

**3 JUN 2014**

Benbow Environmental
PO Box 687
PARRAMATTA NSW 2124

NOTICE OF DETERMINATION

Development Application No.: 1113/2013/DA-DE

“Deferred Commencement” consent issued under Section 80(3) of the Environmental Planning and Assessment Act 1979

This Deferred Commencement Consent will lapse unless the items listed under Schedule 'A' of this document are completed to Council's satisfaction prior to the *Expiry date of this deferred commencement consent*. Notwithstanding this, where the items listed under Schedule 'A' of this consent have been addressed to Council's satisfaction within the prescribed time, the consent will lapse unless the development is commenced within two years from the *endorsed date of this determination* or as otherwise provided under Section 95 of the Act.

Section 82A of the Act may allow an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination within 6 months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court within 6 months from the date of this notice.

Property: Lot 16 DP 717203, 16 Kerr Road, INGLEBURN NSW 2565

Development: Use of premises for the storage, reprocessing and distribution of demolition materials

Expiry date of this deferred commencement consent: 3 December 2014

Endorsed date of this determination: To be advised

James Baldwin
MANAGER DEVELOPMENT SERVICES
Contact: Andrew MacGee – 4645 4566

DEFERRED COMMENCEMENT

You are advised that the subject application has been granted a "Deferred Commencement" consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979.

The applicant has been given a period of 6 months in which to provide the required information to satisfy the matters as listed in Schedule "A". Upon the submission of such evidence and the applicant receiving written notification that Council is satisfied, then the consent shall become operative subject to compliance with conditions outlined in Schedule "B".

Should the required information not be provided in the time period nominated above, the deferred commencement consent shall lapse.

SCHEDULE A

The conditions of Schedule 'A' are set out as follows:

- i. The applicant shall undertake the following works pursuant to consent 336/2006/DA-DE
 - Complete building works, including the concrete floor within the building erected pursuant to that consent;
 - Construct the concrete vehicle parking and manoeuvring areas required in accordance with the approved plans and condition pursuant to that consent;
 - Prepare and establish landscape tree plantings that are required pursuant to that consent;
 - Provide the engineering detail and certification required in Condition 26A;
 - Remove all items of equipment and storage of other products outdoors of any building that is not permitted by way of development consent condition or approved plan;
 - Provide all required acoustic abatement structures;
 - Re-form and finish the easements to drain water that burden the property in accordance with the restrictions on the land registered pursuant to Section 88B of the *Conveyancing Act 1919*;
 - Remove graffiti from the acoustic wall constructed along the site's eastern boundary; and
 - Receive certification to occupy the subject building, pursuant to Part 4A, Division 1 of the *Environmental Planning and Assessment Act 1979* and relevant clauses of the *Environmental Planning and Assessment Regulation 2000* or Sections 149A - 149E of the *Environmental Planning and Assessment Act 1979* and relevant clauses of the *Environmental Planning and Assessment Regulation 2000*.

The required works shall be completed to Council's written satisfaction.

Further, the applicant shall:

- Receive written clearance certification from the NSW EPA that the 'Clean-Up Action Notice' issued in 2013 has been completed to the Authority's satisfaction.

SCHEDULE B

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.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be carried out in accordance with the approved plans listed below, and all associated documentation supporting this consent, including the Environmental Impact Statement prepared by Benbow Environmental (ref. 110072_EIS-Final_rev2, released on 16 May 2013) except as modified in red ink by Council and any conditions within.

Drawing/Document No.	Prepared By	Date
110072_site_layout	Benbow Environmental	15 May 2013

2. Modification of Existing Consent

Prior to **any** operations commencing in relation to the subject development, development consent 336/2006/DA-DE shall be modified.

The modification shall be made in accordance with the requirements of Sections 80A(1)(b) and 80A(5) of the *Environmental Planning and Assessment Act 1979* and Clause 97(1) of the *Environmental Planning and Environment Regulation 2000*.

The modification shall be made:

- To amend the development description to remove reference to a 'masonry plant';
- To amend approved plan references to a 'masonry plant' or 'concrete factory';
- To amend references to a 'masonry plant' or 'concrete factory' in other conditions of consent;

The masonry production plant approved pursuant to consent 336/2006/DA-DE shall not proceed.

Should the applicant wish to pursue that activity on the site in the future, further development consent in relation to that specific use must be received prior to commencement of that undertaking.

3. Landscaping

Landscaping across the site shall be maintained in good order, regularly watered and fertilised in accordance with best practice guidelines for maintaining the health and vigour of the vegetation.

Dead or dying trees and shrubs shall be replaced.

The landscaping must be installed so as not to interfere with the drainage easements that burden the property.

4. Acceptable Waste

The materials acceptable to be received and processed at the site are as follows:

- Demolition waste (including masonry products, metals, timber, glass and fibrous cement, associated plastics and remnant amounts of soil).
- Scrap metals for sorting, storage and redistribution

The waste transfer, reprocessing and storage facility shall at no time accept more than 15,000 tonnes of waste per calendar year, as determined from the date of operations commencing at the site.

Records of the mass of waste accepted at the site for processing shall be kept and made available to Council and the NSW EPA for inspection upon request.

The acceptance, processing and storage of friable and non-friable asbestos-containing materials is prohibited.

5. Inspection and Recording of Waste

The applicant shall establish and operate a management procedure for the inspection of waste to be delivered at the site prior to its dumping within the building for sorting. The inspection shall record the waste to be received and shall also be undertaken to determine if any contamination (such as friable or non-friable asbestos) is contained within the load. The mass of waste accepted shall also be recorded and a cumulative total be made available for inspection at Council's request at any time.

The management plan shall detail an 'unexpected finds protocol' should asbestos-containing material or other chemical contaminants be detected during the recorded inspection or after dumping within the building.

The protocol shall be developed to ensure the safety of workers and to ensure that the contaminants are appropriately gathered, and removed as soon as possible from the reprocessing facility and dumped lawfully at an appropriately licensed facility.

Council may undertake inspections of the site and where appropriate, require the spot check of loads by an independent and suitably qualified industrial hygienist at the applicant's expense to ensure that no asbestos-containing material is being kept at the site.

6. Operational Environmental Management Plan

An Operation Environment Management Plan must be prepared to Council's written satisfaction and implemented prior to commencement of operation of the facility.

The Plan shall include, but not necessarily be limited to:

- Identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the facility, including all consents, licences, approvals and consultations;

- A description of the roles and responsibilities for all relevant employees involved in the operation of the facility;
- Overall environmental policies and principles to be applied to the operation of the facility;
- Standards and performance measures to be applied to the facility, and a means by which environmental performance can be periodically reviewed and improved; and
- Management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent.

7. Outdoor Storage and Operation

This consent does not permit or provide for the operation or storage of any goods or materials associated with the waste transfer and storage facility (including empty bins) outside of the building. All operations and storage must at all times be undertaken within the confines of the building.

8. Deliveries

Vehicles servicing the 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. All deliveries to the premises shall be made inside the building.
- d. All trucks entering and leaving the premises that are carrying loads must be sealed or covered at all times.

A traffic sign shall be placed adjacent to the driveway at the entrance of the property advising drivers of the above information. Should the sign be damaged or removed, it shall be replaced within 48 hours.

9. Advertising Signs

This consent does not permit the erection or placement of any advertising signage at the site. A separate application must be made and consent granted by Council (where applicable) prior to any signs being placed on the land in relation to the waste transfer and storage facility.

10. Security Fencing

The front security fencing shall be established at a setback of 3 metres into the site and not on the road alignments. No barbed wire style fencing is to be erected in a location that can be seen from a public place.

11. Bund Wall

All liquid storage areas shall be bunded to prevent any spillage entering into the stormwater system. The bunded area shall provide a volume equal to a minimum of 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

12. Storage of Flammable and Combustible Liquids

Flammable and combustible liquids shall be stored in accordance with Australian Standard 1940-(as amended) – The Storage and Handling of Flammable and Combustible Liquids.

13. Graffiti Removal

In accordance with the environmental maintenance objectives of 'Crime Prevention Through Environmental Design', the owner/lessee of the building shall be responsible for the removal of any graffiti which appears on the buildings, fences, signs and other surfaces of the property within 48 hours of its application.

14. Operating Hours

The use of the premises shall be limited to:

Monday to Friday 7.00am - 6.00pm
Saturday 7.00am - 4.00pm
Sunday Closed

15. Noise

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

Noise generated at the premises during the permitted operating hours must not exceed the noise limits presented in the table below. The noise limits represent the sound pressure level (noise) contribution at the nominated receiver locations in the table and include the concrete batching activities.

Receiver Identification	Predicted $L_{Aeq15minute}$ Noise Level	Combined Noise Level
2 Gordon Avenue	29	46
1 Redfern Street	27	40

To determine compliance with this condition, noise from the premises is to be measured at the most affected point on or within the residential boundary or at the most affected point within 30 metres of the dwellings where the dwelling is more than 30 metres from the boundary to determine compliance with the $L_{Aeq(15\text{ minute})}$ noise limits. The modification factors presented in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise level where applicable.

The noise emission limits apply under meteorological conditions of:

- a) wind speeds up to 3 m/s at 10m above ground level; or
- b) temperature inversion conditions of up to 3°C/100m and wind speeds up to 2 m/s at 10m above ground level.

In the event of a noise related issue arising, 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 its satisfaction.

16. Air Quality

The development, including operation of vehicles, shall be conducted so as to avoid the generation of dust and cause no interference to adjoining or nearby occupants.

The applicant shall fit and operate high speed roller doors, with rapid opening and closing to each of the openings of the building in which the waste processing facility would be located. The doors shall be closed at all times during which the processing facility is being operated, except to allow for vehicle entry and exit.

In addition to the above, the applicant shall ensure that all reasonable means are undertaken to minimise the transference of dust from the site during operations.

The measures include but are not limited to the following:

- a) operate so that there is adequate water supply for dust suppression;
- b) install and operate a water misting system that sprays water at a minimum rate of 0.5 litres per square meter of stockpile within the building during periods in which the stockpiles are being disturbed;
- c) operate with an aim of preventing wind blown dust from all sealed surfaces intended to carry vehicular traffic;
- d) operate to suppress dust at transfer points and discharge to the material stockpiles;
- e) operate to suppress dust during processing activities; and
- f) operate to suppress dust during front end loader activities at stockpiles or during loading operations.

17. WorkCover

At all times throughout the waste reprocessing and storage facility's operation, the applicant shall ensure that required work health and safety requirements as required by WorkCover and other agency standards are met. This may include hearing protection and the provision of personal protective equipment for staff and visitors.

18. Vehicle Washing

All vehicles leaving the site after delivering/dispatching materials must be subject to equipment or facilities to provide a cleaning process for the removal of materials from wheels and underneath the bodies of vehicles. The facilities must be designed and installed to:

- a. Prevent materials being carried from the premises to external surfaces; and
- b. Collect, treat and manage polluted water from any vehicle maintenance and truck wash areas in such a way that does not cause pollution of surface and ground waters.
- c. Be connected to Sydney Water's sewer in accordance with its requirements.

END OF CONDITIONS

THIS DOCUMENT HAS BEEN ISSUED WITHOUT ALTERATION OR ERASURE