

## Appendix A Conditions of Development Consent DA 12/1346 2013SYW026

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- 1 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council and any other supporting documents submitted with the application, except as may be amended in red on the attached plans and by the following conditions.
- 2 A copy of the General terms of Approval issued by the Environment Protection Authority under the Protection of the Environment Operations Act 1977 shall be submitted to the Principal Certifying Authority, **before the Construction Certificate can be issued** for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 3 The 'Odour Management Plan' prepared by Benbow Environmental dated December 2013 (Ref No. 131072\_OMP1\_Rev3) together with the requirements of the EPA are to be implemented and complied with.
- 4 The installation of the odour system detailed in the Odour Management Plan and as required by the general terms of approval issued by the Environment Protection Authority shall be implemented and installed for this development to the satisfaction of the Environment Protection Authority **within three (3) months** from the date this consent operates and **prior to the commencement of this use**.
- 5 This consent is **limited to a period of six (6) months** from the date the consent operates. Prior to the expiry date of this consent, the applicant will be required to submit a new Section 96 application for any continuance of the use. Council will have regard to compliance with Condition 4 above in determining whether or not to grant consent to any application for a continuance of the use.
- 6 **The premises the subject of this consent shall not be occupied for the purposes authorised by this consent until Conditions 1, 2, 4, 10, 12, 21, 27, 28, 29, 30, 32, 33, 34 and 42 have been satisfied.**
- 7 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.
- 8 The approved operating hours are from 6.00 am to 6.00 pm Monday to Friday and 6.00 am to 12.00 pm Saturday. Delivery and service vehicles generated by the development are limited to these hours.
- 9 All materials and goods associated with the use shall be contained within the building at all times. The front setback area shall not be used under any circumstances for the purpose of storage including vehicle or machinery storage other than staff car parking.
- 10 **Prior to the issue of the Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. 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).

- 11 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed or repaired.
- 12 A **Construction Certificate** shall be obtained prior to commencement of any building works required by this consent.

## ENVIRONMENTAL MATTERS

- 13 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, the waste storage bins are to be located within the building at all times except during times of collection by a waste contractor.

- 14 All 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.

- 15 Activities on the premises must be carried out in accordance with Environment Protection Licence No. 13253, issued by the Environment Protection Authority. Should this license be rescinded or surrendered, an application is to be submitted to Council for consideration of matters contained in the licence.
- 16 All unloading, loading and discharge of waste from vehicles is to occur within the building.
- 17 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 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.

In this regard, an approved Trade Waste Agreement is to remain in force for the proposed use.

- 18 When discharging from the waste collection vehicles, the discharge point of the vehicle is to be located within the bunded area of the facility.
- 19 The waste collection vehicles are not to be decontaminated in or at this facility.

- 20 The servicing and washing of vehicles within the facility is not permitted.
- 21 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.
- 22 The 'Environmental Management Plan' prepared by Sustainable Consulting Solutions Pty Ltd dated May 2012 (Project No. 3439.001 Revision 0) is to be implemented and complied with.
- 23 The facility is not to collect, store, treat and dispose of wastewater that is in conflict with the Sydney Water Trade Waste Agreement. This includes the type, source and volume of waste disposed of.
- 24 Upon request, official documentation is to be provided to Council including, but not limited to, the volume and sources of waste disposed of within the facility. This information is to be provided within 48 hours of request.
- 25 No other waste, other than septic and sullage waste, is permitted to be received by Unit 1 as a part of this development consent.

## **BCA ISSUES**

- 26 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 "Design for Access and Mobility".

Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

- 27 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 In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works are to be completed to upgrade the fire safety of the existing building:

- a) Rehang exit door to swing in the direction of egress in accordance with D2.20 of the BCA.
- b) An additional exit sign is required above the door leading from the factory into the

- office.
- c) Provide bollards outside all doors within a path of travel to a required exit in accordance with Part D1.10 of the Building Code of Australia.

## UTILITY SERVICES

- 29 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](http://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.

## CONSTRUCTION

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

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

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

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

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

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

## ENGINEERING

- 31 A total of 6 off-street parking spaces are to be provided, line marked and maintained for the development, in accordance with the stamped plans. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS 2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.
- 32 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2 and AS 2890.6.
- 33 **Prior to the commencement of this approved use** directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

- 34 All potential pollutants that are stored or detained on-site shall be stored above RL 25.2m AHD.
- 35 Any vehicles exceeding a 9m rigid vehicle shall not be permitted to enter the site.
- 36 All vehicles accessing the site shall enter and exit in a forward direction.
- 37 No storage of goods or materials is to occur within any car parking or manoeuvring areas.
- 38 Trucks associated with the operations of the business shall not be parked on the street or across designated car parking spaces. The operations of the business are not to interfere with access to the adjoining unit on the subject site, including any parking and driveway areas.
- 39 There is to be a maximum of one vehicle at any time collecting or discharging waste. No queuing of vehicles, either on the street or on the subject site, is to occur as a result of business operations.

## **LANDSCAPING**

- 40 The existing landscaped area at the front of the site is to be landscaped, and maintained at all times.
- 41 **Prior to the issue of an Occupation Certificate**, landscaping containing a mixture of native trees and shrubs shall be provided across the front of the site to reduce the impact of hardstand areas. The landscaping shall achieve a minimum height of 1.2m and be maintained at all times.

Should any landscaping die or be removed; it is to be replaced with the same species and, to the extent practicable, the same maturity.

## PAYMENT OF FEES

- 42 All road works, dedications and drainage works are to be carried out at the applicant's cost.

## CERTIFICATION

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

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

- 44 **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.