

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

SWCPP Ref. No.:	PPSSWC-284
Application number:	DA22/1110
Description of development:	Construction and Use of Two Warehouse Buildings (Lot 4A & 4B) at Oakdale West Estate for Warehouse and Distribution Facility and Ancillary Works
Classification of development:	Class 7b , Class 5

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 118 DP 1281374
Property address:	2 - 4 Cuprum Close, KEMPS CREEK NSW 2178

DETAILS OF THE APPLICANT

Name & Address:	Goodman Property Services (Aust) Pty Ltd 1-11 Hayes Road ROSEBERY NSW 2018
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DECISION OF CONSENT AUTHORITY

In accordance with Section 2.12 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation in attachment 1.

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

Decision:	Approve
Date from which consent operates	2 June 2023
Date the consent expires	2 June 2028
Date of this decision	2 June 2023

POINT OF CONTACT

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

Assessing Officer:	Jacqueline Klincke
Contact telephone number:	+61247328391

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

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 56 days after the date of this notice.

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 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

CONCURRENCE AUTHORITIES

CONCURRENCE AUTHORITY	DATE OF CONCURRENCE	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Transport for NSW	9 March 2022	SYD22/01519/01	3	Section 2.122 Traffic Generating Development State Environmental Planning Policy)Transport and Infrastructure 2021 and Section 2.25 State Environmental Planning Policy (Industry and Employment) 2021

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 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>
Architectural Plans				
DA00	Cover Sheet	SBA Architects	B	4.11.2022
DA10	Site & Warehouse Plan	SBA Architects	B	4.11.2022
DA11	Warehouse 4A Roof Plan	SBA Architects	A	25.08.2022
DA12	Warehouse 4B Roof Plan	SBA Architects	A	25.08.2022
DA13	4A Office Floor Plan	SBA Architects	A	25.08.2022
DA14	4B Office Floor Plan	SBA Architects	A	25.08.2022
DA20	Warehouse 4A Elevations	SBA Architects	D	17.11.2022
DA21	Warehouse 4B Elevations	SBA Architects	D	17.11.2022
DA25	Office 4A Elevations	SBA Architects	B	4.11.2022
DA26	Office 4B Elevations	SBA Architects	C	17.11.2022
DA30	Signage Plan	SBA Architects	B	17.11.2022
Engineering Plans				
15-272-C7800	Cover Sheet Drawing List Locality Plan	AT&L	P2	19.08.2022
15-272-C7801	General Notes	AT&L	P2	19.08.2022
15-272-C7805	General Arrangement Plan	AT&L	P4	15.03.2023
15-272-C7810	Typical Sections Sheet 1	AT&L	P2	19.08.2022
15-272-C7811	Typical Sections Sheet 2	AT&L	P2	19.08.2022
15-272-C7812	Typical Sections Sheet 3	AT&L	P4	15.03.2023
15-272-C7813	Typical Sections Sheet 4	AT&L	P2	19.08.2022
15-272-C7815	Bulk Earthworks Plan	AT&L	P4	15.03.2023
15-272-C7820	Siteworks and Stormwater Drainage Plan Sheet 1	AT&L	P4	15.03.2023
15-272-C7821	Siteworks and Stormwater Drainage Plan Sheet 2	AT&L	P3	10.03.2023
15-272-C7822	Siteworks and Stormwater Drainage Plan Sheet 3	AT&L	P4	15.03.2023

15-272-C7823	Siteworks and Stormwater Drainage Plan Sheet 4	AT&L	P4	15.03.2023
15-272-C7824	Siteworks and Stormwater Drainage Plan Sheet 5	AT&L	P4	15.03.2023
15-272-C7825	Siteworks and Stormwater Drainage Plan Sheet 6	AT&L	P4	15.03.2023
15-272-C7826	Siteworks and Stormwater Drainage Plan Sheet 7	AT&L	P4	15.03.2023
15-272-C7827	Siteworks and Stormwater Drainage Plan Sheet 8	AT&L	P3	10.03.2023
15-272-C7830	Pavement Plan	AT&L	P4	15.03.2023
15-272-C7835	Retaining Wall General Arrangement Plan	AT&L	P2	19.08.2022
15-272-C7836	Retaining Wall Profiles	AT&L	P2	19.08.2022
15-272-C7840	Erosion and Sediment Control Plan	AT&L	P4	15.03.2023
15-272-C7841	Erosion and Sediment Details	AT&L	P2	19.08.2022
Landscape Plans				
L.SK.00	Cover Sheet	scape design	D	28.09.2022
L.SK.01	Landscape Sketch Plan - Lot 4AB	scape design	D	28.09.2022
L.SK.02	Planting Plan - Lot 4A	scape design	D	28.09.2022
L.SK.03	Planting Plan - Lot 4B	scape design	D	28.09.2022
L.SK.04	Character & Materials	scape design	D	28.09.2022
L.SK.05	Planting Schedule - Lot 4AB	scape design	D	28.09.2022
L.SK.105	Landscape - Detailed Plan & Notes	scape design	D	28.09.2022
L.SK.200	Carpark Details	scape design	D	28.09.2022
L.SK.201	Landscape Sections Sheet 1	scape design	D	15.03.2023
L.SK.202	Landscape Sections Sheet 2	scape design	C	28.09.2022

- Bushfire Risk Assessment Precincts 4A and 4B, prepared by Blackash Bushfire Consulting, version 1.0, dated 28 September 2022
- Biodiversity Impact Assessment, prepared by ecologique, revision 2, dated 6/10/2022
- BCA Assessment Report, prepared by Blackett Maquire + Goldsmith, revision 1, dated 4.10.2022
- Air Quality Impact Assessment, prepared by SLR, dated 5 October 2022
- Transport Assessment, prepared by ason group, revision I, dated 19/09/2022
- Waste Management Plan, prepared by SLR, version 2.0, dated 16 September 2022
- Sustainability Management Plan, prepared by SLR, version 1.0, dated 14 September 2022
- Lot 4A & 4B Civil Report, prepared by AT&L, issue 03, dated 19.09.2022
- Fire Safety Strategy, prepared by Affinity Fire Engineering, revision 02, dated 4 October 2022

- Noise and Vibration Assessment, prepared by RWDI, version B, dated 5 October 2022

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

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

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

4 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*.

5 **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).

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

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

8 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.

9 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.'

10 **Prior to the issue of a Construction Certificate**, the relevant construction certificate plans shall demonstrate the installation of a minimum 790 kW solar panel system (i.e. 420 kW for Lot 4A and 370 kW for Lot 4B).

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

- 11 The proponent shall seek approval from Endeavour Energy for any activities that may occur within the substation zone or any easements.
- 12 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

- 13 Dust suppression techniques are to be employed during construction works 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 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, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”.

- 16 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 reference.

- 17 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.
- 18 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.

- 19 The design and construction assumptions and recommendations detailed in the ‘Noise & Vibration Assessment (Ref: RWDI# 2102730.07)’ prepared by Wilkinson Murray RWDI Australia Pty Ltd and dated 17 March 2023 shall be implemented and incorporated into the design and construction of the development and shall be shown on plans accompanying the Construction Certificate application. This includes ensuring the warehouses are not temperature controlled.

- 20 Noise levels from the premises (including all associated plant and equipment) shall not exceed the relevant noise criteria detailed in the ‘Noise & Vibration Assessment (Ref: RWDI# 2102730.07)’ prepared by Wilkinson Murray RWDI Australia Pty Ltd and dated 17 March 2023, and consent SSD-7348 (as modified). A certificate is to be obtained from a qualified acoustic consultant certifying that the buildings 4A and 4B, (including all associated mechanical plant and ventilation) have been constructed to meet the noise criteria. 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 **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 55-Remediation of Land. 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 on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).
- It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of a Construction 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 non-reflective 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 All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- 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.

In the event that the work relates to activities inside the building and does not involve external walls or the roof, and does not involve the interim use of equipment that emits offensive noise, then the 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 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 Where applicable, 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** as applicable.
- 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 provided generally in accordance with the concept plan/s lodged for development approval, prepared by at&I Civil Engineers and Project Managers, Project Number 15-272 drawing numbers – C7800 – DAC 7841, Issue P4 dated 15/03/23.

A site-specific operation and Maintenance Manual for the stormwater treatment measures shall be prepared and submitted to Council's Development Service Manager for approval.

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 any Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments, Council's Water Sensitive Urban Design (WSUD) Policy.

41 **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.

42 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.

43 **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.

44 **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.

45 **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.

- 46 **Prior to the issue of any Occupation Certificate**, the Principal Certifier shall ensure that the stormwater management systems (including water sensitive urban design)
- have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works Certificate and the requirements of this consent;
 - have met the design intent with regard to any construction variations to the approved design, and;
 - 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 The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 48 **Prior to the issue of construction certificate**, the certifier shall ensure that:

- a) Off-street access and parking comply with Penrith City Council's Development Control Plan and AS 2890.1.
- 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.

- 49 **Prior to the commencement of any works on-site**, 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.

- 50 All vehicle parking spaces, parking aisles and driveways/circulating roads must be designed and built in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.

- 51 All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.

- 52 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 53 All vehicles are to enter/exit the site in a forward direction.
- 54 Subleasing of car parking spaces is not permitted by this Consent.
- 55 **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

- 56 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.

- 57 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.

- 58 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.

- 59 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.
- 60 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

- 61 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 **\$487,850.00 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

- 62 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - submit a Notice of Commencement to Penrith City Council.

The Principal 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.

- 63 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.

SIGNATURE

Name:	Jacqueline Klincke
Signature:	

For the Development Services Manager