

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA18/0589
Description of development:	Fit Out and Change of Use to a Waste Transfer Facility and Associated Signage
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 301 DP 860777
Property address:	137 Coreen Avenue, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	The Trustee Of The Society Of St Vincent De Paul (NSW) C/- Hawes And Swan Planning 35 Buckingham Street SURRY HILLS NSW 2010
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.17(1) (a) of the *Environmental Planning and Assessment Act 1979*, consent is granted subject to the conditions listed in attachment 1.

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

Date from which consent operates	23 July 2018
Date the consent expires	23 July 2020
Date of this decision	23 July 2018

POINT OF CONTACT

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

Assessing Officer:	Gannon Cuneo
Contact telephone number:	+612 4732 7774

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

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 or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

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.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this 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 this 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.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, waste management plan and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Title	Reference	Issue	Author	Date
Construction, Site & Waste Management Plan	18243/001	A	Ark Express	05/06/18
Elevations	18243/201	B	Ark Express	05/06/18
Sections	18243/202	A	Ark Express	02/05/18
Proposed Ground Floor Plan	18243/103	B	Ark Express	05/06/18
Sections and WC	18243/104	B	Ark Express	05/06/18
Signage	18243/501	B	Ark Express	05/06/18

- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development or approved by this consent, is to be submitted to Penrith City Council, complying with the requirements of *Penrith Development Control Plan 2014* and *State Environmental Planning Policy No. 64 - Advertising and Signage*.
- 4 The operating hours are from 8.00am to 3.30pm Mondays to Fridays and 8.00am to 4.00pm Saturdays. Delivery and service vehicles generated by the development are limited to the approved operating hours.
- 5 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 6 No signage is to be illuminated.
- 7 A minimum of 1 x staff member is to supervise operations at all times.
- 8 The development is shall not receive more than 200 tonnes of waste per annum. In the event that the site will receive more than the approved amount of waste, a development application shall be lodged and approved by Council to increase the operating capacity.

Environmental Matters

- 9 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

- 10 All wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 11 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 12 In the event that Council receives complaints regarding odours from the premises, an Odour Assessment and Odour Management Plan is to be submitted to Council which outlines mitigation measures to manage any odours resulting from the use of the premises. The Odour Assessment and Odour Management Plan is to be prepared by a suitably qualified and experienced professional.

BCA Issues

- 13 In accordance with the requirements of Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the following works are to be completed to ensure the fire safety of the occupants;
- All exit doors are to be fitted with latching devices that comply with Clause D2.21 of the Building Code of Australia (BCA); and
 - Handrails and balustrades are to comply with Part D2 of the BCA.
- 14 Access for persons with disabilities is to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility".
- 15 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.

- 16 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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Construction

- 17 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. 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.

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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

- 18 Mud, dust and soil from vehicular movements to and from the site must not be deposited on the road.

Engineering

- 19 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

- 20 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 21 **Prior to the issue of any 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.

Certification

- 22 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 above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

- 23 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.

- 24 You are advised that Penrith City Council's current adopted flood level for this location is RL 25.4m AHD. Council's adopted Flood Planning Level is RL 25.9m AHD (Flood Planning level = adopted flood level + 0.5m freeboard). The existing floor levels of the development vary from RL 25.64m to RL 25.94m AHD (approximately 0.24m - 0.54m above the standard flood level). Use of this development should reflect the flood risk.

SIGNATURE

Name:	Gannon Cuneo
Signature:	

For the Development Services Manager