



DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

DESCRIPTION OF DEVELOPMENT

DA No.	DA12/0780
Description of development	Industrial - Alterations & Additions - Change of Use -Waste Management Facility
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ Class 8 and Class 10b

DETAILS OF THE APPLICANT

Name & Address	Worth Recycling Pty Ltd 458 Rocky Point Road SANS SOUCI NSW 2219
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NOTES

1. Your attention is drawn to the attached conditions of consent attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

DETAILS OF THE LAND TO BE DEVELOPED

Legal Description: Lot 300 DP 1143213
Property Address: 42-46 Charles Street ST MARYS NSW 2760

DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions implementation in attachment 1.

Date from which consent operates 31 October 2012
Date the consent expires 31 October 2014
Date of Decision 30 October 2012

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

REVIEW OF DETERMINATION & RIGHTS OF APPEAL

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

3. Right of Appeal if the application was for Designated Development
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

REASONS

The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

POINT OF CONTACT

If you have any questions regarding this consent you should contact:

Assessing officer	Hannah Van De Werff Graduate Environmental Planner
Contact telephone number	(02) 4732 7714

SIGNATURE

Name	Schandel Jefferys Principal Planner
Signature	

For the Development Services Manager

ATTACHMENT 1: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the following plans and documents:

Drawing Title	Drawing No.	Issue	Prepared By	Dated
Site Plan with proposed parking layout	WR005	-	KS	24 Sep 2012
Floor Plan, Side Elevation, Section Plan - Portable Buildings	-	-	Leased Portable Buildings	-
Statement of Environmental Effects	-	-	AECOM for Worth Recycling	6 Aug 2012
Addendum to Statement of Environmental Effects - re 'Designated Development'	-	-	AECOM for Worth Recycling	20 Aug 2012
Worth Recycling Information Package - Response to DA Queries	-	-	AECOM for Worth Recycling	27 Sept 2012
Waste Management Plan	-	-	AECOM for Worth Recycling	26 Sept 2012

and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 The building(s) shall not be used under any circumstances for any habitable residential activity.
- 4 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.
- 5 The operating hours are from 6am to 6pm Mondays to Fridays, 8am to 2pm Saturdays. [Delivery and service vehicles generated by the development are limited to these times.]
- 6 Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

- 7 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 8 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 9 Should more sensitive land uses be proposed for the site at any stage in the future, a further field based investigations by way of a Stage 2 ESA prior to commencement of site operations/redevelopment is to be conducted for assessment.
- 10 This consent permits the use and operation of the site within the constraints of Local Development (pursuant to the Environmental Planning & Assessment Act 1979 and the Environmental Planning & Regulation 2000) (i.e. Integrated Development and Designated Development).

Should the operation expand beyond the limitations of a 'Local Development', a new Development Application shall be lodged with Council for further assessment.

ENVIRONMENTAL MATTERS

- 11 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 12 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements. If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility. The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.
- 13 The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.
- 14 The site is only to accept soils that are managed under an Acid Sulfate Soils Management Plan approved by the appropriate consent or determining authority or the NSW Environment Protection Authority.
- 15 Storage, processing and treatment of acid sulphate soils is to be undertaken only within the enclosed shed marked as Area 1 on the Site Plan dated 24 September 2012 (Drawing Ref: WR005).

- 16 Lime slurry is to be stored only within the enclosed shed marked as Area 1 on the Site Plan dated 24 September 2012 (Drawing Ref: WR005).
- 17 Prior to transport off site, treated soil materials shall be contained within the enclosed shed marked as Area 1 on the Site Plan dated 24 September 2012 (Drawing Ref: WR005).
- 18 All treated acid sulphate soils are to be transported to a facility licensed by the NSW Environment Protection Authority to accept the material.
- 19 The mitigation and management measures stated in Section 8.0 of the 'Statement of Environmental Effects - Waste Management Facility, St Marys' prepared by AECOM Australia Pty Ltd dated 6 August 2012 are to be implemented and complied with at all times.
- 20 Only two pieces of plant are to be operational at any one time during soil treatment activities.
- 21 All potentially acidic water from the acid sulphate soils is to be captured through diversion drains and collected in a separate tank or pit on site. This water is to be transported off site and treated or disposed of in a lawful manner.
- 22 All waste materials are to be managed in accordance with the Waste Management Plan prepared by AECOM Australia Pty Ltd dated 26 September 2012.
- 23 Dust suppression techniques are to be employed to reduce any potential nuisances to surrounding properties.
- 24 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 25 Stormwater runoff from parking and open areas shall be suitably treated prior to discharge from the site. Stormwater pre-treatment devices shall be designed to remove pollutants as defined in Section C3 of Penrith City Council's Development Control Plan 2010.
- 26 All vehicle washing is to be conducted in a wash bay connected to the sewer in accordance with Sydney Water's requirements.
- 27 Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority **before the issue of the Occupation Certificate**.
- 28 Documentation, including receipts, is to be made available upon Council's request regarding the material received and processed at the site and its disposal. The documentation is to be kept on site at all times and is to be kept for a minimum of five years.
- 29 A detailed Environmental Management Plan (the Plan) is to be submitted to Penrith City Council and prepared to Council's satisfaction **prior to the issue of the Occupation Certificate**. The Plan is to address the environmental aspects of the development and is to include details on the environmental management practices and controls to be implemented on site. The Plan must be prepared by a suitably qualified person/s, in consultation with the relevant authorities and agencies and is to address but is not limited to the following:
- Air quality, including odour and dust management

- Waste management, including solid and liquid waste (including wastewater from treatment processes)
- Spill contingency and response
- Vehicle movements
- Stormwater management and drainage
- Noise control

All activities on the site are to be implemented and managed in accordance with the Plan. The Plan is to incorporate a review process that involves the consultation of Penrith City Council and other relevant authorities to ensure that it reflects current environmental best practice, standards and legislation. Penrith City Council must be satisfied with any changes prior to the amendment of the Plan.

- 30 All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunding is to be maintained at all times.

BCA ISSUES

- 31 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. 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:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - c) a combination of (a) and (b).
- 32 Access for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 33 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
- (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

CONSTRUCTION

- 34 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.
- 35 The following details are to be displayed in a maximum of 2 signs to be erected on the site:
- the name of the Principal Certifying Authority, their address and telephone number,
 - the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
 - that unauthorised entry to the work site is prohibited,
 - the designated waste storage area must be covered when the site is unattended, and
 - all sediment and erosion control measures shall be fully maintained until completion of the construction phase.
- 36 Signage but no more than 2 signs stating the above details is to be erected:
- at the commencement of, and for the full length of the, construction works onsite, and
 - in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Occupation Certificate has been issued for the development.**

- 37 **Prior to the commencement of construction works:**
- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
- a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or
 - alternatively, any other sewage management facility approved by council.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the

adjoining allotment of land, (includes a public road and any other public place).

- (d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
- if necessary, an awning 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, and any such hoarding, fence or awning is to be removed when the work has been completed.

38 Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval **prior to the issue of a Construction Certificate**.

39 Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

ENGINEERING

40 All parking spaces are to be provided, linemarked and maintained for the development, generally in accordance with the approved plans scheduled in Condition 1. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Parking spaces for persons with disabilities are to be provided in accordance with AS1428.1 and are to be located close to all pedestrian accessways / entrances to the main reception building.

41 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond is based upon the estimated value of the works with a bond of \$1,250 payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond

may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

42 Stormwater drainage from the proposed amenities building shall be discharged to the:

a) Existing site drainage system

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

43 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

44 **Prior to the issue of an Occupation Certificate** directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

All vehicles shall enter and exit the site in a forward direction.

LANDSCAPING

45 All vegetation and landscaping on the site shall be retained as part of the development and should be suitably protected in accordance with the minimum standards prescribed in section F4 of Council's Landscape Development Control Plan.

46 Existing landscaping is to be retained and maintained at all times.

CERTIFICATION

47 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the building/tenancy and commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the abovementioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

48 **Prior to the commencement of any earthworks or construction works on site**, the proponent is to:

- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Schandel Jefferys

Signature

For the Development Services Manager