

## DETERMINATION OF DEVELOPMENT APPLICATION

### DESCRIPTION OF DEVELOPMENT

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Modification number	Mod24/0021
Related DA reference	DA23/0053
Description of development	Modify Development Consent DA23/0053 to Amend Conditions 50(b) and 56 Which Relate to Trucks Accessing Warehouse 4C at Oakdale West Industrial Estate
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none"><li>• Class 7b , Class 5</li></ul>

### DETAILS OF THE APPLICANT

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Name & Address	Goodman Property Services (Aust) Pty Ltd 1-11 Hayes Road ROSEBERY NSW 2018
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### NOTES

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1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if the modification of the development requires a Construction Certificate to reflect the modification to the development consent subsequently issued by Council.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## DETAILS OF THE LAND TO BE DEVELOPED

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Legal Description: Lot 120 DP 1289995  
Property Address: Lot 120 Cuprum Close KEMPS CREEK NSW 2178

## DECISION OF CONSENT AUTHORITY

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In accordance with Sections 4.16 and 4.55 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates 02 June 2023  
Date the consent expires 02 June 2028  
Date of this decision 02 June 2023 as amended on 03 May 2024 under Section 4.55 (1A) of the Environmental Planning and Assessment Act.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

## LOCAL GOVERNMENT ACT 1993 APPROVAL

1. The approval to operate the On Site Sewage Management System (also known as septic tanks) has not been issued with this consent. The On Site Sewage Management System is not to be used until:

- all the conditions attached to this development consent relating to the installation of the On Site Sewage Management System has been complied with, and
- the installation of the On Site Sewage Management System has been completed to Penrith City Council's satisfaction and has issued a satisfactory inspection report for the same, and
- an approval to operate the On Site Sewage Management System has been issued by Council.

{Note: With regard to On Site Sewage Management System (system), Council is the:

- certifying authority for the installation of system, and
- consent authority for the operation of the system.}

## CONCURRENCE AUTHORITIES: *Delete this section if not applicable*

CONCURRENCE AUTHORITY	DATE OF CONCURRENCE	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Endeavour Energy	06 March 2023	CNR-51750	14	SEPP (Transport and Infrastructure) 2021, 2.48
Transgrid	10 March 2023	2023079 / CNR-51750	7	SEPP (Transport and Infrastructure) 2021, s2.48

## **RIGHT OF APPEAL**

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1. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

2. If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

## **REASONS**

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## **POINT OF CONTACT**

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If you have any questions regarding this consent you should contact:

Assessing officer	Alexandra Pearce Graduate Development Assessment Planner
Contact telephone number	(02) 4732 7757

## **SIGNATURE**

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Name	Alexandra Pearce
Signature	

For the Development Services Manager

## General

- The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent

<u>Plan No.</u>	<u>Plan Title</u>	<u>Prepared By</u>	<u>Revision</u>	<u>Date</u>
DA00	Cover Sheet	SBA Architects	D	19.01.2023
DA01	Office Perspectives	SBA Architects	E	19.01.2023
DA10	Site & Warehouse Plan	SBA Architects	D	19.01.2023
DA11	Roof Plan	SBA Architects	D	19.01.2023
DA15	4C Office Floor Plans	SBA Architects	E	19.01.2023
DA16	4D Office Floor Plans	SBA Architects	E	19.01.2023
DA20	4C Warehouse Elevations & Section	SBA Architects	D	19.01.2023
DA21	4D Warehouse Elevations & Section	SBA Architects	D	19.01.2023
DA22	4C Office Elevations	SBA Architects	D	19.01.2023
DA23	4D Office Elevations	SBA Architects	D	19.01.2023
DA24	4C Dock Office Plans & Elevations	SBA Architects	C	20.12.2022
DA30	Signage Plan	SBA Architects	D	19.01.2023
<b><u>Civil Plans</u></b>				
15272-C7900	Cover Sheet Drawing List Locality Plan	AT&L	P7	02.03.2023
15272-C7901	General Notes	AT&L	P7	02.03.2023
15272-C7905	General Arrangement Plan	AT&L	P8	27.03.2023
15272-C7910	Typical Sections Sheet 1	AT&L	P7	02.03.2023
15272-C7911	Typical Sections Sheet 2	AT&L	P7	02.03.2023
15272-C7912	Typical Sections Sheet 3	AT&L	P7	02.03.2023
15272-C7913	Typical Sections Sheet 4	AT&L	P7	02.03.2023
15272-C7914	Typical Sections Sheet 5	AT&L	P7	02.03.2023
15272-C7915	Bulk Earthworks	AT&L	P7	02.03.2023
15272-C7920	Siteworks and Stormwater Drainage Plan Sheet 1	AT&L	P7	02.03.2023

15272-C7921	Siteworks and Stormwater Drainage Plan Sheet 2	AT&L	P7	02.03.2023
15272-C7922	Siteworks and Stormwater Drainage Plan Sheet 3	AT&L	P7	02.03.2023
15272-C7923	Siteworks and Stormwater Drainage Plan Sheet 4	AT&L	P8	27.03.2023
15272-C7924	Siteworks and Stormwater Drainage Plan Sheet 5	AT&L	P7	02.03.2023
15272-C7925	Siteworks and Stormwater Drainage Plan Sheet 6	AT&L	P7	02.03.2023
15272-C7926	Siteworks and Stormwater Drainage Plan Sheet 7	AT&L	P7	02.03.2023
15272-C7930	Pavement Plan	AT&L	P7	02.03.2023
15272-C7935	Retaining Wall General Arrangement Plan	AT&L	P7	02.03.2023
15272-C7936	Retaining Wall Profiles	AT&L	P7	02.03.2023
15272-C7940	Erosion and Sediment Control Plan	AT&L	P7	02.03.2023
15272-C7941	Erosion and Sediment Details	AT&L	P7	02.03.2023
<b><u>Landscape Plans</u></b>				
L.SK.00	Cover Sheet	Scape Design	D	30.03.2023
L.SK.01	Landscape Sketch Plan - Lot 4CD	Scape Design	E	30.03.2023
L.SK.02	Planting Plan - Lot 4CD	Scape Design	C	30.03.2023
L.SK.03	Planting Schedule - Lot 4CD	Scape Design	C	30.03.2023
L.SK.04	Character & Materials	Scape Design	B	23.01.2023
L.SK.105	Landscape Detailed Plan and Notes	Scape Design	E	30.03.2023
L.SK.200	Carpark Details	Scape Design	C	21.01.2023
L.SK.201	Landscape Sections Sheet 1	Scape Design	B	30.03.2023
L.SK.202	Landscape Sections Sheet 2	Scape Design	B	30.03.2023

- Bushfire Risk Assessment, prepared by Blackash Bushfire Pty Ltd, Version 1.0, dated 10 January 2023
- Biodiversity Impact Statement, prepared by ecologique, revision 3, dated 16 January 2023.

- BCA Assessment Report, prepared by Blackett Maquire + Goldsmith, revision 3, dated 19 January 2023
  - Air Quality Impact Assessment, prepared by SLR Consulting, dated 16 January 2023
  - Civil Report, prepared by AT&L, Issue 2, dated 11 January 2023
  - Sustainability Management Plan, prepared by SLR Consulting, v1.0, dated 18 January 2023
  - Transport Assessment, prepared by ason group, revision III, dated 19 January 2023
  - Waste Management Plan, prepared by SLR Consulting, v3.0, dated 11 January 2023
  - Fire Safety Strategy, Affinity Fire Engineering, revision 03, dated 22 December 2022
  - Noise Vibration Assessment, prepared by RWDI Australia, Version B, dated 15 December 2022
2. The development is required to comply with the conditions and requirements outlined within the approval letter received from Transgrid, dated 10 March 2023.
  3. **The development shall not be used or occupied until an Occupation Certificate has been issued.**
  4. The approved operating hours for Warehouse 4C is 24 hours, 7 days a week.

The approved operating hours for Warehouse 4D is 24 hours, 7 days a week.

5. The approved use of each building is for Warehouse or Distribution Facilities. No approval is granted for the use of the site as a hazardous or offensive storage establishment or a hazardous or offensive industry, as defined under the *State Environmental Planning Policy (Resilience and Hazards) 2021*.
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 driveways. 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 approved development, the subject of this development consent, is not to contravene the State Significant Development consent 7348 (as modified) or the relevant Planning Agreement. The onus is on the landowner and proponent to ensure that the SSD 7348 (as modified) conditions and Planning Agreement obligations are met.
10. The installation of the approved signage shall be carried out strictly in accordance with the manufacturer's specifications. Any wiring or installation fixtures associated with the signage or internal illumination shall be contained wholly within the body of the signage and not be visible from the public domain.
11. **Prior to the issue of a Construction Certificate**, the relevant construction certificate plans shall demonstrate the installation of a minimum 880 kW solar panel system (i.e. 750 kW for Lot 4C and 130 kW for Lot 4D).

The system shall be operational within 12 months of the issue of any Occupation Certificate.

Written confirmation shall be submitted to the Manager of Development Services at Penrith City Council once the system is installed and operation.

12. The proponent shall seek approval from Endeavour Energy for any activities that may occur within the substation zone.
13. During the construction phase of the development, the proponent shall have regard to, and adhere to the following technical guidelines issued by Endeavour Energy:
  - Work Near Underground Assets Guide, Safework NSW, 2007
  - Electrical Safety for Building and Construction Workers, Endeavour Energy
  - Underground Cable Easement Approved Conditions, Endeavour Energy, 10/03/2020
  - Easements and Property Tenure, Endeavour Energy, 6 March 2017
  - Safety on the Job, Endeavour Energy
  - Safety Plan for Plumbers, Endeavour Energy

## **Environmental Matters**

14. Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.
15. Mud and soil from vehicular movements to and from the site must not be deposited on the road.
16. An appropriately qualified person/s shall:
  - Supervise all filling works.
  - Upon completion of filling works, carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority.
  - All fill material documentation is to (at minimum):
    - Be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
    - Clearly state the legal property description of the fill material source site and the total amount of fill tested,
    - 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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.
  - 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.

For the purpose of this condition an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, 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."

17. Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their records.

18. All resulting 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 are to be fully enclosed when the site is unattended.

19. Waste materials associated with the construction phase of the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used or recycled in accordance with the approved Waste Management Plan.

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.

20. Noise levels from the premises (including all associated plant and equipment) shall not exceed the relevant noise criteria detailed in the Noise and Vibration Assessment, prepared by RWDI, dated 15 December 2022, and consent SSD 7348MOD12. A Certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

21. **Prior to the issue of the Construction Certificate**, a Construction Environmental Management Plan (CEMP) is to be prepared by a suitably experienced / qualified person and submitted to Penrith City Council. The CEMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site.

The CEMP is to address, but is not limited to the following:

- Water quality management,
- Noise control and hours of operation,
- Waste management (including solid and liquid waste),
- Erosion and sediment control,
- Air quality including odour and dust control.

All construction activities on the site are to be implemented and carried out in accordance with the CEMP.

22. Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy (Resilience and Hazards) 2021. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

## **BCA Issues**

23. 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.



24. 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 ongoing 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.

## Health Matters and OSSM installations

25. Any rainwater tank(s) must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

## Utility Services

26. 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 "edeveloper" 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.**

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

In the event that a 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.

28. **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

**Prior to the issue of an Occupation Certificate**, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

## Construction

29. 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.

30. 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 back filling 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.

31. The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2-1998: National Plumbing and Drainage Water Supply Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of nonreflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

32. Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted **prior to the issue of the Occupation Certificate**.

33. The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

34. The rainwater tank supply must not be connected to drinking and bathing water tap outlets.
35. The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the *Protection of the Environment Operations Act 1997* apply to the development, in terms of regulating offensive noise.
36. Construction works that are carried out in accordance with 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

37. All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
38. An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site or prior to the issue of any Construction Certificate**, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

39. Lodgment of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development.

These works may include but are not limited to the following:

- a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of:
  - i. Utilities (water, sewer, power, telecommunications)

- ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
- iii. Reconstruction of concrete footpath and/or cycleways across the frontage
- d) Establishment of a construction work zone
- e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- f) Operation of a tower crane over the road reserve
- g) Temporary ground anchors that encroach below the road reserve (for basement construction).

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval(s) must be completed **prior to the issue of any Occupation Certificate**.
- On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

40. The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by AT&L, reference number 15-272-C7900 to C7941, revision P8, dated 27/3/23.

**Prior to the issue of any Construction Certificate**, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

41. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that overland flows are appropriately conveyed through the site.

42. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

43. **Prior to commencement of any works** associated with the development, 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 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

44. **Prior to the issue of any Occupation Certificate**, the Principal Certifier 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.

45. **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.

46. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):
- 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 be undertaken have been satisfactorily completed.

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

47. **Prior to the issue of an Occupation Certificate**, a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) 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 Specification for Building Development – Appendix F.

48. 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.

49. **Prior to the issue of Construction Certificate**, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

50. Prior to the issue of construction certificate, The certifier shall ensure that:
- a) Offstreet access and parking comply with Penrith City Council's Development Control Plan and AS2890.1.
  - ~~b) Vehicular access and internal manoeuvring have been designed for a B-Double vehicle in accordance with AS2890.2.~~**
  - c) The driveway width can accommodate swept path movements of the largest vehicle accessing the site and has been designed in accordance with AS2890.2.
  - d) Sight distance requirements are in accordance with AS2890.2, Figure 3.3 and Figure 3.4.
  - e) Accessible travel paths of travel from all car parking spaces to the lifts and stairs have been provided.

***As amended on 03 May 2024 under Mod24/0021 pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.***

51. **Prior to the commencement of any works onsite**, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for Endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW.

52. **Prior to the issue of Construction Certificate**, the certifier shall ensure that all vehicles accessing the site can enter and exit from/ to the public road access in a forward direction. Any turning movements to comply must be in accordance with AS 2890 for the relevant vehicle.
53. All parking spaces, loading zones, parking aisles and manoeuvring areas are to be kept clear of stored material, products and waste material such that these areas remain unobstructed and allow for the safe movement of vehicles.
54. Subleasing of car parking spaces is not permitted by this consent. No parking is permitted outside of marked parking spaces shown on the approved plans.
55. The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

~~56. Vehicles servicing the site shall be limited in size to a 26m B-Double.~~

*As deleted on 03 May 2024 under Mod24/0021 pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.*

**56A. Prior to operation of the development or heavy vehicles entering the site from the public road, an application must be submitted to and approved by the National Heavy Vehicle Regulator (NHVR) for any vehicle that is outside of the mass or dimensional limits of any public road required for access along the proposed route.**

*As added on 03 May 2024 under Mod24/0021 pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.*

57. **Prior to issue of an Occupation Certificate**, an Operational Traffic Management Plan (OTMP) to be prepared and submitted to Council for review in regard to the following traffic control measures which are proposed to be implemented:
- A reduced speed limit along the right of way and internal access road (10km/hr);
  - Convex mirrors placed around the shared heavy vehicle access road to improve visibility to oncoming vehicles; and
  - Signage and line marking to guide heavy vehicles in performing lane correct manoeuvres.

## Landscaping

58. All landscape works are to be constructed in accordance with the stamped approved plans.

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.

59. 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 suitably qualified and experienced landscape professional.

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.

60. 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.
61. No trees are to be removed from within the development without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.
62. All required fencing and retaining walls shall be at the full cost of the property owner/developer. The materials and colours of any new fencing or retaining walls shall match or complement the external materials of the development. Retaining walls are to be of masonry construction.

## Section 94

63. This condition is imposed in accordance with Penrith City Council's Section 7.12 Contributions Plan. Based on the identified cost of the development, a contribution of **\$559,680.00 is to be paid to Council prior to a Construction Certificate** being issued for this development. Council should be contacted prior to payment to verify the contribution payable. The Section 7.12 Contributions Plan is available on Council's website.

## Certification

64. 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 Certifier 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*.

65. An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the development.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

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



Alexandra Pearce

Signature

For the Development Services Manager