

Standard Conditions

1. **A001** – Approved Plans

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

Architectural Plans

Drawing Title	Drawing No	Issue	Prepared by	Dated
Site Plans	120101/BS-EP-DA A101 & A102	E & D	Axis Architecture	7/09/12
Ground Floor Plan Building 1	120101/BS-EP-DA A201	B	Axis Architecture	30/07/12
Ground Floor Plan Building 2	120101/BS-EP-DA A202	B	Axis Architecture	30/07/12
Office Plan Warehouse 1	120101/BS-EP-DA A203	B	Axis Architecture	30/07/12
Office Plan Warehouse 2	120101/BS-EP-DA A204	B	Axis Architecture	30/07/12
Operation Office Plan Warehouse 2	120101/BS-EP-DA A205	B	Axis Architecture	30/07/12
Work Shop Plan Warehouse 1	120101/BS-EP-DA A206	B	Axis Architecture	30/07/12
Out Buildings truck wash area Plan Warehouse 1	120101/BS-EP-DA A207	B	Axis Architecture	30/07/12
Roof Plan Buildings 1 & 2	120101/BS-EP-DA A208	A	Axis Architecture	30/07/12
Elevations Building 1	120101/BS-EP-DA A301	B	Axis Architecture	30/07/12
Elevations Building 2	120101/BS-EP-DA A301	B	Axis Architecture	30/07/12
Elevations 3 Warehouse 1 Office Elevation	120101/BS-EP-DA A303	B	Axis Architecture	30/07/12
Elevations 4 Warehouse 2 Office elevation	120101/BS-EP-DA A304	B	Axis Architecture	30/07/12
Section 1 Building 1 & 2	120101/BS-EP-DA	B	Axis Architecture	30/07/12

	A305			
Coloured Elevations 1	120101/BS-EP-DA A501	A	Axis Architecture	30/07/12
Perspectives	120101/BS-EP-DA A502	B	Axis Architecture	30/07/12
Landscaping Plans	12_013 L02 & L03	C	Habitation	2/08/12
Drainage Plans	Co11764.00 -C40; C41; C43; C45; & C46	A	by Costin Roe Consulting Pty Ltd	02/08/12

2. **A019 – Occupation Certificate**

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

3. **A026 – Advertising Signs**

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan–Advertising Signs.

4. **A029 – 24 hour operation**

The development is permitted to operate from 5am to 9pm daily but in peak periods it can operate on a 24 hour basis, seven (7) days a week subject to compliance with the noise criteria given in conditions 55 and 56.

5. **A030 – No Retail Sales**

No retail sales of goods shall be conducted from the subject premises.

6. **A032 – Goods in Building**

All materials and goods associated with the use shall be contained within the building at all times with the exception of the display area. Goods displayed in the designated area are to be in accordance with the stamped plans and maintained at all times.

7. **A038 – Lighting Locations**

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. Appropriate lighting is to be installed to staff and visitor car parking areas. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).

8. **A039 – Graffiti**

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

9. **A046** – *Construction Certificate*

A Construction Certificate shall be obtained prior to commencement of any building works.

10. **B004** - *Dust*

Dust suppression techniques are to be employed during construction and earth works to reduce any potential nuisances to surrounding properties.

11. **B005** – *Mud/Soil*

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

12. **D001** - *Implement approved sediment & erosion control measures*

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

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

The erosion and sediment control measures shall be certified (by way of a Compliance Certificate) as having been installed in accordance with the approved erosion and sediment control plan(s) for the development and "Managing Urban Stormwater: Soils and Construction" 2004. The Compliance Certificate shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development.

13. **D002** – *Spraygrass*

All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.

14. **D005** - *No filling without prior approval*

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

15. **D06A** - *Approval for bulk earthworks/major filling operations*

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

16. **D009 – Waste Storage Area**

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

17. **D010 – Waste Management Plan**

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

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

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

18. **D015 - Spill prevention & clean-up procedures**

A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be **submitted for approval prior to construction works commencing**. The approved procedures plan shall be implemented in the event of a spill or emergency.

19. **D016 – Fuel Storage area**

The following details are to be submitted to and approved by Penrith City Council before a Construction Certificate can be issued for the development:

- ☐ The proposed fuel bowser/s shall be covered with a canopy. All uncontaminated stormwater from the canopy and other roofed areas shall be directed away from the forecourt area under the canopy.
- ☐ The covered fuel bowser/s area shall be protected from the entry of external surface waters at the canopy line by either a minimum 2% change in grade, or a combination of a minimum 2% grade changes and a grated drainage system.
- ☐ Tanker delivery facilities shall be provided with a spillage collection device, which will collect any spilt fuel.

A copy of Council's approval of the information submitted for the above matters is to be provided to the Certifying Authority as part of the Construction Certificate application.

20. **D017 – Fuel Storage – waste**

All wastes collected within the canopy of the fuel bowsers shall be directed to the sewer after being treated in accordance with the requirements of Sydney Water.

21. **D019 – Bunding Fuel Tanks**

Above ground fuel storage tanks shall be installed on a concrete surface and protected by a grated drainage system to a dead-end sump or by a bund. The storage capacity of the bund or sump shall be equal to 110% of the volume of the tank.

22. **D020 – Vehicle wash bay**

All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority **before the wash bay can be installed.**

23. **D023 – Bunding**

All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning. **Details are to accompany the application for a Construction Certificate.**

24. Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline".

25. All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":

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

Other construction works that are carried out inside a building that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above. The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise also apply to construction works.

26. **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer, then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

27. **E01A - BCA compliance (Class 2-9)**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain

acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

28. **E002** – BCA Compliance

Egress from the building is to comply with Section D of the BCA, Fire Resistance and Compartmentation is to comply with Section C of the BCA.

29. **E006** - *Disabled access and facilities*

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428-2009 and the Disability (Access to Premises) Standards 2010" after AS1428 in this condition so the applicant is aware of the current standards. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

30. **E008** – Fire Safety

A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

31. **E009** - *Annual fire safety statement-essential fire safety (Class 2–9)*

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and be given:
 - within 12 months after the last such statement was given, or

- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

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

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

32. E002 – BCA issues to be addressed

Access for people with a disability to each level, facilities and carparking spaces are to comply with Part D3 and F2.4 of the Building Code of Australia, AS 1428.1 and AS2890.6.

- Due to the size and scope of the proposed development, it is likely that the applicant will need to utilize an alternative solution to enable compliance with the performance requirements of the Building Code of Australia, particularly part D with respect to access and egress.

33. H001 – Stamped Plans and Erection of Site Notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

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

34. H002 - All forms of construction

Prior to the commencement of construction works:

- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or
 - alternatively, any other sewage management facility approved by council.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the 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 for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).
- (d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
 - if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
 - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
 - any such hoarding, fence or awning is to be removed when the work has been completed.

35. **H041 – Hours of Work**

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

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

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

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

36. **G002 – Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate

37. **G004 – Endeavour Energy**

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

38. **K027 - Car parking**

A total of 150 off-street parking spaces are to be provided, linemarked and maintained for the development, generally in accordance with the approved schedule of external finishes. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 150 spaces, at least 2 parking spaces for persons with disabilities are to be provided in accordance with AS1428.1 and are to be located close to all pedestrian entrances to the building.

39. **K202 – Minor Road Works**

Prior to the issue of a Construction Certificate a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Provision of a heavy-duty vehicular crossing/s.
- b) Opening the road reserve for the provision of services including stormwater.
- c) Placing of hoardings, containers, waste skips, etc. in the road reserve.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

40. K210 - On site Detention

On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval. prepared by Costin Roe Consulting, reference Co11764.00, revision B, dated 02.08.2012.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

41. K213 – Water Quality

Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater – Environmental Targets/ Treatment Techniques– October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

42. K221 – Car Parking

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS2890.1.
- b) Vehicular access and internal manoeuvring has been designed for a B-Double vehicle in accordance with AS2890.2.
- c) Sight Distance at the street frontage has been provided in accordance

with AS 2890.1.

- d) All cars can enter and exit the site in a forward direction

43. **K501 – Roads Authority Clearance**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

44. **K502 – Works as Executed**

After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

45. **K503 - Stormwater Compliance**

Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater pre-treatment system/s
- b) On site detention system.

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

46. **K504 - Restriction as to User**

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) Stormwater pre-treatment system/s
- b) On site detention system.

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

47. **L001 – General Landscaping**

All landscape works are to be constructed in accordance with the stamped-approved Landscaping Plans Nos. 12_013 L02 & L03 Issue C prepared by Habitation dated 2/08/12 and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Prior to the issue of a Construction Certificate a landscaping plan is to be provided to Council's satisfaction showing screening vegetation along west, east and the southern boundaries with canopy trees endemic to the area capable of achieving a mature height of 8 metres. Landscaping along adjacent to the northern car park area along the electricity easement boundary should **not be greater than 4m** at maturity. **Details are to be submitted to Council for consideration and approval.**

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

48. L002 – Landscaping Construction

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

49. L003 – Report Requirements

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

50. L005 – Planting of Plant Material

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

51. L006 – Aust Standard

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

52. L008 – Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

53. Q01F – Notice of Commencement and Appointment of PCA

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

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

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

Information to accompany the Notice of Commencement

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

54. **Q006 – Occupation Certificate**

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

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

Special Conditions

55. **Noise Criteria**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the “Operational Noise Assessment” prepared by Wilkinson Murray (report no 10164.N2, version A) dated June 2012) and associated addendum dated 3/9/2012. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report and the relevant Australian Standards. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

56. **Acoustic Compliance**

Twelve (12) months after the issue of the Occupation Certificate, an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the “Operational Noise Assessment” prepared by Wilkinson Murray (report no 10164.N2, version A) dated June 2012) and associated addendum dated 3/9/2012 and the NSW Industrial Noise Policy.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council.

57. **Prior to the commencement of any building works**, documentation is to be provided to Council demonstrating that all filling and earthworks have been undertaken in accordance with Development Consent No 12/0451, AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

58. All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements or on an approved water recycling system.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

59. ***Boundary Fencing***

Boundary fencing is to be constructed in accordance with Clause 4.7 (Fencing) of Part 6.10 Erskine Business Park Apartment Development under Penrith Development Control Plan. The following is to be shown on the plans submitted with the Construction Certificate:

- Fencing must be located either behind the landscape setback or alternatively within the landscaped area midway between the site front boundary and the building line.
- Security fencing shall generally be of an "open" nature and of a dark colour, such as green or black powder coated mesh.

60. ***Car parking areas***

All vehicles shall enter and leave the site in a forward direction. The layout of the proposed car parking area associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004.2 -2002 for heavy vehicle usage.

61. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle width, aisle lengths, and parking bay dimensions) should be in accordance with AS 28790.1-2004 and AS 2890.2 -2002 for heavy vehicle usage. Car parking provision should be to Council's satisfaction.
62. Pedestrian, and cycle facilities and paths are to be consistent with Australian Standards and Austroads Guidelines.
63. The swept path of the longest vehicle (including B-doubles) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS, In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
64. If not already in place, full time 'No Parking' restrictions are to be implemented in John Morphet Place, Prior to the installation of the parking restrictions the applicant is to contact RMS's Traffic Engineering Services on phone: (02) 88492294 for a Works Instruction. '

65. ***Construction management plan***

A detailed Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council **prior to the issue of the Construction Certificate.**

66. ***Associated costs***

All works/regulatory signposting associated with the proposal shall be at no cost to the RMS and Council.

67. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

68. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of John Morphet Place.

69. Approval shall be sought from Endeavour Energy and TransGrid for any construction works that are needed to be carried out adjoining the electricity easement **prior to commencement of any/all construction works.**

70. All matters raised in the letter from Endeavour Energy dated 14 August 2012 that are to be complied with and carried out at all times.

71. **Occupation Certificate Checklist**

Prior to the issue of a Occupation Certificate a checklist and supporting documentation shall be submitted to the Principal Certifying Authority demonstrating that each condition of the development consent has been satisfactorily addressed.

72. All operations and activities including the movements of trucks and forklifts during the night time period of between 10pm and 6am are to be limited to the area between the two buildings and confined to the inside of Warehouse 1 & 2. No trucks or fork lift movements shall be allowed to access the areas to the north of the Warehouse 2 building during this period. A maximum of 15 truck movements are permitted during the night time period. Should Council receive complaint regarding noise during the night time period compliance testing is to be undertaken by a suitably qualified consultant and recommendations made and complied with to reduce noise impact accordingly. Failing this no vehicle movements or external activities are to occur during the night time period.