

<b>JRPP Ref. No.</b>	2013SYW077
<b>Application Number</b>	DA13/0815
<b>Applicant</b>	Commercial & Industrial Property Pty Ltd
<b>Proposed Development</b>	Refrigerated Warehouse & Distribution Facility and Torrens Title Subdivision x 3 Lots
<b>Property Address</b>	16 – 70 templar Road, Erskine Park
<b>Property Description</b>	Lot 2304 DP 1172543
<b>Property Owner</b>	GPT RE Limited

## Development Assessment Report

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### Executive Summary

An application has been lodged by Commercial and Industrial Property Pty Ltd seeking consent for the construction and use of a Refrigerated Warehouse and Distribution Facility by RAND and Torrens Title Subdivision into three (3) Lots.

The subject development site is zoned IN1 General Industry under the provisions of *State Environmental Planning (Western Sydney Employment Area) 2009*. The proposed development is suitably defined as a 'warehouse and distribution centre' which is permitted with consent.

In accordance with Section 23G of the *Environmental Planning and Assessment Act, 1979*, the Sydney West Joint Regional Planning Panel is the determining authority as the capital investment value (CIV) of the proposed development is in excess of \$20 Million.

The development application was advertised in local newspapers and notified to adjoining property owners and occupants. The exhibition period ended on 9 September 2013 and no submissions were received in response.

The proposed development was reviewed by Council's Urban Design and Review Panel (UDRP). The application has adequately responded to the matters raised in relation to building design through this application.

The proposed development is in consideration of the relevant provisions of the Environmental Planning Instruments and the relevant Development Control Plan pertaining to the land. Variations to the controls within the Development Control Plan, being building height and car parking have been appropriately justified. The proposed development is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development and the proposal is in the public interest.

An assessment of the proposed development under Section 23G and Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the proposal has been found to be satisfactory. This report recommends that the application be approved subject to recommended conditions of consent.

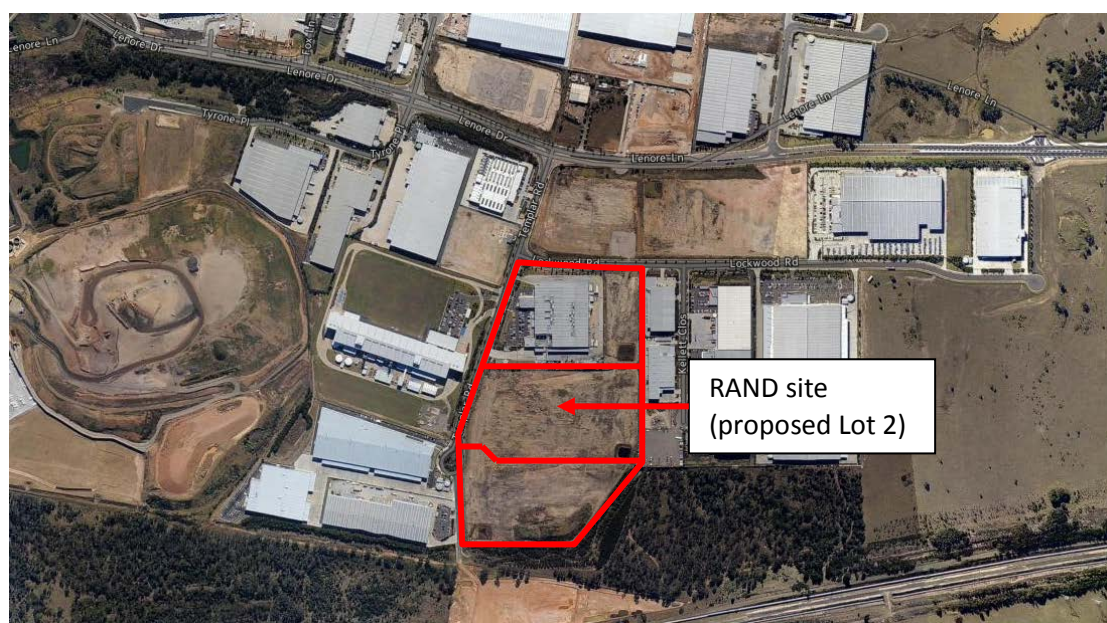
## Site and Surrounds

The site is identified as Lot 2304 in DP 1172543 and is situated on the eastern side of Templar Road, Erskine Park. The surrounding area comprises warehouse and industrial developments and includes a range of large scale employment generating uses.

The site has an area of 15.88 hectares which is proposed to be subdivided into three (3) lots. The development site for RAND (proposed Lot 2) has a site area of 6.147 hectares. The residual lots will have an area of 5.40 hectares (proposed Lot 1) and 4.33 hectares (proposed Lot 3). The development site is currently vacant and has been cleared, levelled and benched consistent with the previous approvals issued on the site.

Proposed Lot 1 has been developed and is occupied by Goodman Fielder while proposed 3 is subject to a current State Significant Development application (SSD-6030) which has recently been lodged with the Department of Infrastructure and Planning.

The site is subject to an existing Concept Plan Approval 06\_0216 for the development of a warehouse and distribution complex. The approval was granted on 1 March 2007. The subject land is part of the development area identified as site F within the approval.



## Proposed Development

RAND is a storage and logistic business specialising in chilled and frozen products. The development involves:

- The construction of a single 23,940m<sup>2</sup> purpose built temperature controlled warehouse and distribution facility consisting of freezer rooms, chilled annexe, administration office, dry goods store, workshop and fuelling station, plant room, staff amenities and loading docks.
- Onsite fuel storage and workshop area.

- Access to the site from Templar road. Trucks enter and exit the site via separate driveways. A total of 49 trailer and 49 semi-trailer parking spaces and 18 truck parking spaces are to be accommodated on the site.
- Cars will enter and exit the site from a separate dedicated driveway to avoid conflict with truck movements and circulation. A total of 115 car parking spaces are provided within this area. The car parking area is set behind a 10 metre wide landscaping area with additional canopy trees provided throughout the car park.
- Subdivision to create three lots, comprising the subject development site and two residue lots.
- Operation of the site 24 hours per day, 7 days per week.

The application is accompanied by the following plans and reports:

- Statement of Environmental Effects, prepared by SJB Planning
- Architectural Plans, prepared by Commercial and Industrial Property Ltd
- Landscape Plans, prepared by Arcadia
- Civil Engineering Plans, prepared by Costin Roe Consulting
- Traffic and Transport Report prepared by Transport and Traffic Planning Associates
- Acoustic Assessment, prepared by EMM
- Waste Management Plan, prepared by Commercial and Industrial Property Ltd
- Conservation Value Assessment, prepared by Ambrose Ecological Services Pty Ltd

## **Planning Assessment**

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G and Section 79C of the *Environmental Planning and Assessment Act 1979*, and based on this assessment, the following issues have been identified for further consideration.

### **1. Section 23G – Joint Regional Planning Panels**

Under Section 23G of the *Environmental Planning and Assessment Act 1979*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

The proposed development has a CIV of \$36 million. Under Schedule 4A of the *Environmental Planning Assessment Act 1979*, a regional panel has the function of determining applications for development which have a CIV in excess of \$20 million.

### **2. Section 79C(1)(a)(i) – Any Environmental Planning Instrument**

#### ***State Environmental Planning Policy (State and Regional Development) 2011***

The proposal is for a refrigerated warehouse and distribution centre with a CIV of \$36 million, which is greater than the \$20 million threshold identified in Clause 20 of State Environmental Planning Policy (State and Regional Development) 2011. This

identifies that the development is of a type to be determined by the Joint Regional Planning Panel.

***State Environmental Planning Policy (Western Sydney Employment Area) 2009 (SEPP WSEA)***

The subject development site is zoned IN1 General Industry under the provisions of *State Environmental Planning Policy (Western Sydney Employment Area) 2009*. The proposed development represents a permissible land use in the zone being a 'warehouse or distribution centre'.

The proposed three (3) lot subdivision is permitted with the consent under Clause 14.

The proposed development is consistent with the objectives of the zone as the proposal is for a large warehouse and distribution facility facilitating up to 129 new employment opportunities with ease of access to motorway corridors including the M4 and M7.

***Clause 18 Requirements for development control plans***

Clause 18 identifies that consent cannot be granted unless a Development Control Plan has been prepared. In accordance with Clause 18(6) this plan is taken to be *Penrith Development Control Plan 2006 – Erskine Business Park* (approved 21 August 2006 and as in force on 15 December 2006). An assessment of this plan is provided in Section 4 of this report.

***Clause 20 Ecological Sustainable Development***

Clause 20 requires that consent must not be granted unless the development contains measures to minimise consumption of potable water and greenhouse gas emissions.

In accordance with this requirement, rainwater is captured onsite via a 100,000 litre storage tank for re-use on the site for purposes such as irrigation, toilet flushing and vehicle wash-down and will contribute to a reduction in potable water use on the site.

The design of the building also incorporates window awnings, insulation, the use of light coloured external cladding and canopy trees as measures to reduce greenhouse emissions.

***Clause 21 Height of Buildings***

Consent must not be granted pursuant to this clause unless the consent authority is satisfied that the building height will not impact on amenity of adjacent residential areas and the sites topography has been taken into consideration.

The development site is not adjacent to or within the vicinity of any residential properties and given the sites topography the developments height is unlikely to impact on surrounding properties and is considered satisfactory.

***Clause 22 Rainwater Harvesting***

The roof areas of the proposed development will be appropriately connected to the onsite storage system and re-used for purposes such as irrigation, toilet flushing and vehicle wash-down. A specific rainwater harvesting scheme was not required and/or approved by the Director-General. The method for rainwater harvesting on the site is satisfactory.

#### *Clause 24 Development involving subdivision*

This clause relates to development involving subdivision to ensure that the subdivision of land will not lead to fragmentation of large lots or affect the supply of land for employment purposes. As well as ensuring reasonable access is provided to roads and services.

The proposed subdivision pattern and lot sizes will not lead to fragmentation nor prevent the supply of employment land and access to roads or services.

#### *Clause 25 Public Utility Infrastructure*

The site is serviced by sewer, water and electricity and is capable of connections to natural gas.

#### *Clause 29 Industrial Release Area - Satisfactory arrangements for the provision of regional transportation infrastructure and services*

The site is identified on the industrial release area map for the purpose of this clause. Certification has now been provided from the Director-General (refer to copy attached). However, a letter has been provided from the Department of Planning, dated 30 March 2010, which states that no further regional development contributions will be sought for the proposed site as contributions have been paid in full under major projection application 06\_0208.

#### *Clause 31 Design Principles*

The proposed building has been architecturally designed to a high standard to ensure that it presents well to Templar Road through the use and combination of landscaping, articulation and variations in materials and external finishes. The bulk and scale of the building is also consistent with surrounding developments.

The development was presented to Council's Urban Design Review Panel on 26 June 2013. A number of recommendations have been incorporated into the final design of the building.

#### ***State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)***

The proposal is for the construction of a 23,940m<sup>2</sup>. Under *State Environmental Planning Policy (Infrastructure) 2007*, Clause 104 requires that an industrial development of over 20,000m<sup>2</sup> with access to any road is traffic generating development requiring referral to the Roads and Maritime Service.

A response from the Roads and Maritime Services has been received and Council's Senior Traffic Engineer has noted the considerations under Clause 104(3) (b) and concluded that the development is satisfactory in regards to site accessibility and traffic safety.

The Roads and Maritime Service have recommended conditions to be imposed with respect ensuring safe and adequate areas being provided on site for movements of vehicles within the site. This has been recommended in condition No. 31.

No major traffic generation impacts are expected from the development and it anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase.



Based on the advice provided by the Roads and Maritime Services and Council's Senior Traffic Engineer and the limited impact the development will have on the surrounding road network, the development is satisfactory for the purposes of Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*.

***State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)***

This policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. The Concept Plan approved on the site (06\_0216) was supported by a Phase 1 Environmental Site Audit. The report found that there was no evidence of contamination to constrain future industrial land uses. There is no further evidence to suggest that the site contains contamination and therefore no further assessment is required.

***State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)***

The proposed signage complies with the overall aims, objectives and Schedule 1 Assessment criteria.

***State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)***

The facility proposes the storage of:

- Diesel fuel 70,000kg; and
- Anhydrous ammonia 3,500kg.

Given these levels are below the thresholds that would trigger further assessment under *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*, the development is not considered a 'potentially hazardous or offensive industry' and no further assessment is required. Recommended condition No. 38 imposed on the consent will ensure that these materials are appropriately stored and managed onsite.

***Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River (SREP 20)***

The SREP 20 provides overall direction for planning to protect the environment of the Hawkesbury/Nepean River catchment within which the proposed development is located.

The proposed development is consistent with this objective, and any risks relating to the protection of the Hawkesbury-Nepean River system are considered and addressed through the implementation of recommended conditions of consent relating to erosion and sediment control and stormwater runoff mitigation.

**3. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments**

The Stage 2 City Wide Penrith Planning Proposal was placed on public exhibition on 13 May 2013. As such, the EP&A Act states that the consent authority must consider any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority. The relevant sections of the Planning Proposal have been reviewed and it is noted that there are no considerations which affect the development's compliance with this instrument.

#### **4. Section 79C(1)(a)(iii) – Any Development Control Plan**

##### ***Penrith Development Control Plan 2006***

##### ***Section 6.14 – Erskine Park Employment Area***

The above provisions of Section 6.14 – Erskine Park Employment Area of Penrith Development Control Plan 2006 apply to the subject site. The proposed development is generally consistent with the Development Control Plan; however a variation is sought in respect to car parking and building height.

##### ***Clause 4.1 Height***

This clause requires a maximum building height of 15m for development located within the Southern Area. The building height proposed is 21.7m and exceeds the permitted building height requirements.

The applicant has provided justification for the variation to the development control as follows:

*‘The development is essentially level from past benching works. The rear boundary of the site is formed by a retaining wall approximately 10m in height. The subject site is therefore below the level of development to the east by 10m. This level change and existing buildings to the east will substantially screen the proposed building.*

*As shown on the contextual elevation plan, the development to the immediate west has a finished RL to the street of 75.23m AHD, stepping up to an RL of 78.72m AHD. The proposed RAND facility warehouse behind the administration building has a proposed RL of 68.6m AHD, some 6.63 lower than the building opposite. The main warehouse proposed for RAND has a finished RL of 75.2m AHD, 3.07m lower than the highest point of the roof of the Bluescope Steel building to the west’.*

The proposed variation can be supported in this instance. The building is consistent with other developments in the locality. As demonstrated by the ‘contextual elevation’ plan the ridgeline of the proposed development sits 3.07m under the ridgeline of the Bluescope building directly opposite. The building also gradually steps up in height from the front of the building to its highest point reducing its apparent height when viewed from the streetscape.

##### ***Clause 7.2 Car Parking***

This clause requires car parking is provided onsite in accordance with the following rates:

Warehousing – 1 space per 100m<sup>2</sup>  
Office premises – 1 space per 40m<sup>2</sup>

Based on floor areas (of warehousing and of office), 257 spaces are required to be provided. The proposed development includes the provision of 115 car spaces on site, 2 being accessible.

The applicant has provided justification for the variation to the development control in part as follows:

*‘the operation of the facility has a maximum employee capacity at any one time of 104 at peak shift changeover. Even with potential overlaps at shift changeover, the*

*proposed 115 car spaces will provide ample employee parking plus scope for visitor and courier parking'*

*'the provision of 115 car spaces readily accommodate potential demand of the facility and exceeds the relevant RMS guideline control'*

#### **RMS Parking Requirement Comparison**

<b>Land Use</b>	<b>Floor Area (m<sup>2</sup>)</b>	<b>DCP Requirements</b>		<b>RTA Guidelines</b>	
		<b>Rate per m<sup>2</sup></b>	<b>Spaces</b>	<b>Rate per m<sup>2</sup></b>	<b>Spaces</b>
Warehouse	22,360m <sup>2</sup>	1/100m <sup>2</sup>	231	1/300m <sup>2</sup>	75
Ancillary Office	1,040m <sup>2</sup>	1/40m <sup>2</sup>	26	1/300m <sup>2</sup>	4
TOTAL	-	-	257	-	79

The above illustrates that there is a demand for between 78 and 257 parking spaces for the proposed development.

The relevant objectives of the development control are listed as follows:

- “(a) To ensure the provision of adequate on-site parking to satisfy the demands generated by developments within the area; and*
- (b) To eliminate the need for kerb side parking and congestion on the public road network.”*

The proposed use is unlikely to generate an excessive amount of parking, comprising of staff and visitor parking only. The 115 parking spaces provided on site are more than the RTA requirement. The number of staff working will be split across 3 shifts and is unlikely to occupy all 115 spaces at one time. The proposed parking spaces are consistent with the anticipated staff numbers expected at the site at any one time.

Council's Senior Traffic Engineer has reviewed the proposal and notes that the parking provided is adequate for the proposed use. The proposed car parking variation is considered satisfactory in this instance.

#### **5. Section 79C(1)(a)(iv) – The Regulations**

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

#### **6. Section 79C(1)(b) – The Likely Impacts of the Development**

##### **Noise Generation**

Council's Environmental Health Officer has reviewed the Noise Impact Assessment accompanying the application and has raised no objections to the proposed development in relation to noise.

Further details have been requested in relation to plant and equipment noise prior to the issue of a Construction Certificate. Additionally, an acoustic compliance report is to be obtained from a qualified acoustic consultant prior to the issue of an Occupation



Certificate to confirm the development achieves compliance with the submitted impact assessment. Recommended conditions of consent have been proposed to ensure the development does not have any adverse impacts in relation to noise (Condition Nos.54, 59 & 60).

### **Traffic and Access**

The subject application was accompanied by a Traffic and Transport Assessment prepared by Transport and Traffic Planning Associates dated July 2013.

Council's Senior Traffic Officer and the RMS have reviewed the proposed development and conclude that no major traffic generation impacts are expected from the development as it is anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase.

Conditions are recommended (Nos. 29 & 68) for car parking, manoeuvrability and sight distances.

### **Urban Design**

Prior to the lodgement of the Development Application, consideration was given to proposed development by the Urban Design Panel which highlighted the following:

- There is a large extent of hardstand area which needs to incorporate more landscaping to soften the building. Canopy trees should be introduced into the building setback area to shade and soften the building and provide shade for parked vehicles.
- The lunchroom is currently internal and relocation to include an external window or access onto a paved seating area is encouraged.
- Fencing shall be black palisade and set back behind the landscaping.
- The roof of the dry goods area shall be revised.

The application adequately responded to the above matters raised in relation to building design through this application. The car parking area has been reconfigured to allow for additional canopy tree landscaping between car parking bays, the lunchroom has been provided with a large double door opening onto an external courtyard and the front elevation has been provided with additional blade wall elements to reduce the box-like appearance of the dry goods area.

In addition the proposed warehouse building and associated offices have been designed with a mixture of panels, glazed facades and external structural elements to compliment the modern architecture found within the locality.

The application has been accompanied by landscape plans which provide for related landscaping works on the site. The proposed landscape works will provide for the high-quality embellishment of the site with suitable ground covers, shrubs and trees which, at maturity, will complement the scale, design and function of the development.

### **Waste Management**

Appropriate arrangements will be made for construction waste to be disposed of at authorised waste management facilities. Condition number 17 has been recommended to ensure this.

## **7. Section 79C(1)(c) – The Suitability of the Site for the Development**

The application has demonstrated that the proposed development is suitable for the site. There are no significant natural or built environment constraints that would hinder the proposed development.

## **8. Section 79C(1)(d) – Any Submissions made in relation to the Development**

In accordance with Section 2.7 (Notification and Advertising) of Penrith Development Control Plan 2006, the proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. A total of 20 property owners and occupiers were notified in the surrounding area.

The public exhibition period for the proposal was from 26 August 2013 to 9 September 2013 and no submissions were received in response.

### *Internal Referral Comments*

The table below summarises the results of internal Penrith City Council referrals in relation to the proposal.

<b><i>Referrals</i></b>	<b><i>Comments</i></b>
Building Surveyor	No objection, subject to conditions.
Development Engineer	No objection, subject to conditions.
Traffic Engineer	No objection, subject to conditions.
Environmental Management	No objection, subject to conditions.

## **9. Section 79C(1)(e) – The Public Interest**

The proposed development would significantly contribute to the ongoing growth and development of the Erskine Business Park and the greater Western Sydney Employment Hub. The contribution to employment opportunities in the region is considered to be significant with respect to a large organisation setting its base in the Penrith Local Government Area.

The proposed development has been assessed with regard to the proposed provisions outlined in *State Environmental Planning Policy (Western Sydney Employment Area) 2009* and *Penrith Development Control Plan 2006* and is satisfactory. Matters relating to car parking, building design and height as well as access have been considered against the relevant planning instruments and are found to be satisfactory.

The proposed development provides a modern building with contemporary finishes that would enhance the surrounding built environment. The proposed development incorporates a high quality architectural design which will ensure that the site provides substantial visual interest within the employment generating context of Erskine Business Park. Combined with landscaping, the proposed development continues the theme for the standard of development that is expected in Erskine Business Park.

## Section 94 Contributions

Erskine Business Park Development Contributions Plan 2008 applies to the site. Contributions are levied under this plan per developable hectare and have been paid in full to Council under Concept Plan Approval 06\_0216. No further contributions under this plan apply to the subject development proposal.

## Conclusion

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G and Section 79C of the *Environmental Planning and Assessment Act 1979*. It is considered to have substantial merit and is unlikely to result in a significant adverse impact upon adjoining lands.

The variation of development controls of the proposed development with respect to on height, setbacks and on site parking spaces are reasonable as the proposal demonstrates an appropriate development that is site responsive and aims to enhance the high quality nature of the employment area.

The application is therefore satisfactory and the proposal is recommended for approval, subject to the imposition of the recommended conditions.

## Recommendation

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That:

1. The information contained in the report on Development Application No. DA13/0815 for the construction of a Refrigerated Warehouse & Distribution Facility and Torrens Title Subdivision x 3 Lots at Lot 2304 DP 1172543 (No. 16 - 70) Templar Road, ERSKINE PARK NSW 2759 be received.
2. Development Application No. DA13/0815 for the construction of a Refrigerated Warehouse & Distribution Facility and Torrens Title Subdivision x 3 Lots at Lot 2304 DP 1172543 (No. 16 - 70) Templar Road, ERSKINE PARK NSW 2759 be approved subject to the following conditions:

## Standard Conditions

### 1. **A001 – Approved Plans**

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

Drawing Title	Drawing No	Issue	Prepared by	Dated
Subdivision Plan	2-056-275903-DA-000	B	The GPT Group	5.8.2013
Architectural Plans	2-056-275903-DA-002, 110 – 111, 200 –	A	The GPT Group	29.7.2013

	201, 210 – 211, 220, 300 – 301			
Landscape Plans	13-135-100, 200 – 205, 300	A	Arcadia Landscape Architecture	30.7.2013
Erosion & Sediment Control Plans	C012157.00-DA20, 25 - 26	C	Costin Roe Consulting	30.7.2013
Stormwater Drainage Plans	C012157.00-DA40, 45 - 47	D	Costin Roe Consulting	1.8.2013
Finished levels	C012157.00-DA50	G	Costin Roe Consulting	30.7.2013
Retaining wall details	C012157.00-DA65	C	Costin Roe Consulting	30.7.2013
Noise Impact Assessment	-	-	EMGA Mitchell McLennon	5.8.2013
Waste Management Plan	-	-	Commercial & Industrial Property Pty Ltd	5.8.2013

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 on a 24 hour basis, seven (7) days a week. Acoustic Impact shall be minimised to the surrounding area and consistent with the conditions in this consent.

5. **A030 – No retail sales**

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

6. **A038 – Lighting Locations**

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. 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).

7. **A039 – Graffiti**

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

8. **A046 – Construction Certificate**

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

9. **B005 – Mud/Soil**

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

10. **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 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.

11. **D002 – Spraygrass**

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

12. **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.

13. **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."}

#### **14. 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.

#### **15. 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.

**16. 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.

**17. D020 – Vehicle wash bay**

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

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 Principle Certifying Authority before the wash bay can be installed.

**18. D022 – Mechanical Repairs**

Only maintenance of the trucks and plant and equipment shall be conducted within the workshop area. The workshop area shall be provided with suitable pollution control devices that removes grease, oil, petroleum products and grime prior to discharge to the sewer system in accordance with the requirements of Sydney Water.

**19. 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.

**20. 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.

**21. 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.

**22. 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 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

**23. E008 – Fire safety list with construction certificate**

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.

**24. 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.

**25. 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 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.

**26. 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.

## 27. **H041 – Hours of Work**

“Construction works or subdivision 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 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.

28. **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](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.**

29. **G004 – Integral Energy**

**Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Integral 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 pad mounted 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.

30. **K027 - Car parking**

A total of 115 off-street parking spaces are to be provided, line marked 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 115 spaces, 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.

31. **K101 - Works at no cost to Council**

All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

32. **K202 – Roads Act**

**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.

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).

**33. K205 – Construction Certificate Subdivision Works**

Subdivision works shall be provided generally in accordance with the concept plan/s lodged for development approval.

Any Construction Certificate/s issued by the Certifying Authority shall include but not be limited to the following subdivision works.

- a) On-site detention system
- b) Stormwater drainage
- c) Stormwater pre-treatment systems
- d) Interallotment drainage
- e) Earthworks
- f) Car parking

Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by suitably qualified people and must accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the subdivision works have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

**34. 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, reference number C012157.00, revision D, dated 1 August 2013.

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.

**35. 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.

**36. K221 – Car Parking**

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, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

All vehicles should enter and exit in a forward direction and have appropriate access to loading docks. The driveway width shall accommodate swept movements of the largest vehicle servicing the site and be designed to AS 2890.2.

**37. K301 - Sediment & Erosion Control - Installation**

Prior to the commencement of works on site, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed 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.

Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

**38. K302 – Traffic Control Plan**

Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

**Note:** A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

39. ***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.

40. ***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.

41. ***K503 - Stormwater Compliance***

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

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

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

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.

**43. K509 – Directional Signage**

**Prior to the issue of an Occupation Certificate** 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.

Adequate signposting for both vehicles and pedestrians shall be provided onsite to ensure vehicle and pedestrian conflicts are mitigated. Appropriate signage is to be installed to delineate the separated staff/ visitor access from truck access.

**44. L001 – General Landscaping**

All landscape works are to be constructed in accordance with the stamped-approved Plans, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

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.

**45. 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.

**46. 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.

iii 3 Year Landscaping Report

3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

- (a) The landscaping on site has matured and is in accordance with the original landscape approval.
- (b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

**47. 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.

**48. 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.

49. ***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.

50. ***M008 – Linen Plan***

**Prior to the issue of a Subdivision Certificate**, the original Linen Plan and ten (10) copies shall be submitted.

The following information is to be shown on one (1) copy of the plan.

- All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.
- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement

51. ***Q01F – Notice of Commencement and Appointment of PCA***

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

- 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
- 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.

52. ***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.

**53. Q008 – Subdivision Certificate**

A Subdivision Certificate is to be obtained **prior to the release of the linen plan of subdivision**. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

**Special Conditions**

**54. Forklift noise**

Forklifts used on the site are to be fitted with broadband reversing alarms.

**55. Offensive Odours**

Offensive Odours are not to be emitted from the site. Vapours, fumes, gasses, particles or any other substance that are considered to be harmful to human health or the environment or impact unreasonably on a person outside of the premises are not to be emitted from the site.

**56. Dust Suppression**

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

**57. Bunding**

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

**58. Hazardous materials**

No hazardous materials and dangerous goods other than the aerosols and flammables of the type and quantity as outlined in the documentation prepared by One Group dated 17 July 2013 are to be stored on the site.

**59. Implementation of Acoustic Report Recommendation**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in 'Noise Impact Assessment' prepared by EMGA Mitchell McLennon dated 5 August 2013, reference no.J13064RP1, version 2. The

recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development. These details shall be **shown on plans accompanying the Construction Certificate application.**

Further details on the type and location of mechanical plant and equipment and any mitigation measures associated with the development are to be provided to Council for consideration and approval, as well as suitable data and information on the noise impacts associated with this plant and equipment shall be provided to Council **prior to the issue of a Construction Certificate.**

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

**60. Acoustic Compliance Report**

**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 Noise Impact Assessment prepared by EMGA Mitchell McLennon, dated 5 August 2013, reference J13064RP1, version 2 and the NSW Industrial Noise Policy.

This report is to be provided to Council within sixty days of testing. 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 twenty-one (21) days from the date of notice from Council.

**61. Associated costs**

All works/ regulatory signposting associated with the development are to be at no cost to the Roads & Maritime Service or Council.

**62. Sight Lines**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.