- c. Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners/occupants.
- d. If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act, 1997.
- e. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

39. Unreasonable Noise and Vibration

The community recycling centre, 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.

40. Waste Receipts

A permanent record of receipts for the removal of both liquid and solid waste from the site shall be kept and maintained up to date at all times. Such records are to be made available to Council’s Officers, upon request.

41. NSW Protection of the Environment Operations Act 1997

The use of the premises shall operate in accordance with the *Protection of the Environment Operations Act (POEO) 1997*. All activities and operations carried out shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined under the *Protection of the Environment Operations Act 1997*.

42. Spill Kit

A spill kit must be installed and maintained within the liquid storage areas at all times, to clean up any chemical spills or leaks.

43. Waste Storage Area

Waste materials must be adequately secured and contained within designated waste areas and shall be contained wholly within the building.

44. Maximum processing and storage capacity

- a. The maximum amount of waste to be stored on site at any one time shall be restricted to 5 tonnes.
- b. The community recycling centre shall accept and store a maximum of 125 tonnes of waste material on an annual basis.

45. On-site Manoeuvring

All on-site manoeuvring and traffic flow within the site shall comply with the following requirements at all times:

- a. The turning area at the eastern end of the site shall be designed to allow heavy rigid vehicle to efficiently turn around within the site.
- b. The drop-off area shall be signposted with 5-10 minute parking signs to facilitate the drop-off activities.
- c. Appropriate signs and line markings shall be installed to guide motorists manoeuvring into, within and out of the development and to minimise any potential conflicts between the users.

46. Compliance with Documentation

The development shall be constructed and operate in accordance with the requirements and recommendations of the following reports and documents:

- a. Statement of Environmental Effects as prepared by MRA Consulting Group, Version No. 1, dated 6 September 2019;
- b. Arboricultural Impact Assessment and Tree Management Plan as prepared by Redgum Horticultural, Reference Number 5559, dated 15 August 2019; and
- c. Traffic Report as prepared by McLaren Traffic Engineering, Reference Number 190113.01FA.

47. Tree Removal and Protection

The trees to be removed shall be replaced with appropriate species in accordance with the approved landscape plan as prepared by William Manners, dated September 2019.

The management and protection of the trees to be retained on site shall be carried out in accordance with the Arboricultural Impact Assessment and Tree Management Plan as prepared by Redgum Horticultural, Reference Number 5559, dated 15 August 2019.

ADVISORY NOTES

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

- **Covenants which may Affect this Proposal**

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

HOW LONG DOES THIS APPROVAL LAST?

Pursuant to Section 4.53 of the Environmental Planning and Assessment Act, 1979 physical commencement of construction works/use of the land, building or work is required within a five (5) year period from the issue of the date of consent after which time the approval will lapse.

WHAT RIGHTS OF REVIEW EXIST?

Pursuant to Division 8.2 of the Environmental Planning and Assessment Act, 1979 an applicant who is dissatisfied with the determination with respect to the matters relating to the EP & A Act, may within six (6) months from the date of determination, request Council, in writing, to review the determination.

WHAT APPEAL RIGHTS EXIST?

Pursuant to Section 8.10 of the Environmental Planning and Assessment Act, 1979 an applicant may seek a Right of Appeal to the Land and Environment Court within six (6) months from the date of consent if they are dissatisfied with the determination by the consent authority.

SUNNEE CULLEN
MANAGER DEVELOPMENT PLANNING