General

1 The development must be implemented substantially in accordance with the following plans and documentation stamped approved by Council, except as may be amended in red on the attached plans and by the following conditions.

Plan / Document	Prepared By	Dated
Environmental Impact Statement	Cityscape Planning &	November 2014
Acoustic Assessment	Envirotech	29 October 2014
Traffic & Parking Assessment	ML Traffic Engineers	November 2014
Sodic Soil Assessment	Envirotech	19 August 2014
Water Quality Management Plan & WSUD	Rocla	1 April 2015
Stormwater Drainage & Water Quality Treatment Plan (4 sheets)		1/15
Stormwater Concept Plan (4 sheets)	Global Projects Engineers	16/4/15
Air Quality & Odour Assessment	Envirotech	17/10/2014
Preliminary Hazard Analysis	Envirotech	17/10/2014
Site Plan	AbCad Design & Drafting	1 December 2014
Operational Plan	AbCad Design & Drafting	1 December 2014
Truck Path – In	AbCad Design & Drafting	10 February 2015
Truck Path – Out	AbCad Design & Drafting	10 February 2015
Floor Plan	AbCad Design & Drafting	1 December 2014
Section AA	AbCad Design & Drafting	1 December 2014
Elevations	AbCad Design & Drafting	1 December 2014
Letter – Director General's		26/05/14

2. A copy of the approval issued by the Environmental Protection Authority (as required by Notice No: 1529829 dated 15 April 2015) under the Protection of the Environment Operations Act 1997 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.

The development is to be carried out in accordance with the General Terms of Approval granted by the EPA by Notice No: 1529829 dated 15 April 2015, as follows:

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- The development application 14/1596 submitted to Penrith City Council on 23 December 2014;
- Environmental Impact Statement: Waste Management Facility - Recycling of Dangerous Goods by Cityscape Planning and Projects dated November 2014 relating to the development; and
- All additional documents supplied to the EPA in relation to the development, including letter by Magnus Nilsson, MRT System dated 20 March 2014.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L.1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with in and in connection with the carrying out of the development.

L2. Concentration limits

L2.1 Post commissioning sampling of mercury from the point source as per methods contained in the Approved Methods for the sampling and Analysis of Air Pollutants in NSW is to be completed and submitted to EPA to determine the adequacy of pollution controls.

L2.2 For each discharge point nominated by the EPA, the concentration mercury discharged at that point, or applied to that area, must not exceed the concentrations limits to be specified.

L2.3 To avoid any doubt, this condition does not authorise the discharge or emission of any other pollutants.

L3. Waste

L3.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L4. Noise limits

L4.1 All activities conducted on the premises must be in accordance with NSW EPA Industrial Noise policy. L5. Hours of operation

L5.1 Activities at the premises may only be carried on between Monday to Friday 7.00am to 5.30pm and Saturday 7.00am to 1.00pm.

L5.2 This condition does not apply to the delivery of material outside the hours of operation permitted by condition L5.1, if that delivery is required by police or other authorities for safety reasons; and/or the operation or personnel or equipment are endangered. In such circumstances, prior notification is provided to the EPA and affected residents as soon as possible, or within a reasonable period in the case of emergency.

L5.3 The hours of operation specified in conditions L5.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L6. Odour

L6.1 No offensive odour may be emitted from the premises unless potentially offensive odours are identified in the licence and the odours emitted are in accordance with conditions specifically directed at minimising the odours permitted.

L6.2 The Licensee must not cause or permit the emission of offensive odour beyond the boundary of the premises.

L7. Dust

L7.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

L7.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

Operating conditions

O1. Activities must be carried out in a competent manner

O1.1 Licensed activities must be carried out in a competent manner. This includes:

a) The processing, handling, movement and storage of materials and substances used to carry out the activity.
b) The treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity. O1.2 All activities including the handling, storage, processing, reprocessing and movement of waste must occur within the building.

O1.3 All machinery used for the activity at the premises must be stored and operated within the building. O2. Maintenance of plant and equipment

O2.1 All plant and equipment installed at the premises or used in connection with the licences activity:

a) Must be maintained in a proper and efficient condition; and

b) Must be operated in a proper and efficient manner.

O3. Emergency response

O3.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

O4. Processes and Management

O4.1 The licensee must ensure that any liquid and/or non-liquid waste generated and/or stored and/or treated and/or processed and/or reproccessed at the premises is assessed and classified in accordance with the EPA Waste Classification Guidelines as in force from time to time.

O4.2 All receptacles, including empty containers, containing material that is likely to cause environmental harm must be handled and stored only within the building and within bunded area.

O4.3 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.

O4.4 The licensee must ensure that suitable measures (e.g. high/low alarm, control valves with interlock control, one way valves) are installed on all tanks and associated pipes and hoses to prevent spillage of waste.

O4.5 The licensee must ensure that all liquid materials including chemicals, fuels, oil, and waste materials are stored in a designated impervious bund that contains 110% of the largest container contained within the bund.

O4.6 The bunded area (floor and walls) must be impervious to the liquid(s) in the containers. The bund wall must not contain drain valves.

O4.7 Decanting, consolidating or bulking of materials must be conducted wholly within the building and within bunded area.

O4.8 The licensee must ensure that waste identified for recycling is stored separately from other waste.

Monitoring and recording conditions

M1. Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:

a) In a legible form, or in a form that can readily be reduced to a legible form;

b) Kept for at least 4 years after the monitoring or event to which they relate took place; and

c) Produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected:

a) The date(s) on which the sample was taken;

b) The time(s) at which the sample was collected;

c) The point at which the sample was taken; and

d) The name of the person who collected the sample.

M2. Requirement to monitor concentration of pollutants discharged

M2.1 For each discharge point nominated by the EPA, the applicant must monitor (by sampling and obtaining results by analysis) the concentration of mercury. The applicant

must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:

Pollutant	Units of measure	Frequency	Sampling Method
Mercury	milligrams per cubic metre	Yearly	TM-12, TM-13 & TM-14

M3. Testing methods - concentration limits

M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with a relevant local calculation protocol must be done in accordance with:

a) Any methodology which is required by or under the POEO Act 1997 to be used for the testing of the concentration of the pollutant; or

b) If no such requirement is imposed by or under the POEO Act 1997, any methodology which the general terms of approval or a condition of the licence or the protocol (as the case may be) requires to be used for that testing; or

c) If no such requirement is imposed by or under the POEO Act 1997 or by the general terms of approval or a condition of the licence or the protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication "Approved Methods for the Sampling and Analysis of Air Pollutants in NSW".)

M4. Recording of pollution complaints

M4.1 The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

M4.2 The record must include details of the following:

a) The date and time of the complaint;

b) The method by which the complaint was made;

c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;

d) The nature of the complaint;

e) The action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and

f) If no action was taken by the licensee, the reasons why no action was taken.

M4.3 The record of a complaint must be kept for at least 4 years after the complaint was made.

M4.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M5. Telephone complaints line

M5.1 The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

M5.2 The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

M5.3 Conditions M5.1 and M5.2 do not apply until three (3) months after the date of the issue of the licence.

Reporting conditions

R1. Annual Return documents

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results inpollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable. If load based fees apply to the activity the applicant will be required to submit load-based fee calculation worksheets with the return.

R1.2 The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

a. Statement of Compliance; and

b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

R1.3 An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

R1.4 Where this licence is transferred from the licensee to a new licensee,

a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and

b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

R1.5 Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

a. In relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or

b. In relation to the revocation of the licence – the date from which notice revoking the licence operates.

R1.6 The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

R1.7 The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

R1.8 Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

a. The licence holder; or

b. By a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

R2. Notification of environmental harm

R2.1 The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

R2.2 Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

R2.3 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

R3. Written report

R3.1 Where an authorised officer of the EPA suspects on reasonable grounds that:

a. Where this licence applies to premises, an event has occurred at the premises; or

b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

And the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

R3.2 The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

R3.3 The request may require a report which includes any or all of the following information:

a. The cause, time and duration of the event;

b. The type, volume and concentration of every pollutant discharged as a result of the event;

c. The name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and

d. The name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;

e. Action taken by the licensee in relation to the event, including any follow-up contact with any complainants;

f. Details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;

g. Any other relevant matters.

R3.4 The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General Conditions

G1. Copy of licence kept at the premises

G1.1 A copy of this licence must be kept at the premises to which the licence applies.

G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.

G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

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

4. The operating hours are from:

   Monday to Friday 7am - 5:30pm
   Saturday 7am - 1pm

5. All materials and goods associated with the use shall be contained behind the building line and gate at all times, with no storage within the front setback.

6. **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveway. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. 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. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

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

9. The existing waste management facility is not to accept any substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste. The materials containing mercury are to be wholly contained within the new building.

10. The approved waste processing capacity of materials containing mercury shall not exceed 1000 tonnes per year.

Demolition

11. All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 “The Demolition of Structures”. **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

    All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

12. You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

    Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

    - Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and

    - The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence

    Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

    All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

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

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

15. Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

16. 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.

17. 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.

18. 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, considered and approved by 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.

    {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."}.

    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.

19. All waste materials stored on-site are to be contained within designated areas. General waste (not associated with the waste recovery and recycling processes occurring on site) including food and packaging and office related wastes 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 area for general food, packaging and office related wastes 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.

20. Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Assessment (Reference: REP-158714-A) prepared by envirotech Environmental and Engineering Consultancy Services and dated 29 October 2014. The recommendations provided in the above-mentioned acoustic report, including the construction of the outdoor baler area, shall be implemented and incorporated into the design, construction and operation of the development, and, with regard to construction requirements, shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building and baling area enclosure has been constructed to meet the noise criteria in accordance with the approved acoustic report. 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.

21. All vehicle washing 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 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.

22. Bunding is to be provided in accordance with NSW Environment Protection Authority requirements and details of all bunding are to accompany the application for a Construction Certificate.

23. 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.

24. A copy of the Environment Protection Licence issued by the NSW Environment Protection Authority under the Protection of the Environment Operations Act 1997 shall be submitted to the Principal Certifying Authority before the commencement of the development. A copy of this document shall also be submitted to Penrith City Council before the commencement of the development if Council is not the Principal Certifying Authority. Activities on the premises must be carried out in accordance with this Licence.

Should this licence be revoked, suspended or surrendered, an application is to be submitted to Council for consideration of matters contained in the licence.

25. All solid and liquid waste must be properly classified, and disposed or recycled appropriately. Solid waste materials are to be disposed of at a licensed waste facility, or if suitable, recycled. Prior to removal for disposal or recycling, solid and liquid waste materials are to be stored at all times in a designated area within the building.

26. The recommendations of the Preliminary Hazard Analysis For Waste Management Facility 22 Christie Street St Marys (Ref: 158514) prepared by envirotech Environmental and Engineering Consultancy Services and dated 17.10.2014 are to be implemented and adhered to during the operational phase of the development. The actions and recommendations of this Preliminary Hazard Analysis report are to be considered in the preparation of and incorporated into the Environmental Management Plan for the development.

    Prior to the issue of the Occupation Certificate, a copy of the Environmental Management Plan for the facility is to be submitted to Penrith City Council.

BCA Issues

27. 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.

28. 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
    b. 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.

29. 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:

c. complying with the deemed to satisfy provisions, or
d. 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 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.

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 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.

31. 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 orrendered inconvenient, or involves the enclosure of a public place, ahoarding 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.

32. A completed construction waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate can be issued for the approved development.

    The construction waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), and shall address all construction waste materials likely to result from demolition and construction activities, with details of the estimated demolition/construction waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

    The approved construction waste management plan must be implemented on-site and adhered to throughout all stages of construction of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

33. 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/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.

Engineering

34. A total of 13 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 and the Building Code of Australia. Of the13 spaces, 1 parking spaces for persons with disabilities are to be provided in accordance with AS1428.1.

35. **Prior to the issue of a Construction Certificate**, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for <u>any works required</u> in a public road. These works may include but are not limited to the following:

    - Reconstruction of vehicular crossings to minimum 10m wide at the property boundary (including kerb reinstatement of redundant vehicular crossings)
    - Road opening for utilities and stormwater (including stormwater connection to Council infrastructure) Road occupancy or road closures

    All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department on** (02) 4732 7777 for further information regarding the application process.

    Note:

    1. Approvals may also be required from the Roads and Maritime Service for classified roads.

36. An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

    The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

    Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

37. The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Global Project Engineers P/L, drawing number 5442 - C01, C02, C03 and C04, revision B, dated 27 Jan 2015, with the following amendments

    - The storage of the OSD basin shall increase to minimum 42.8 m^3 to accommodate the increase of approximately 1550 m^2 roof and impervious area.
    - The size of the OSD orifice shall be revised to be 126mm.

- The design of the trench drain in the driveway area shall be removed and replaced with pipes and pits in accordance with Council's standard drawing SD3001 in 'Stormwater Drainage For Building Developments (Working Draft)'.
- Minimum grade of 1% shall be provided to the surface of concrete paved area.
- Provision shall be made to ensure any overflow from the roof gutters will be conveyed to the OSD system in 1% AEP storm events
- The OSD discharge Control Pit shall be provided generally in accordance with Council's standard drawing SD3001 in 'Stormwater Drainage For Building Developments (Working Draft)'

Engineering plans and supporting calculations for the stormwater management systems 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 stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

38. **Prior to the issue of a Construction Certificate,** the Certifying Authority shall ensure that:

    a) *Off street access and parking complies with AS 2890.1, AS2890.2 and AS2890.6*
    b) The proposed parking space for people with disability shall be revised to comply with AS2890.6.
    c) Vehicular access and internal manoeuvring has been designed for a Articulated Vehicle in accordance with AS 2890.2
    d) Sight distance at the street frontage has been provided in accordance with AS 2890.2.
    e) All vehicles can enter and exit the site in a forward direction.
    f) The width of vehicular crossing at the property boundary shall be minimum 10m wide to comply with AS2890.2.
    g) Loading area and waiting area shall be shown on the construction plans

39. **Prior to commencement of works**, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

40. **Prior to commencement of works,** a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "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.

41. **Prior to the Commencement of Works,** a dilapidation report of all infrastructures fronting the development in Christie Street is to be submitted to Penrith City

Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10m either side of the development.

42. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

43. **Prior to the issue of an Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

    An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and 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.

44. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that the:

    a) Stormwater management systems (including on-site detention and water sensitive urban design)

    - 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.

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

    a) Stormwater management systems (including on-site detention and water sensitive urban design) 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 Stormwater Drainage for Building Development.

46. **Prior to the issue of an Occupation Certificate,** signage which is clearly visible from the public road shall be placed within the development site.

    The signage shall indicate that the eastern vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The western vehicular access is to be used for egress purposes only and appropriately signposted "No Entry".

47. **Prior to the issue of an Occupation Certificate,** directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

48. The stormwater management systems shall continue to be operated and maintained for the life of the development in accordance with the final operation and maintenance management plan.

49. The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

50. The layout of the proposed car parking areas 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, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage.

51. The swept path of the longest vehicle (including garbage trucks) 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.

52. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

53. All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of the works.

Landscaping

54. The existing landscaped area at the front of the site shall be embellished with low level planting prior to the issue of the occupation certificate.

Certification

55. 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.

    <u>Information to accompany the Notice of Commencement</u>
    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.