

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA17/0896
Description of development:	Glass Recycling Facility
Classification of development:	Class 8

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 787827
Property address:	2115 - 2131 Castlereagh Road, PENRITH NSW 2750

### DETAILS OF THE APPLICANT

Name & Address:	5r Solutions Pty Ltd 2 Park Street SYDNEY NSW 2000
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### 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 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	22 May 2018
Date the consent expires	22 May 2020
Date of this decision	17 May 2018

### POINT OF CONTACT

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

Assessing Officer:	Pukar Pradhan
Contact telephone number:	+612 4732 7726

## NOTES

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### **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.

## OTHER APPROVALS

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### APPROVAL BODIES(Delete this section if not applicable)

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Environment Protection Authority	26 February 2018	Notice No.1557817	12	Protection of the Environment Operations Act 1997

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

### CONCURRENCE AUTHORITIES(Delete this section if not applicable)

CONCURRENCE AUTHORITY	DATE OF CONCURRENCE	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Roads and Maritime Services	2 May 2018	SYD18/00436	3	Roads act

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

Drawing Title	Drawing Reference	Prepared by	Dated
Site Layout Plan	A-01	5 R Solutions	07/07/2017
Plant Layout	A-01	5 R Solutions	07/07/2017
Warehouse plan and elevations and section	F10250 & F10250	Crane Enfield Metals Pty Ltd	11/12/85

- 2 A copy of the General Terms of Approvals, Notice Number 1557817 (EF17/12285) dated 26 February 2018 issued by the Environmental Protection Authority under the NSW Protection of Environment Operations Act 1997 shall be **submitted to the Principal Certifying Authority, before the Construction or the Occupation Certificate can be issued** for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction/Occupation Certificate, if Council is not the Principal Certifying Authority. The following conditions must also be satisfied:

- **Noise**

Data recorded by a Bureau of Meteorology meteorological station approved by the EPA must be used to determine meteorological conditions. Prior to the commencement of operation, the applicant must gain approval from the EPA as to which meteorological station will be used to obtain the meteorological data as required by the conditions in the General Terms of Approval below. The applicant must negotiate with the EPA as to whether Horsley Park or Penrith meteorological station will be used.

- **Waste**

The type of glass waste received at the facility is to be only plate, laminated and double-glazed glass. No putrescible matter or bottle glass is to be accepted or processed. These restrictions will be incorporated into the environment protection licence for the premises.

- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

- 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 2014 - Advertising Signs.

- 5 The operating hours are limited to from 5am am to 8pm pm Mondays to Fridays. Deliveries and pick up and mechanical works are limited to operate between 7am and 3:30pm, Monday to Friday.

- 6 All materials and goods associated with the use shall be contained within the building at all times.
- 7 The under cover vehicular access located on the western side of the warehouse is to be kept clear at all times.
- 8 A copy of the letter reference number SYD18/00436 dated 2 May 2018 with several recommended conditions issued by the Roads and Maritime Services shall be **complied with, before the Construction or the Occupation Certificate can be issued** to the development. The following conditions must also be satisfied:
- All car parking and manoeuvring must be in accordance with AS2890.1 - 2004; AS2890.2 - 2002; AS2890.6 - 2009 and Council's requirements and all vehicles are to enter and exit in a forward direction.
  - All vehicles are to enter and exit the site in a forward direction.
  - All vehicles are to wholly contained on site before being required to be stop.
  - Bicycle parking associated within the subject development should be in accordance with AS 2890.3 (Bicycle Parking Facilities).
  - A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
  - A construction work zone will not be permitted on Castlereagh Road.
  - A Road Occupancy Licence shall be obtained from Transport Management Centre for any works that may impact on traffic flows on Castlereagh Road during activities.
- 9 All of the waste generated from the operation shall be managed in accordance with the Waste Management Plan prepared by Jackson Environment and Planning Pty Ltd 2007 submitted with the development application at all times.

## Environmental Matters

- 10 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.

- 11 All excavated 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 submitted to Council.

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.

- 12 **Prior to the issue of an Occupation Certificate**, 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 bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning.

The storage and handling of flammable and combustible liquid and gas cylinders are to comply with AS 1940:2004 and AS 2030.1:2009.

- 13 The Pollution Incident Response Management Plan prepared by 5R Solutions dated 25 July 2017 shall be implemented at all times throughout operation of the facility.
- 14 **Prior to commencement of any construction works**, mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 15 A copy of the Environment Protection Licence issued by the NSW Environment Protection Authority under the Protection of the Environment Operations Act 1997 shall be submitted to the Principal Certifying Authority **before the commencement of the development**. Activities on the premises must be carried out in accordance with Environment Protection Licence No. 1557817, issued by the Environment Protection Authority. Should this licence be revoked, suspended or surrendered, an application for the continued use of the site is to be submitted to Council for consideration of matters contained in the licence.
- 16 The type of glass waste received at the facility is to be only plate, laminated and double-glazed glass. No putrescible matter or bottle glass is to be accepted or processed.
- 17 Operations, other than the movement of vehicles, are limited to the location of the proposed glass recycling facility as indicated in Figure 2.1 of the statement of environmental effects prepared by Jackson Environment and Planning Pty Ltd.

## BCA Issues

18 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.

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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.

19 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

20 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 when the Occupation Certificate has been issued for the development.

21 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

22 Stormwater drainage from the warehouse 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.



- 23 All car parking and manoeuvring must be in accordance with AS2890.1; AS2890.2; AS2890.6 and Council's requirements and all vehicles are to enter and exit in a forward direction.
  
- 24 All car parking spaces are to be sealed, line-marked and dedicated for the parking of vehicles only and not to be used for storage of materials/waste materials/etc.
  
- 25 Should future operation of the glass recycling facility require staff numbers to increase beyond the proposed 8 staff members, then additional car parking spaces must be accommodated onsite at that time to cater for the increase.
  
- 26 A Pedestrian Safety Risk Management Plan, addressing potential for conflict between circulating heavy vehicle traffic and pedestrians onsite, must be prepared and all recommendations of the plan complied with **prior to the issue of Occupation Certificate**.
  
- 27 Appropriate signage is to be displayed to reinforce designated vehicle circulation and parking arrangements.
  
- 28 Any requirements of the road authority, being Roads and Maritime Services for Castlereagh Road, are to be complied with in full by the applicant/developer.

## **Landscaping**

- 29 No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.
  
- 30 Existing landscaping is to be retained and maintained at all times.

## Certification

31 **Prior to the commencement** of any 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.

32 **An Occupation Certificate is to be obtained** from the Principal Certifying Authority on completion of all works and prior to the occupation and/or commencement of the use

**The Certificate shall not be issued if any conditions of this consent**, but not the conditions relating to the operation of the development, are outstanding.

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

## SIGNATURE

Name:	Pukar Pradhan
Signature:	

For the Development Services Manager