

# DEVELOPMENT ASSESSMENT REPORT - DA173/13

## PROPOSED UPGRADE TO EXISTING DEPOT AND MATERIAL RECYCLING FACILITY, SEWERAGE TREATMENT WORKS SITE GEORDIE STREET LITHGOW NSW 2790

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### 1. PROPOSAL

Council is in receipt of a Development Application DA173/13 from RAY DUGGAN - JR & EG RICHARDS (NSW) PTY LTD C/- DUGGAN & HEDE PTY LTD for a PROPOSED UPGRADE TO EXISTING DEPOT AND MATERIAL RECYCLING FACILITY on land known as Lot 1 DP 125085, 'SEWERAGE TREATMENT WORKS' GEORDIE STREET LITHGOW NSW 2790.

The existing Geordie Street Depot has been used as a waste management depot for the Lithgow City Council waste contract for over 20 years.

As such, the proposal involves:

- Demolition of concrete bunkers and removal of the existing (sanitary) shed and demountable building;
- New buildings (for parking of trucks and future truck wash);
- New office and amenities building; and
- Associated sustainable plumbing and electrical works, pavement construction, landscaping, drainage and other ancillary works.

The truck wash is subject to a separate DA (DA178/13), as the development was referred to the Office of Water who had no objection.

The total site area is approximately 6ha, with the development to be located at the eastern portion of the site.

The hours of operation for truck movements to and from the site are currently between 5am and 6pm Monday to Saturday, whereas the activities at the waste industry site, which includes the sorting and piling of the recycling materials, operate on 24 hours 7 days a week.

The proposed development would benefit the property as it involves upgrade of the current facilities to be more modern and safer. The facility has also grown over the years and hence requires the upgrade works to facilitate the activities.

#### Previous DA's

DA 132/13 Portable Office

CC 007/11 Building/Civil Works

CC 019/08 Augmentation of Sewerage Treatment Plant

DA 010/07 Augmentation of Sewerage Treatment Plant

DACC 003/07 Storage Shed for Sewerage Treatment Plant

DACC 635/03 Upgrade Sewerage Treatment Plant

DA 60/96 Combined Storage Shed

BA 114/96 Shed

DA 25/95 Factory-Recycling Facility/Cleanaway

BA 38/95 Factory Additions (Recycling Facility)

BA 349/92 Recycling Shed



## 2. SUMMARY

To assess and recommend determination of DA173/13. Recommendation will be for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 125085 and Lot 1 DP 190934  
Property Address : 'SEWERAGE TREATMENT WORKS' GEORDIE STREET  
LITHGOW NSW 2790

**4. ZONING:** The land is zoned 1(a) General Rural in accordance with Lithgow City Local Environmental Plan 1994.

**5. PERMISSIBILITY:** The development being a waste management facility is considered permissible under Lithgow City Council's Local Environmental Plan 1994, subject to development consent.

### 5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Council's *Policy 7.6 – Development Applications on Council owned land* requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is to be dealt with under delegated authority. Given Council's ownership of this land, the proposal is reported to Council for determination.

### 5.2 FINANCIAL IMPLICATIONS (eg Section 94)

#### Councils Section 94A Contributions

C7 Are there any exemptions to the levy?

Council may consider exempting developments or components of developments from the Section 94A plan involved in the following applications:

*h) An application for or on behalf of Lithgow City Council for community infrastructure such as libraries, community facilities, child care facilities, sport and recreational facilities, recreation areas of car parks.*

**Comment:** The development is to be located on Council's land and would provide infrastructure that would improve Council's recycling facility. Therefore Section 94 Contributions do not apply to this development.

### 5.3 LEGAL IMPLICATIONS

#### Mine Subsidence Compensation Act 1961

The development is considered to be integrated under this Act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Mine Subsidence Board is required prior to Council being in a position to determine the application. Approval from the Mine Subsidence Board has been obtained and is discussed later in this report under "submissions made in accordance with the Act".

### **Rural Fires Act 1997**

The development is considered to be integrated under this act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Rural Fire Service is required prior to Council being in a position to determine the application. Approval from the Rural Fire Service has been obtained and is discussed later in this report under “submissions made in accordance with the act”.

### **Environmental Planning and Assessment Act 1979**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

#### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow City Local Environmental Plan 1994***

LEP 1994 – Compliance Check		
	Clause	Compliance
9	2(a) zoning table	Yes
29	Flood liable land	Yes
30	Land subject to bushfire hazards	Yes

**Comment:** The development is permissible within the zone as the usage is existing and would not change; the property would remain as Lithgow’s Waste Facility. The development is further compatible with the surrounding uses being for industrial purposes.

The development is not located on prime crop or pasture land nor considered a locality of significance for nature conservation.

The site is located within the flooding area. The existing main building and truck park building have a finished floor level of 903.65m AHD. The proposed office, truck park and truck wash buildings would be constructed to the same floor level as these buildings. As such the floor levels are above the flood level being 903.600m AHD.

The property is located within the bushfire zone. A bushfire management plan was submitted with the application and was referred to the Rural Fire Service whose comments are found later in this report.

#### ***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

SEPP(Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	Yes

**Comment:** The application required the concurrence of the Sydney Catchment Authority (SCA), being outside the limitations of the online NorBE tool. The SCA provided the following comments:

“Based on the SCA’s site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any

development consent and are subsequently implemented. The Chief Executive would therefore concur with Council granting consent to the application subject to conditions being imposed”

The SCA has provided a number of conditions if the development is approved. These can be found under ‘submissions’ which are located later in this assessment.

### **State Environmental Planning Policy (Rural Lands) 2008**

SEPP (Rural Lands) 2008 – Compliance Check		
	Clause	Compliance
7	Part 2 Rural Planning Principles Rural Planning Principles	Yes

**Comment:** The site is not presently used for agricultural use due to the existing waste management operations. The development is not proposed to change therefore the development would not impact on any agricultural land.

### **State Environmental Planning Policy 44 – Koala Habitat Protection**

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies.

Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

The SEPP provides the following definitions:

**core koala habitat** means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

**potential koala habitat** means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA.

Clause 17 of the SEPP states that Council's must take into consideration the guidelines that are relevant to the exercise of the function.

The Draft SEPP 44 Guidelines (1996) by NPWS allows the following courses of action:

#### **4. Facilitation of certain development proposals**

*Having undertaken a review of existing information and some preliminary site investigations, an applicant may, with the written agreement of the consent authority and following advice from the NPWS, adopt one of the following courses of action.*

- (i) *Conclude that an area does not contain koala habitat by virtue of its nature or location (for example, the site is devoid of trees or located in the centre of a CBD) and that there is no need to proceed further with the SEPP 44 assessment.*

- (ii) Conclude that the proposed development, by its nature, would not alter the situation presently existing on the site for koalas and koala habitat (for example, minor extension to a dwelling).

**Comment:** Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

### State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 – Compliance Check		
	Clause	Compliance
Division 23	Waste or resource management facilities	Yes

**Comment:** The development complies with the above SEPP as the development is for the purpose of waste management which is defined as a type of industrial usage.

Further Council's 1(a) zone is equivalent to the RU1 zone under the SEPP which the development is permissible in the zone. The SEPP also overrides Council's LEP if the development was prohibited.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

### Councils Draft Lithgow City Local Environmental Plan 2013

Council's Draft LEP 2013 – Compliance Check		
	Clause	Compliance
	SP2 Infrastructure	Yes

**Comment:** The development is for the continued use of the Lithgow Council's Waste Facility and is therefore permissible under the Draft LEP 2013.

5.3.3 Any Development Control Plan

### Industrial Development Control Plan

Industrial DCP – Compliance Check		
	Clause	Compliance
<b>Part C</b>	Development Standards	Yes
<b>4.1</b>	Design and Appearance	Yes
<b>4.2</b>	Landscaping	Yes
<b>4.3</b>	Parking and Access	Yes
<b>4.4</b>	Setbacks	Yes
<b>4.5</b>	Storage Areas	Yes
<b>4.6</b>	Advertising Signs	Yes
<b>4.7</b>	Drainage	Yes
<b>4.8</b>	Security Fencing	Yes
<b>4.9</b>	Additional Requirements-Adjoining Residential Areas	Yes
<b>4.11</b>	Garbage and Trade Refuse-Storage and Collection Areas	Yes
<b>4.12</b>	Soil and Erosion Control	Yes
<b>5.0</b>	Requirements for Rural Zones	Yes

**Comment:** External walls of the new building would be profiled colour-treated cladding. The new building would further be located in excess of 100m from the street frontage. Side and rear elevations would not be visible from residential dwellings.

The entrance road from Geordie Street is currently landscaped with mature trees. Open storage areas are already sufficiently screened and are not visible to the public. No additional landscaping is proposed to the carparking areas, given the site configuration and that the site is not accessible to the general public.

A landscape plan was submitted with the application and shows that landscaped areas are provided to the southern elevation of the proposed office building.

Vehicle parking is provided for seven parking spaces, which is considered satisfactory for the current and proposed operations. Parking spaces would mainly be utilised by staff, as trucks would be located within a separate location on the site.

Sufficient truck parking spaces have been provided to accommodate the waste collection vehicles on site for overnight parking.

Building height and bulk would not be excessive and commensurate with the nature of the operations on the site. The height of the existing buildings do not exceed 8.8m, with all new buildings works proposed would be below this level.

No advertising signs are proposed as part of this application.

Site stormwater management is considered and would be appropriately managed for the development.

Security fencing is already located on the premises.

There are no directly adjoining residential areas, with the development envelope being approximately 350m to the nearest residential dwelling to the west.

An area has been set aside for refuse and storage collection.

### **Off Street Carparking Development Control Plan**

Off Street Carparking DCP – Compliance Check	
Clause	Compliance
Industrial Development	Yes

**Comment:** Council's Off Street Carparking DCP does not contain controls that specifically relate to a waste disposal facility. Therefore it is considered that the development can be assessed on its merits.

As such, it is considered there is sufficient parking spaces for the development as previously described within this report.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

### 5.3.5 Any matters prescribed by the regulations that apply to the land

The development includes demolition works, therefore the development was referred to Council's Building Surveyors whose comments are found later in this report.

### 5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Access, carparking and Traffic:** Access to the facility is via an existing entrance via a private access road off Geordie Street. It continues as a sealed pavement to the location of the existing buildings.

Collection vehicles would be garaged within the existing and new buildings. Sealed parking will also be provided for 7 cars, plus one disabled carpark.

The facility currently utilises and stores 5 trucks. The number of trucks will remain but the company will buy new trucks which are proposed to be larger and hence more efficient in collection cycles.

As such the development would not impact on access, carparking or traffic.

**Adjoining Landuse:** Council's dog pound is located to the south of the site, Turners Crane Hire depot is on the other side of the private access road to the east and south-east of the site. Council's wastewater settlement ponds are located to the north and northwest of the site, while Council's sewage treatment plant is approximately 500m to the north of the site. Council's landfill is also located within the vicinity.

The nearest residential dwellings are located approximately 350m to the west and 550m to the east of the proposed development.

As such the scale of the proposal is very similar to surrounding developments.

**Services:** The site is currently serviced by reticulated water, sewer, telephone and electricity. The development was referred to Council's water and sewer officer whose comments are found further in this report.

Translucent sheeting will provide natural light within the new building along with electrical lighting.

**Landscaping:** The site has previously been cleared with limited vegetation scattered outside of the existing development footprint. Landscaping is proposed to be undertaken with the new works. A landscaping plan was submitted with the application. The property is highly disturbed with the proposal not requiring any tree removal or other physical work within vegetated/landscaped parts of the site.

**Flora and Fauna:** The site is not identified as being within any fauna habitat or corridor. The development would further not impact on flora, threatened species or communities.

**Safety and Security:** The site is fully fenced with a 1.8m high chain wire fence for site security, which will be maintained for the development.

**Privacy, Views and Overshadowing:** The development is surrounded by non-residential land uses. There would be no privacy, views and overshadowing impacts

on adjoining landowners, given the distance of the proposed development to the residential zone.

**Drainage:** The site is relatively flat and drains from north to south. Existing water runoff tends to be an overland flowpath to the south-east of the existing main building.

**Bushfire:** the property is located within the bushfire zone. A bushfire management plan was submitted with the application and was referred to the Rural Fire Service whose comments are found later in this report.

**Flooding:** The site is located within the flooding area. The existing main building and truck park building have a finished floor level of 903.65m AHD. The proposed office, truck park and truck wash buildings would be constructed to the same floor level as these buildings. As such the floor levels are above the flood level being 903.600m AHD.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soils or contamination problems.

**Social and Economic Impact:** as the proposed development will be generally in keeping with the provisions of the planning instruments and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for industrial pursuits. Therefore, the size and nature of the development will be consistent with those in the surrounding area.

The property is located within the flooding and bushfire zone. As stated above, management strategies to minimise these impacts have been supplied with the application.

Hence, the site is considered to be suitable for the proposed development. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding residential amenity.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to the Rural Fire Service (RFS), The Sydney Catchment Authority (SCA), Council's Building Surveyors, Council's Water and Waste Water Officer and Environmental Officer for commenting. The proposal was also sent to adjoining neighbours and placed on public display in Council's Administration Building for a period of 14 days.

### **NEIGHBOUR NOTIFICATION**

During the neighbour notification period no submission were received.

## **RURAL FIRE SERVICE (RFS)**

Reference is made to Council's letter dated 21 August 2013 seeking advice regarding bush fire protection for the land use application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity a 40 metres APZ shall be maintained around the buildings as per the 'Fire Management Plan' prepared by Duggan & Hede, and shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Landscaping**

3. Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

## **THE SYDNEY CATCHMENT AUTHORITY (SCA)**

Reference is made to Council's letter received 22 August 2013 requesting the concurrence of the Chief Executive under Clause 11 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (the SEPP) with a proposal for the upgrade to an existing depot and material recycling facility.

The subject property, which has been inspected by the Sydney Catchment Authority (SCA), is located within the Warragamba catchment which forms part of Sydney's water supply.

The Statement of Environmental Effects (SEE) including Water Cycle Management Study (Appendix C of the SEE) and the Site Plans both prepared by Duggan and Hede Pty Ltd (dated August 2013) have been considered in the assessment of the application.

The SCA notes that stormwater management include a 45 cubic metre runoff control pond with a 0.5m depth. The proposed depth of the pond is comparatively less than the typical depth of 1.5m therefore the SCA requests that Council considers increasing the size of pond to provide a greater capacity to deal with large storm events.

**Council's Comment:** in relation to the above paragraph, Council considers that the depth of the pond is sufficient for the development as the proposed development works are considered minor to the current structures and activities on the property.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The Chief Executive would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

### **General**

1. The site layout and works shall be as specified in the Statement of Environmental Effects (dated August 2013) and shown on the Site Plans (Drawing No. JR282-10-01; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd. There shall be no change to the layout or external works without the prior agreement of the Sydney Catchment Authority.

*Reason for Condition 1- The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

### **Stormwater Management**

2. All stormwater treatment and management measures shall be implemented as specified in Appendix C - Water Cycle Management Study of the Statement of Environmental Effects and shown on the Proposed Site Catchment Plan (Drawing No. JR282-10-09; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd, except where varied by these conditions.
3. Rainwater tanks shall be installed to collect roof runoff and shall meet the following specific requirements:
  - a minimum total capacity of 10,000 litres to collect roof runoff from the existing and proposed truck parking areas
  - a minimum total capacity of 22,500 litres to collect roof runoff from the existing main building and the future truck washing building (subject to a separate development application DA178/13 currently being processed)
  - be plumbed to toilets, showers and areas of non potable use, including landscape irrigation
  - the roof and gutters of the buildings shall be designed such that roof runoff is captured in the rainwater tanks, and
  - all rainwater tank overflow shall be directed to a runoff control pond.
4. All stormwater runoff from the site, including the rainwater tank overflow via a grassed swale and a concrete spoon drain, shall be directed to the runoff control pond. The pond shall be located, designed and constructed as shown on the Proposed Site Catchment Plan (Drawing No. JR282-10-09, Rev. B, dated 08/13) prepared by Duggan and Hede Pty Ltd, and shall incorporate the following specifications:
  - have a minimum surface area of 90 square metres and a minimum volume of 45 cubic metres
  - a minimum total depth of 0.5 metres
  - inlets and outlets incorporate a scour protection, and

- have adjacent signs erected, advising of their stormwater quality management function.
5. The pond shall be constructed after all hardstand areas have been sealed and all ground surfaces have been stabilised, and shall replace any temporary construction-phase sediment basin.
  6. No variation to the stormwater management shall be approved without prior agreement with the Sydney Catchment Authority.
  7. All stormwater management measures shall be inspected and certified by the stormwater consultant (or consultants approved by the Sydney Catchment Authority), as having been constructed or undertaken as specified in these conditions.

*Reason for Conditions 2 to 7 - To ensure appropriate stormwater management and quality control measures are installed and managed to ensure a sustainable neutral or beneficial impact on water quality particularly during wet weather over the longer term.*

### **Operational Environmental Management Plan**

8. An Operational Environmental Management Plan (OEMP) for the site shall be prepared (or if there is an existing OEMP, it shall be updated) in consultation with the Sydney Catchment Authority by a person with knowledge and experience in the preparation of such plans. The OEMP shall be finalised prior to the commissioning of the new buildings and shall include, but not be limited to, the following:
  - an inspection and maintenance program for all stormwater structures, including the rainwater tanks, pits, pipes, grassed swale, concrete spoon drain and pond, and
  - detail the role and responsibilities for the monitoring and maintenance of the stormwater structures.

*Reason for Condition 8 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.*

### **Construction Activities**

9. A detailed Erosion and Sediment Control Plan is required for all works proposed or required as part of the facility upgrade. The Plan shall be prepared by a person with knowledge and experience in the preparation of such plans and shall meet the requirements outlined in Chapter 2 of NSW Landcom's 'Soils and Construction: Managing Urban Stormwater' (2004) manual - the "Blue Book" and shall be to the satisfaction of Council.
10. Effective erosion and sediment controls shall be installed prior to all construction works including earthworks for the buildings. The controls shall prevent sediment and contaminated water leaving the construction site or entering roadside drains, and shall be regularly maintained and retained until works have been completed and groundcover established or ground stabilised.

*Reason for Conditions 9 & 10 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

## **COUNCIL'S BUILDING SURVEYORS**

I refer to your request for comments on the subject development.

The existing building has a gross floor area of 52.5m. Under table C1.1 the building would require Type C construction. The building would stand greater than 3m from a fire source feature and is within the minimum fire compartment requirements for type C construction. There is no requirement for external walls to be constructed in fire resistant construction.

The applicant has not nominated Council as the PCA at this juncture. Other issues such as the requirements of Part D3 of Volume One of the Building Code of Australia for Access for persons with a disability including full details of the accessible closet and Part J need to be taken into consideration and will form part of the documentation considerations required for the construction certificate.

It is noted that the proposal does not detail linkages between the car parking area and the proposed office building. These, including tactile surface markers will need to be included in the Construction Certificate documentation. It is also noted that the land is flood liable and bush fire prone. Planning for Bushfire 2006 does not have requirements for the Class 8 buildings. Further consideration of the flood liable development would be part of the planning assessment.

It also appears that the principle access to the site is from the non-public road leading to the tip site.

### **Recommendations**

That any development consent granted by Council be inclusive of the following recommended conditions:

### **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.

### **Approved Development**

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

### **Building Code of Australia**

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

### **Construction Certificate – Building**

3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

### **Signage**

4. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact

numbers

### **Stormwater**

5. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed by an approved means. All discharges shall be maintained for the life of the development and shall be directed to the approved infrastructure. The disposal system is not to adversely impact on adjoining properties and is to be completed prior to the issue of a final occupation certificate.

**Note: Where water harvesting tanks are incorporated in the system they shall contain an overflow that discharges to the principal stormwater disposal system.**

### **PRIOR TO COMMENCEMENT OF ANY WORKS**

#### **Notification of commencement of Building work**

6. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

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. These conditions are to be complied with during the construction of the development on site.

#### **Construction Work Hours**

7. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

#### **Compliance Certificates**

8. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period.

#### **Excavation and Backfilling**

9. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works 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:

- a. Must preserve and protect the building from damage; and

- b. If necessary, must underpin and support the building in an approved manner, and
- c. Must, at least seven (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 owner of 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, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the issue of an occupation certificate either by Lithgow City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted prior to the issue of the Occupation Certificate.

### **Approval to use structure**

- 10. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
- 11. A final inspection of the sanitary plumbing and drainage installation is to be made and accepted by Council as the duly authorised Plumbing and Draining Regulator to be in accordance with required provisions prior to the issue of an Occupation Certificate.

## **ADVICE AND NOTES**

As Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal and sanitary external drainage prior to covering.
- b. Hot and cold water plumbing prior to covering
- c. Final inspection of sewer connection prior to occupation of the building.

### **Duration of Construction Certificate**

A construction certificate becomes effective and operates from the date endorsed on the certificate;

A construction certificate lapses 5 years after the date endorsed on the certificate;  
A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate;

### **Reference to the Building Code of Australia**

A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

## **COUNCIL'S ENVIRONMENTAL OFFICER**

No comments are made in relation to this application. Comments and conditions are made in relation to the truck wash facility (DA178/13).

## **COUNCIL'S WATER AND WASTER WATER OFFICER**

I refer to the abovementioned development application in regards to your referral dated 21 August 2013 and provide the following comments.

1. Existing water supply to the site to service amenities is unclear; it is unknown if the property is metered and if it is connected to the whole property. Existing supply also serves truck wash and a fire hose reel (this pipe size would be probably 25mm). Further investigations required by Council plumbers.
2. Fire service requirements need to be determined.
3. Trade Waste Requirements would apply and clarification on silt pit to holding tank are required.
4. Water meter to be supplied and installed at developers cost.
5. Backflow prevention required on oil water separator and water supply at boundary,(RPZ)
6. Valves would be required as per AS/NZS 3500 .1
7. Section 68 application required for water & sewer.

### **5.3.9 The public interest**

There has been no issues raised from the public regarding planning issues.

## **6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

## **7. ATTACHMENTS**

Schedule A- Conditions of consent.

## **8. RECOMMENDATION**

**THAT** development application DA 173/13 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Supervisor:.....

Signed: .....

Signed:.....

Dated:.....

Dated:.....

## **REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure 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 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.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

#### **PRIOR TO COMMENCEMENT OF WORK**

##### ***Signage***

2. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers

##### ***Notification of commencement of Building work***

3. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

#### **DURING CONSTRUCTION**

##### ***Construction Work Hours***

4. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

##### ***Compliance Certificates***

5. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period.

##### ***Excavation and Backfilling***

6. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
7. If an excavation associated with the approved works 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:
  - a. Must preserve and protect the building from damage; and
  - b. If necessary, must underpin and support the building in an approved manner, and
  - c. Must, at least seven (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 owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
8. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

## ***Bushfire Requirements***

### ***Asset Protection Zones***

9. At the commencement of building works and in perpetuity a 40 metres APZ shall be maintained around the buildings as per the 'Fire Management Plan' prepared by Duggan & Hede, and shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### ***Water and Utilities***

10. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### ***Landscaping***

11. Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### ***Approval to use structure***

12. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
13. A final inspection of the sanitary plumbing and drainage installation is to be made and accepted by Council as the duly authorised Plumbing and Draining Regulator to be in accordance with required provisions prior to the issue of an Occupation Certificate.

### ***Amenity***

14. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.

### ***Engineering Requirements***

15. All development to be constructed in accordance with Lithgow City Council's "Subdivision and Development Code" adopted by Council 28 September 1992, Minute No. 1439.
16. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

### ***Sydney Catchment Authority***

17. The site layout and works shall be as specified in the Statement of Environmental Effects (dated August 2013) and shown on the Site Plans (Drawing No. JR282-10-01; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd. There shall be no change to the layout or external works without the prior agreement of the Sydney Catchment Authority.

### ***Operational Environmental Management Plan***

18. An Operational Environmental Management Plan (OEMP) for the site shall be prepared (or if there is an existing OEMP, it shall be updated) in consultation with the Sydney Catchment Authority by a person with knowledge and experience in the preparation of such plans. The OEMP shall be finalised prior to the commissioning of the new buildings and shall include, but not be limited to, the following:
  - an inspection and maintenance program for all stormwater structures, including the rainwater tanks, pits, pipes, grassed swale, concrete spoon drain and pond, and
  - detail the role and responsibilities for the monitoring and maintenance of the stormwater

structures.

### **Construction Activities**

19. A detailed Erosion and Sediment Control Plan is required for all works proposed or required as part of the facility upgrade. The Plan shall be prepared by a person with knowledge and experience in the preparation of such plans and shall meet the requirements outlined in Chapter 2 of NSW Landcom's 'Soils and Construction: Managing Urban Stormwater' (2004) manual - the "Blue Book" and shall be to the satisfaction of Council.
20. Effective erosion and sediment controls shall be installed prior to all construction works including earthworks for the buildings. The controls shall prevent sediment and contaminated water leaving the construction site or entering roadside drains, and shall be regularly maintained and retained until works have been completed and groundcover established or ground stabilised.

### **Stormwater and Drainage**

21. All stormwater treatment and management measures shall be implemented as specified in Appendix C - Water Cycle Management Study of the Statement of Environmental Effects and shown on the Proposed Site Catchment Plan (Drawing No. JR282-10-09; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd, except where varied by these conditions.
22. Rainwater tanks shall be installed to collect roof runoff and shall meet the following specific requirements:
  - a minimum total capacity of 10,000 litres to collect roof runoff from the existing and proposed truck parking areas
  - a minimum total capacity of 22,500 litres to collect roof runoff from the existing main building and the future truck washing building (subject to a separate development application DA178/13 currently being processed)
  - be plumbed to toilets, showers and areas of non potable use, including landscape irrigation
  - the roof and gutters of the buildings shall be designed such that roof runoff is captured in the rainwater tanks, and
  - all rainwater tank overflow shall be directed to a runoff control pond.
23. All stormwater runoff from the site, including the rainwater tank overflow via a grassed swale and a concrete spoon drain, shall be directed to the runoff control pond. The pond shall be located, designed and constructed as shown on the Proposed Site Catchment Plan (Drawing No. JR282-10-09, Rev. B, dated 08/13) prepared by Duggan and Hede Pty Ltd, and shall incorporate the following specifications:
  - have a minimum surface area of 90 square metres and a minimum volume of 45 cubic metres
  - a minimum total depth of 0.5 metres
  - inlets and outlets incorporate a scour protection, and
  - have adjacent signs erected, advising of their stormwater quality management function.
24. The pond shall be constructed after all hardstand areas have been sealed and all ground surfaces have been stabilised, and shall replace any temporary construction-phase sediment basin.
25. No variation to the stormwater management shall be approved without prior agreement with the Sydney Catchment Authority.
26. All stormwater management measures shall be inspected and certified by the stormwater consultant (or consultants approved by the Sydney Catchment Authority), as having been

constructed or undertaken as specified in these conditions.

### **Services**

27. A Section 96 Application for connection to Council's water and sewer services is to be submitted and assessed by Council. The Section 96 Application is to:
  - a) Provide details of the existing water connection that services the amenities,
  - b) Location and details of fire hose reels,
28. A Section 96 Application for Trade Waste is to be submitted and assessed by Council. The Section 96 Application is to:
  - a) Provide clarification on silt pit to holding tank,
  - b) Provide details on backflow prevention on oil water separator and water supply at boundary,(RPZ), the valves would be required as per AS/NZS 3500 .1
29. Fire service requirements need to be determined prior to the issue of the Construction Certificate.
30. Any new water meter is to be supplied and installed at the developers cost.

### **ADVISORY NOTES**

#### ***Building Code of Australia Compliance***

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- AN2. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.
- AN3. As Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:
  - a. Internal and sanitary external drainage prior to covering.
  - b. Hot and cold water plumbing prior to covering
  - c. Final inspection of sewer connection prior to occupation of the building.

#### ***Construction Certificate***

- AN4. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

#### ***Duration of Construction Certificate***

- AN5. A construction certificate becomes effective and operates from the date endorsed on the certificate.
- AN6. A construction certificate lapses 5 years after the date endorsed on the certificate.
- AN7. A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate.

# **DEVELOPMENT ASSESSMENT REPORT - DA178/13 PROPOSED NEW TRUCKWASH, SEWERAGE TREATMENT WORKS SITE, GEORDIE STREET LITHGOW NSW 2790**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA178/13 from RAY DUGGAN - JR & EG RICHARDS (NSW) PTY LTD C/- DUGGAN & HEDE PTY LTD for a PROPOSED UPGRADE TO EXISTING DEPOT & MATERIAL RECYCLING FACILITY - NEW TRUCKWASH on land known as Lot 1 DP 125085, 'SEWERAGE TREATMENT WORKS' GEORDIE STREET LITHGOW NSW 2790.

The existing Geordie Street Depot has been used as a waste management depot for the Lithgow City Council waste contract for over 20 years.

As such, the proposal is for the use and associated internal fit-out of the truck wash building.

The proposed truckwash will:

- be approximately 12m by 8m with an eave height of approximately 6m,
- consist of a steel portal frame and colourbond cladding to 3 sides,
- have a reinforced concrete floor which will be bunded and graded to a primary treatment/grit pit, which would be discharged into a sump from which wash down will be treated in a CPS prior to discharge to sewer,
- roofwater will be collected in a rainwater tank for reuse for the washing down of trucks.

The following works is part of a separate Development Application (DA 173/13) that is currently being assessed by Council:

- Demolition of concrete bunkers and removal of the existing (sanitary) shed and demountable building;
- New buildings (for parking of trucks and future truck wash);
- New office and amenities building; and
- Associated sustainable plumbing and electrical works, pavement construction, landscaping, drainage and other ancillary works.

The total site area is approximately 6ha, with the development to be located at the eastern portion of the site.

The hours of operation for truck movements to and from the site are currently between 5am and 6pm Monday to Saturday, whereas the activities at the waste industry site, which includes the sorting and piling of the recycling materials, operate on 24 hours 7 days a week.

### Previous DA's

DA 132/13 Portable Office

CC 007/11 Building/Civil Works

CC 019/08 Augmentation of Sewerage Treatment Plant

DA 010/07 Augmentation of Sewerage Treatment Plant

DACC 003/07 Storage Shed for Sewerage Treatment Plant

DACC 635/03 Upgrade Sewerage Treatment Plant

DA 60/96 Combined Storage Shed  
BA 114/96 Shed  
DA 25/95 Factory-Recycling Facility/Cleanaway  
BA 38/95 Factory Additions (Recycling Facility)  
BA 349/92 Recycling Shed  
BA 76/82

## 2. SUMMARY

To assess and recommend determination of DA178/13 Recommendation will be for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 125085  
Property Address : 'SEWERAGE TREATMENT WORKS' GEORDIE STREET  
LITHGOW NSW 2790

**4. ZONING:** The land is zoned 1(a) General Rural in accordance with Lithgow City Local Environmental Plan 1994.

**5. PERMISSIBILITY:** The development being a truckwash is considered permissible under Lithgow City Council's Local Environmental Plan 1994, subject to development consent.

### 5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Council's *Policy 7.6 – Development Applications on Council owned land* requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is to be dealt with under delegated authority. Given Council's ownership of this land, the proposal is reported to Council for determination.

### 5.2 FINANCIAL IMPLICATIONS (eg Section 94)

#### Councils Section 94A Contributions

C7 Are there any exemptions to the levy?

Council may consider exempting developments or components of developments from the Section 94A plan involved in the following applications:

*h) An application for or on behalf of Lithgow City Council for community infrastructure such as libraries, community facilities, child care facilities, sport and recreational facilities, recreation areas of car parks.*

**Comment:** The development is to be located on Council's land and would provide infrastructure that would improve Council's recycling facility. Therefore Section 94 Contributions do not apply to this development.

## 5.3 LEGAL IMPLICATIONS

### Local Government Act 1993

If this application is approved, the applicant must obtain a written Section 68 application for liquid trade waste. This must be lodged and approved prior to commencement of any work on site and shall be at full cost to the applicant.

### Mine Subsidence Compensation Act 1961

The development is considered to be integrated under this Act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Mine Subsidence Board is required prior to Council being in a position to determine the application. Approval from the Mine Subsidence Board has been obtained and is discussed later in this report under “submissions made in accordance with the act”.

### Rural Fires Act 1997

The development is considered to be integrated under this Act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Rural Fire Service is required prior to Council being in a position to determine the application. Approval from the Rural Fire Service has been obtained and is discussed later in this report under “submissions made in accordance with the act”.

### Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

#### 5.3.1 Any Environmental Planning Instruments

#### ***Lithgow City Local Environmental Plan 1994***

LEP 1994 – Compliance Check		
	Clause	Compliance
9	2(a) zoning table	Yes
29	Flood liable land	Yes
30	Land subject to bushfire hazards	Yes

**Comment:** The development is permissible within the zone. The use is existing and has an approval in place DA 25/95. As such the property would remain as Lithgow’s Waste Facility. The development is further compatible with the surrounding uses being for industrial purposes.

The development is not located on prime crop or pasture land nor considered a locality of significance for nature conservation.

The site is located within the flooding area. The existing main building and truck park building have a finished floor level of 903.65m AHD. The proposed truck wash building would be constructed to the same floor level as these buildings. As such the floor levels are above the flood level being 903.600m AHD.

The property is located within the bushfire zone. A bushfire management plan was submitted with the application and was referred to the Rural Fire Service whose comments are found later in this report.

### **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

SEPP(Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	Yes

**Comment:** The application required the concurrence of the Sydney Catchment Authority (SCA), being outside the limitations of the online NorBE tool. The SCA provided the following comments:

“Based on the SCA’s site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The Chief Executive would therefore concur with Council granting consent to the application subject to conditions being imposed”

The SCA has provided a number of conditions if the development is approved. These can be found under ‘submissions’ which are located later in this assessment.

### **State Environmental Planning Policy (Rural Lands) 2008**

SEPP (Rural Lands) 2008 – Compliance Check		
	Clause	Compliance
7	Part 2 Rural Planning Principles Rural Planning Principles	Yes

**Comment:** The site is not presently used for agricultural use due to the existing waste management operations. The development is not proposed to change therefore the development would not impact on any agricultural land.

### **State Environmental Planning Policy 44 – Koala Habitat Protection**

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies.

Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

The SEPP provides the following definitions:

**core koala habitat** means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.

**potential koala habitat** means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA.

Clause 17 of the SEPP states that Council's must take into consideration the guidelines that are relevant to the exercise of the function.

The Draft SEPP 44 Guidelines (1996) by NPWS allows the following courses of action:

**4. Facilitation of certain development proposals**

*Having undertaken a review of existing information and some preliminary site investigations, an applicant may, with the written agreement of the consent authority and following advice from the NPWS, adopt one of the following courses of action.*

- (i) *Conclude that an area does not contain koala habitat by virtue of its nature or location (for example, the site is devoid of trees or located in the centre of a CBD) and that there is no need to proceed further with the SEPP 44 assessment.*
- (ii) *Conclude that the proposed development, by its nature, would not alter the situation presently existing on the site for koalas and koala habitat (for example, minor extension to a dwelling).*

**Comment:**

Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

SEPP (Infrastructure) 2007 – Compliance Check	
Clause	Compliance
Division Waste or resource management facilities 23	Yes

**Comment:** The development complies with the above SEPP as the development is for the purpose of waste management which is defined as a type of industrial usage.

Further Council's 1(a) zone is equivalent to the RU1 zone under the SEPP which the development is permissible in the zone. The SEPP also overrides Council's LEP if the development was prohibited.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

**Councils Draft Lithgow City Local Environmental Plan 2013**

Council's Draft LEP 2013 – Compliance Check	
Clause	Compliance
SP2 Infrastructure	Yes

**Comment:** The development is for the continued use of the Lithgow Council's Waste Facility and is therefore permissible under the Draft LEP 2013.

### 5.3.3 Any Development Control Plan

#### **Industrial Development Control Plan**

Industrial DCP – Compliance Check		
	Clause	Compliance
<b>Part C</b>	Development Standards	Yes
<b>4.1</b>	Design and Appearance	Yes
<b>4.2</b>	Landscaping	Yes
<b>4.3</b>	Parking and Access	Yes
<b>4.4</b>	Setbacks	Yes
<b>4.5</b>	Storage Areas	Yes
<b>4.6</b>	Advertising Signs	Yes
<b>4.7</b>	Drainage	Yes
<b>4.8</b>	Security Fencing	Yes
<b>4.9</b>	Additional Requirements-Adjoining Residential Areas	Yes
<b>4.11</b>	Garbage and Trade Refuse-Storage and Collection Areas	Yes
<b>4.12</b>	Soil and Erosion Control	Yes
<b>5.0</b>	Requirements for Rural Zones	Yes

**Comment:** External walls of the new building would be profiled colour-treated cladding. The new building would further be located in excess of 100m from the street frontage. Side and rear elevations would not be visible from residential dwellings.

The entrance road from Geordie Street is currently landscaped with mature trees. Open storage areas are already sufficiently screened and are not visible to the public. No additional landscaping is proposed to the carparking areas, given the site configuration and that the site is not accessible to the general public.

A landscape plan was submitted with the application and shows that landscaped areas are provided to the southern elevation of the proposed office building.

Vehicle parking is provided for seven parking spaces, which is considered satisfactory for the current and proposed operations. Parking spaces would mainly be utilised by staff, as trucks would be located within a separate location on the site.

Sufficient truck parking spaces have been provided to accommodate the waste collection vehicles on site for overnight parking.

Building height and bulk would not be excessive and commensurate with the nature of the operations on the site. The height of the existing buildings do not exceed 8.8m, with all new buildings works proposed would be below this level.

No advertising signs are proposed as part of this application.

Site stormwater management is considered and would be appropriately managed for the development.

Security fencing is already located on the premises.

There are no directly adjoining residential areas, with the development envelope being approximately 350m to the nearest residential dwelling to the west.

An area has been set aside for refuse and storage collection.

### Off Street Carparking Development Control Plan

Off Street Carparking DCP – Compliance Check	
Clause	Compliance
Industrial Development	Yes

**Comment:** Council's Off Street Carparking DCP does not contain controls that specifically relate to a waste disposal facility. Therefore it is considered that the development can be assessed on its merits.

As such, it is considered there is sufficient parking spaces for the development as previously described within this report.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works, rebuilding or extension of the building is proposed as part of this application.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

**Access, carparking and Traffic:** Access to the facility is via an existing entrance via a private access road off Geordie Street. It continues as a sealed pavement to the location of the existing buildings.

Collection vehicles would be garaged within the existing and new buildings. Sealed parking will also be provided for 7 cars, plus one disabled carpark.

The facility currently utilises and stores 5 trucks. The number of trucks will remain but the company will buy new trucks which are proposed to be larger and hence more efficient in collection cycles.

As such the development would not impact on access, carparking or traffic.

**Adjoining Landuse:** Council's dog pound is located to the south of the site, Turners Crane Hire depot is on the other side of the private access road to the east and south-east of the site. Council's wastewater settlement ponds are located to the north and northwest of the site, while Council's sewage treatment plant is approximately 500m to the north of the site. Council's landfill is also located within the vicinity.

The nearest residential dwellings are located approximately 350m to the west and 550m to the east of the proposed development.

As such the scale of the proposal is very similar to surrounding developments.

**Services:** The site is currently serviced by reticulated water, sewer, telephone and electricity. The development was referred to Council's water and sewer officer whose comments are found further in this report.

Translucent sheeting will provide natural light within the new building along with electrical lighting.

**Landscaping:** The site has previously been cleared with limited vegetation scattered outside of the existing development footprint. Landscaping is proposed to be undertaken with the new works. A landscaping plan was submitted with the application. The property is highly disturbed with the proposal not requiring any tree removal or other physical work within vegetated/landscaped parts of the site.

**Flora and Fauna:** The site is not identified as being within any fauna habitat or corridor. The development would further not impact on flora, threatened species or communities.

**Safety and Security:** The site is fully fenced with a 1.8m high chain wire fence for site security, which will be maintained for the development.

**Privacy, Views and Overshadowing:** The development is surrounded by non-residential land uses. There would be no privacy, views and overshadowing impacts on adjoining landowners, given the distance of the proposed development to the residential zone.

**Drainage:** The site is relatively flat and drains from north to south. Existing water runoff tends to be an overland flowpath to the south-east of the existing main building.

**Bushfire:** the property is located within the bushfire zone. A bushfire management plan was submitted with the application and was referred to the Rural Fire Service whose comments are found later in this report.

**Flooding:** The site is located within the flooding area. The existing main building and truck park building have a finished floor level of 903.65m AHD. The proposed office, truck park and truck wash buildings would be constructed to the same floor level as these buildings. As such the floor levels are above the flood level being 903.600m AHD.

**Soils:** The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soils or contamination problems.

**Social and Economic Impact:** as the proposed development will be generally in keeping with the provisions of the planning instruments and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for industrial pursuits. Therefore, the size and nature of the development will be consistent with those in the surrounding area.

The property is located within the flooding and bushfire zone. As stated above, management strategies to minimise these impacts have been supplied with the application.

Hence, the site is considered to be suitable for the proposed development. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding residential amenity.

#### 5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to the Office of Water, Rural Fire Service (RFS), The Sydney Catchment Authority (SCA), Council's Building Surveyors and Environmental Officer for commenting. The proposal was also sent to adjoining neighbours and placed on public display in Council's Administration Building for a period of 14 days.

#### **NEIGHBOUR NOTIFICATION**

During the neighbour notification period no submission were received.

#### **NSW OFFICE OF WATER**

In relation to DA178/13, the Office of Water considers these works not to be within 40m of a watercourse.

#### **RURAL FIRE SERVICE (RFS)**

I refer to your letter dated 22 August 2013 seeking advice regarding bush fire protection for the above Land Use Application in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended conditions:

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works and in perpetuity a 40 metre APZ shall be maintained around the buildings as per the 'Fire Management Plan' prepared by Duggan & Hede, and shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

## **Landscaping**

3. Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

## **THE SYDNEY CATCHMENT AUTHORITY (SCA)**

Reference is made to Council's letter received 26 August 2013 requesting the concurrence of the Chief Executive under Clause 11 of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) with a proposal for a truck wash building.

The subject property, which has been inspected by the Sydney Catchment Authority (SCA), is located within the Warragamba catchment which forms part of Sydney's water supply.

The Statement of Environmental Effects (SEE) including Water Cycle Management Study (Appendix C of the SEE) and the Site Plans both prepared by Duggan and Hede Pty Ltd (dated August 2013) have been considered in the assessment of the application.

The SCA has provided its concurrence advice on 2 October 2013 to a development application (DA173/13) for the upgrade to an existing depot and material recycling facility on the subject land. It is noted that the same set of documents have been provided for both DA173/13 and this DA178/13, except that DA178/13 does not include drawings from JR282-10-10 to JR282-10-13 (for oil separator, erosion and sediment controls and fire management). The SCA has used the oil-water separator drawing supplied with DA173/13 for the assessment of this application.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. The Chief Executive would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

### **General**

1. The site layout and works shall be as specified in the Statement of Environmental Effects (dated August 2013) and shown on the Site Plans (Drawing No. JR282-10-01; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd. There shall be no change to the layout or external works without the prior agreement of the Sydney Catchment Authority.

*Reason for Condition 1 - The Sydney Catchment Authority has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

### **Washdown Water Management**

2. All washdown water in the truck wash building shall be directed to an oil-water separator via a grit pit, sump and holding tank as specified in the Statement of Environmental Effects and shown on the Truckwash - Hydraulic Services Concept Plan (Drawing No. J2R82-10-10; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd. Treated water shall be directed to the Council's reticulated sewer system in accordance with Council's trade waste requirements.

3. Any contaminated area or where oily liquids are used or stored shall employ appropriately sized bunds and capture devices so as to ensure that all runoff from these areas is directed to the oil-water separator, and “clean” surface runoff is diverted around these areas.
4. Oil collected from the oil-water separator shall be disposed of appropriately by a licensed operator at a landfill facility.

*Reason for Conditions 2 to 4 – To ensure appropriately designed washdown water management measures are implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.*

### **Stormwater Management**

5. All stormwater treatment and management measures shall be implemented as specified in Appendix C - Water Cycle Management Study of the Statement of Environmental Effects and shown on the Proposed Site Catchment Plan (Drawing No. JR282-10-09; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd, except where varied by these conditions.
6. Rainwater tanks shall be installed to collect roof runoff and shall meet the following specific requirements:
  - a minimum total capacity of 22,500 litres to collect roof runoff from the existing main building and the truck wash building (same as required in Condition 3 of the SCA concurrence advice for DA173/13 provided to Council on 2 October 2013)
  - the roof and gutters of the building shall be designed such that roof runoff is captured in the rainwater tanks, and
  - all rainwater tank overflow shall be directed to a runoff control pond.
7. No variation to the stormwater management shall be approved without prior agreement with the Sydney Catchment Authority.
8. All stormwater management measures shall be inspected and certified by the stormwater consultant (or consultants approved by the Sydney Catchment Authority), as having been constructed or undertaken as specified in these conditions.

*Reason for Conditions 5 to 8 - To ensure appropriate stormwater management and quality control measures are installed and managed to ensure a sustainable neutral or beneficial impact on water quality over the longer term.*

### **Operational Environmental Management Plan**

9. An Operational Environmental Management Plan (OEMP) for the site shall be prepared (or if there is an existing OEMP, it shall be updated) in consultation with the Sydney Catchment Authority by a person with knowledge and experience in the preparation of such plans. The OEMP shall be finalised prior to the commissioning of the truck wash building and shall include, but not be limited to, the following:
  - an inspection and maintenance program for the truck washdown water treatment system including grit pit, sump, holding tank and oil-water separator, and
  - detail the role and responsibilities for the monitoring and maintenance of the truck washdown water treatment system.

*Reason for Condition 9 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.*

### **Construction Activities**

10. A detailed Erosion and Sediment Control Plan is required for all works proposed or required as part of the construction of truck wash building and the demolition of concrete bunds. The Plan shall be prepared by a person with knowledge and experience in the preparation of such plans and shall meet the requirements outlined in Chapter 2 of NSW Landcom's 'Soils and Construction: Managing Urban Stormwater' (2004) manual - the "Blue Book" and shall be to the satisfaction of Council.
11. Effective erosion and sediment controls shall be installed prior to all construction works including earthworks for the building and the demolition of concrete bunds. The controls shall prevent sediment and contaminated water leaving the construction site or entering stormwater drains, and shall be regularly maintained and retained until works have been completed and groundcover established or ground stabilised.

*Reason for Conditions 10 & 11 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

### **COUNCIL'S ENVIRONMENTAL OFFICER**

The proposed covered truckwash looks to meet the current trade waste requirements subject to the following conditions attached to the consent:

1. The roof will need to overhang the bunded area with not less than 10 degrees horizontal.
2. As rainwater will be used in the truckwash bay the discharger will be required to measure the volume and flow rate using a flow measurement system permanently installed. The discharger should provide an approved primary measurement device and instrumentation to record an instantaneous flow rate (litres per second) and total volume (kl) on a continuous basis of the liquid trade waste discharged to the sewerage system. A certificate of calibration will be required to be submitted to Council on an annual basis to insure satisfactory accuracy.

It is to be noted that a trade waste application has now been lodged for the development.

### **COUNCIL'S BUILDING SURVEYORS**

Reference is made for the request for comments on the subject development.

Clause 94 Fire safety and other considerations of the Environment Planning and Assessment Regulation 2000 states:

- (1) This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:

- (a) the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
- (b) the measures contained in the building are inadequate:
  - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
  - (ii) to restrict the spread of fire from the building to other buildings nearby.

(2) In determining a development application to which this clause applies, a consent authority is to **take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.**

(3) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.

The existing building has a gross floor area of 372.5m<sup>2</sup> and together with the proposed additional structure of 84m<sup>2</sup> will have a gross floor area of 456.5m<sup>2</sup>. It is considered that the proposed addition does not necessitate additional upgrading to the existing building.

Under table C1.1 the building would require Type C construction. The building would stand greater than 3m from a fire source feature and is within the minimum fire compartment requirements for type C construction. There is no requirement for external walls to be constructed in fire resistant construction.

The applicant has not nominated Council as the PCA at this juncture. Other issues such as the requirements of Part D3 of Volume One of the Building Code of Australia for Access for persons with a disability and Part J need to be taken into consideration and will form part of the documentation considerations required for the construction certificate.

The truck wash facilities will also require separate consideration and a formal trade waste application is required in respect of the truck wash facility.

### **Recommendations**

That any development consent granted by Council be inclusive of the following recommended conditions:

#### **GENERAL CONDITIONS**

1. 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.

#### **Approved Development**

2. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.

#### **Building Code of Australia**

3. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

### **Construction Certificate – Building**

4. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

### **Signage**

5. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers

### **Trade Waste**

6. That a separate trade waste application is submitted to and approved by Council prior to the commencement of any construction connected with the truck wash facility.

### **Stormwater**

7. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed by an approved means. All discharges shall be maintained for the life of the development and shall be directed to the approved infrastructure. The disposal system is not to adversely impact on adjoining properties and is to be completed prior to the issue of a final occupation certificate.

**Note: Where water harvesting tanks are incorporated in the system they shall contain an overflow that discharges to the principal stormwater disposal system.**

### **PRIOR TO COMMENCEMENT OF ANY WORKS**

#### **Notification of commencement of Building work**

8. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

### **DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION**

9. 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. These conditions are to be complied with during the construction of the development on site.

#### **Construction Work Hours**

10. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

#### **Compliance Certificates**

11. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period.

### **Excavation and Backfilling**

12. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.
13. If an excavation associated with the approved works 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 seven (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 owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
14. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

15. The following conditions of consent must be complied with prior to the issue of an occupation certificate either by Lithgow City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted prior to the issue of the Occupation Certificate.

### **Approval to use structure**

16. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
17. A final inspection of the sanitary plumbing and drainage installation is to be made and accepted by Council as the duly authorised Plumbing and Draining Regulator to be in accordance with required provisions prior to the issue of an Occupation Certificate.

### **ADVICE AND NOTES**

18. As Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:
  - a. Internal and sanitary external drainage prior to covering.
  - b. Hot and cold water plumbing prior to covering
  - c. Final inspection of sewer connection prior to occupation of the building.

### **Duration of Construction Certificate**

19. A construction certificate becomes effective and operates from the date endorsed on the certificate;

20. A construction certificate lapses 5 years after the date endorsed on the certificate;
21. A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate;

**Reference to the Building Code of Australia**

22. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

**COUNCIL'S WATER AND WASTER WATER OFFICER**

I refer to the abovementioned development application in regards to your referral dated 21 August 2013 and provide the following comments.

1. Existing water supply to the site to service amenities is unclear; it is unknown if the property is metered and if it is connected to the whole property. Existing supply also serves truck wash and a fire hose reel (this pipe size would be probably 25mm). Further investigations required by Council plumbers.
2. Fire service requirements need to be determined.
3. Trade Waste Requirements would apply and clarification on silt pit to holding tank are required.
4. Water meter to be supplied and installed at developers cost.
5. Backflow prevention required on oil water separator and water supply at boundary,(RPZ)
6. Valves would be required as per AS/NZS 3500 .1
7. Section 68 application required for water & sewer.

5.3.9 The public interest

There has been no issues raised from the public regarding planning issues.

**6. DISCUSSION AND CONCLUSIONS**

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

**7. ATTACHMENTS**

Schedule A- Conditions of consent.

## 8. RECOMMENDATION

**THAT** development application DA 178/13 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Supervisor: Paul Cashel

Signed: .....

Signed:.....

Dated:.....

Dated:.....

## **REASONS FOR CONDITIONS**

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure 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 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.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

## **Schedule A**

### **Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)**

**Please Note:** It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

#### **ADMINISTRATIVE CONDITIONS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The roof of the truckwash will need to overhang the bunded area with not less than 10 degrees horizontal.

#### **PRIOR TO COMMENCEMENT OF WORK**

##### ***Signage***

3. That before commencement of any work, a sign is to be erected at the front boundary of the land clearly identifying the lot number and names of the owner, builder and licence number and emergency telephone contact numbers.

##### ***Trade Waste***

4. That a separate trade waste application is submitted to and approved by Council prior to the commencement of any construction connected with the truck wash facility.
5. As rainwater will be used in the truckwash bay the discharger will be required to measure the volume and flow rate using a flow measurement system permanently installed. The discharger should provide an approved primary measurement device and instrumentation to record an instantaneous flow rate (litres per second) and total volume (kl) on a continuous basis of the liquid trade waste discharged to the sewerage system. A certificate of calibration will be required to be submitted to Council on an annual basis to insure satisfactory accuracy.

##### ***Notification of commencement of Building work***

6. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

#### **DURING CONSTRUCTION**

##### ***Construction Work Hours***

7. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

##### ***Compliance Certificates***

8. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period.

##### ***Excavation and Backfilling***

9. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly

guarded and protected to prevent them from being dangerous to life or property.

10. If an excavation associated with the approved works 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 seven (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 owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
11. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

### ***Amenity***

12. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.

### **RURAL FIRE SERVICE**

#### ***Asset Protection Zones***

13. At the commencement of building works and in perpetuity a 40 metre APZ shall be maintained around the buildings as per the 'Fire Management Plan' prepared by Duggan & Hede, and shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### ***Water and Utilities***

14. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

#### ***Landscaping***

15. Landscaping of the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **SYDNEY CATCHMENT AUTHORITY**

#### ***General***

16. The site layout and works shall be as specified in the Statement of Environmental Effects (dated August 2013) and shown on the Site Plans (Drawing No. JR282-10-01; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd. There shall be no change to the layout or external works without the prior agreement of the Sydney Catchment Authority.

#### ***Washdown Water Management***

17. All washdown water in the truck wash building shall be directed to an oil-water separator via a grit pit, sump and holding tank as specified in the Statement of Environmental Effects and shown on the Truckwash - Hydraulic Services Concept Plan (Drawing No. J2R82-10-10; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd. Treated water shall be directed to the Council's reticulated sewer system in accordance with Council's trade waste requirements.
18. Any contaminated area or where oily liquids are used or stored shall employ appropriately sized bunds and capture devices so as to ensure that all runoff from these areas is directed to the oil-water separator, and "clean" surface runoff is diverted around these areas.

19. Oil collected from the oil-water separator shall be disposed of appropriately by a licensed operator at a landfill facility.

### **Stormwater Management**

20. All stormwater treatment and management measures shall be implemented as specified in Appendix C - Water Cycle Management Study of the Statement of Environmental Effects and shown on the Proposed Site Catchment Plan (Drawing No. JR282-10-09; Rev. B; dated 08/13) both prepared by Duggan and Hede Pty Ltd, except where varied by these conditions.
21. Rainwater tanks shall be installed to collect roof runoff and shall meet the following specific requirements:
- a minimum total capacity of 22,500 litres to collect roof runoff from the existing main building and the truck wash building (same as required in Condition 3 of the SCA concurrence advice for DA173/13 provided to Council on 2 October 2013)
  - the roof and gutters of the building shall be designed such that roof runoff is captured in the rainwater tanks, and
  - all rainwater tank overflow shall be directed to a runoff control pond.
22. No variation to the stormwater management shall be approved without prior agreement with the Sydney Catchment Authority.
23. All stormwater management measures shall be inspected and certified by the stormwater consultant (or consultants approved by the Sydney Catchment Authority), as having been constructed or undertaken as specified in these conditions.

### **Operational Environmental Management Plan**

24. An Operational Environmental Management Plan (OEMP) for the site shall be prepared (or if there is an existing OEMP, it shall be updated) in consultation with the Sydney Catchment Authority by a person with knowledge and experience in the preparation of such plans. The OEMP shall be finalised prior to the commissioning of the truck wash building and shall include, but not be limited to, the following:
- an inspection and maintenance program for the truck washdown water treatment system including grit pit, sump, holding tank and oil-water separator, and
  - detail the role and responsibilities for the monitoring and maintenance of the truck washdown water treatment system.

### **Construction Activities**

25. A detailed Erosion and Sediment Control Plan is required for all works proposed or required as part of the construction of truck wash building and the demolition of concrete bunds. The Plan shall be prepared by a person with knowledge and experience in the preparation of such plans and shall meet the requirements outlined in Chapter 2 of NSW Landcom's 'Soils and Construction: Managing Urban Stormwater' (2004) manual - the "Blue Book" and shall be to the satisfaction of Council.
26. Effective erosion and sediment controls shall be installed prior to all construction works including earthworks for the building and the demolition of concrete bunds. The controls shall prevent sediment and contaminated water leaving the construction site or entering stormwater drains, and shall be regularly maintained and retained until works have been completed and groundcover established or ground stabilised.

### **PRIOR TO OCCUPATION CERTIFICATE**

#### **Approval to use structure**

27. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA

in conjunction with any request to carry out a final inspection.

28. A final inspection of the sanitary plumbing and drainage installation is to be made and accepted by Council as the duly authorised Plumbing and Draining Regulator to be in accordance with required provisions prior to the issue of an Occupation Certificate.

### **Services**

29. A Section 96 Application for connection to Council's water and sewer services is to be submitted and assessed by Council. The Section 96 Application is to:
- a) Provide details of the existing water connection that services the amenities,
  - b) Location and details of fire hose reels,
30. A Section 96 Application for Trade Waste is to be submitted and assessed by Council. The Section 96 Application is to:
- a) Provide clarification on silt pit to holding tank,
  - b) Provide details on backflow prevention on oil water separator and water supply at boundary,(RPZ), the valves would be required as per AS/NZS 3500 .1
31. Fire service requirements need to be determined prior to the issue of the Construction Certificate.
32. Any new water meter is to be supplied and installed at the developers cost.

### **ADVISORY NOTES**

#### ***Building Code of Australia Compliance***

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

#### ***Reference to the Building Code of Australia***

- AN2. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

#### ***Construction Certificate***

- AN3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
- AN4. As Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:
- a. Internal and sanitary external drainage prior to covering.
  - b. Hot and cold water plumbing prior to covering
  - c. Final inspection of sewer connection prior to occupation of the building.

#### ***Duration of Construction Certificate***

- AN5. A construction certificate becomes effective and operates from the date endorsed on the certificate.
- AN6. A construction certificate lapses 5 years after the date endorsed on the certificate.
- AN7. A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate.

#### ***Section 68 Approvals***

- AN8. The applicant must obtain written Section 68 trade waste approval from Council; this will be

required prior to any construction works.