

## DETERMINATION OF DEVELOPMENT APPLICATION

### DESCRIPTION OF DEVELOPMENT

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Modification number	Mod22/0203
Related DA reference	DA21/0440 / Mod22/0041
Description of development	Modification of an Approved Warehouse and Distribution Facility
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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### DETAILS OF THE LAND TO BE DEVELOPED

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Legal Description:	Lot A DP 392643
Property Address:	2 Aldington Road 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	25 November 2021
Date the consent expires	25 November 2026
Date of this decision	25 November 2021 as amended on 22 March 2022 and 06 January 2023 under Section 4.55 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.

## NOTES

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### 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 twelve 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 twelve 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.

## POINT OF CONTACT

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

Assessing officer	Hannah Vousden Graduate Development Assessment Planner
Contact telephone number	(02) 4732 7646

## SIGNATURE

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Name	Hannah Vousden
Signature	

For the Development Services Manager

## ATTACHMENT 1: CONDITIONS OF CONSENT

### General

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

Drawing Title	Prepared By	Drawing No.	Revision	Date
Architectural Plans all Job No. 20188				
Cover Page	SBA Architects	DA10	C	18/06/21
<del>Site &amp; Warehouse Plan</del>	<del>SBA Architects</del>	<del>DA20</del>	<del>E</del>	<del>19/09/21</del>
Roof Plan	SBA Architects	DA21	C	18/06/21
Floor Plan- Office Plan- 3B1	SBA Architects	DA22	C	18/06/21
Floor Plan - Office Plan - 3B2	SBA Architects	DA23	C	18/06/21
Floor Plan- Elevation Dock Office	SBA Architects	DA24	B	21/06/21
<del>Elevation &amp; Section Warehouse 3B1/3B2</del>	<del>SBA Architects</del>	<del>DA30</del>	<del>C</del>	<del>18/06/21</del>
Elevations- Office 3B1	SBA Architects	DA31	C	18/06/21
Elevations- Office 3B2	SBA Architects	DA33	C	18/06/21
<del>Signage Plan</del>	<del>SBA Architects</del>	<del>DA39</del>	<del>D</del>	<del>21/06/21</del>
Civil Plans Project No. 15-272				
Cover Sheet	AT&L	15-272-C7400	A	31/05/21
General Notes	AT&L	15-272-C7401	A	31/05/21
General Arrangement Plan	AT&L	15-272-C7405	<b>C</b>	<b>12/11/21</b>
Typical Sections Sheet 1	AT&L	15-272-C7410	<b>C</b>	<b>12/11/21</b>
Typical Sections Sheet 2	AT&L	15-272-C7411	<b>C</b>	<b>12/11/21</b>
Bulk Earthworks Plan	AT&L	15-272-C7415	<b>C</b>	<b>12/11/21</b>

Siteworks and Stormwater Drainage Sheet 1	AT&L	15-272-C7420	<b>C</b>	<b>12/11/21</b>
Siteworks and Stormwater Drainage Plan Sheet 2	AT&L	15-272-C7421	<b>C</b>	<b>12/11/21</b>
Siteworks and Stormwater Drainage Plan Sheet 3		15-272-C7422	<b>C</b>	<b>12/11/21</b>
Siteworks and Stormwater Drainage Plan Sheet 4		15-272-C7423	<b>C</b>	<b>12/11/21</b>
Pavement Plan	AT&L	15-272-C7430	<b>C</b>	<b>12/11/21</b>
Erosion and Sediment Control Plan	AT&L	15-272-C7440	<b>C</b>	<b>12/11/21</b>
Erosion and Sediment Details	AT&L	15-272-C7441	A	31/05/21
<b>Landscape Plans</b>				
Cover Sheet	Scape Design	L.SK.00	F	14/09/21
Landscape Sketch	Scape Design	L.SK.01	<b>G</b>	<b>10/11/21</b>
Planting Plan	Scape Design	L.SK.02	<b>G</b>	<b>10/11/21</b>
Planting Schedule	Scape Design	L.SK.03	<b>G</b>	<b>10/11/21</b>
Character & Materials	Scape Design	L.SK.04	<b>G</b>	<b>10/11/21</b>
Landscape Detailed Plan & Notes	Scape Design	L.SK.105	<b>F</b>	14/09/21
Carpark Details	Scape Design	L.SK.200	<b>G</b>	<b>10/11/21</b>
Landscape - Sections Sheet 1	Scape Design	L.SK.201	<b>F</b>	<b>10/11/21</b>
Landscape - Sections Sheet 2	Scape Design	L.SK.202	E	13/09/21
Landscape - Sections Sheet 3	Scape Design	L.SK.203	B	14/09/21
<b>Subdivision Plans</b>				
Plan of Subdivision of Lot 108 in DP 1262310	Scott Peter Lindsay Lord	-	Sheet 1 of 2	09/09/21

Plan of Subdivision of Lot 108 in DP 1262310	Scott Peter Lindsay Lord	-	Sheet 2 of 2	09/09/21
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- Requirement to Update Air Quality Impact Assessment, prepared by SLR and dated 15 June, 2021,
- Bushfire Risk Assessment, prepared by Blackash Bushfire Consulting and dated 14 June, 2021,
- BCA Assessment Report, prepared by Blackett Maguire and Goldsmith and dated 31 May, 2021,
- Fire Safety Strategy, prepared by Core Engineering Group and dated 18 June, 2021,
- Noise and Vibration Assessment, prepared by Wilkinson Murray and dated 18 June, 2021,
- Sustainability Management Plan, prepared by SLR and dated 8 September, 2021,
- Transport Assessment, prepared by Ason Group and dated, 18 June, 2021,
- Waste Management Plan, prepared by SLR and dated 15 June, 2021, and
- Lot 3B Civil Report, prepared by AT&L and dated 31 May, 2021.

***As amended on 22 March 2022 and subsequently amended on 06 January 2023 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.***

2. **The development shall not be used or occupied until an Occupation Certificate has been issued.**
3. The approved operating hours are 24 hours a day, 7 days a week.
4. All materials and goods associated with the use shall be contained within the building at all times *with the exception of cable drums and related stock which may be stored within the recessed dock of Warehouse 3B-1 in accordance with the stamped approved plans.*

***As amended on 6 January 2023 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.***

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 land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
6. The finishes of the building 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. **Prior to the issue of an Occupation Certificate**, the proposed lot shall be registered.
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 conditions and Planning Agreement obligations are met.
10. The parking directory signage shall be located entirely within the proposed lot boundaries.
11. 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.
12. **Prior to the issue of an Occupation Certificate**, detailed signage plans shall be provided to Penrith City Council for approval. The signage plans shall detail the business identification signage which is indicative at this stage.

13. In accordance with the recommendations of the urban design report endorsed by SSD 7348, no highlight colours, including the 'Goodman Green', should be used where they will be visible from sensitive receivers along the western elevation, and no approval is granted to the installation of the Goodman signage visible from the sensitive receivers.

### **Environmental Matters**

14. Erosion and sediment control measures shall be installed prior to the commencement of works on site and 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.

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until completion of this development (including vehicular access and parking areas and landscaping). These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development

15. 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.
16. An appropriately qualified person/s shall:
- Supervise all filling works.
  - (On 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" 2009, 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 work may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: 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 reference.

18. All construction waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall be fully enclosed when the site is unattended.
19. All excavated material and other construction wastes generated as a result of the development are to be reused, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

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 (RWDI # 2102730D)' prepared by Wilkinson Murray and dated 9 August 2021. The recommendations provided in the Noise and Vibration Assessment report shall be implemented and incorporated into the design, construction and operation of the development, and where relevant, 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 (including all associated mechanical plant and ventilation) 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. Mud and soil from vehicular movements to and from the site must not be deposited on the road.

### **BCA Issues**

22. Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
23. 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 a performance 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**

24. The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

### **Utility Services**

25. A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate.**

26. **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.

27. **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**

28. 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.

29. Prior to the commencement of construction works:

- a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - a standard flushing toilet connected to a public sewer, or if that is not practicable, an accredited
  - sewage management facility approved by the council, or alternatively, any other sewage
  - management facility approved by council.
- b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
  - must preserve and protect the building from damage, and
  - if necessary, must underpin and support the building in an approved manner, and must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land,
  - give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).
- d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
  - if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
  - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
  - any such hoarding, fence or awning is to be removed when the work has been completed.

30. 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.

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.

31. 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 air conditioners, 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.
32. The rainwater tank supply must not be connected to drinking and bathing water tap outlets.
33. 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.
34. 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

35. All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
36. 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 or Subdivision Works 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.

37. Prior to the issue of any Construction Certificate or Subdivision Works Certificate, a Section 138 Roads Act application, including payment of application and inspection 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). These works may include but are not limited to the following:
  - a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - b) Concrete footpaths and or cycleways
  - c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
  - d) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
  - e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve)
  - f) Temporary construction access
  - g) Temporary ground anchors (for basement construction)

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, guidelines and best engineering practice.

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

### Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate or Subdivision Works Certificate.
- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- On completion of any awning over the road reserve, a certificate from a practising 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.

38. The stormwater management system shall be consistent with the plans lodged for development approval, prepared by AT&L, reference number 15-272, revision A, dated 31.05.2021.

Prior to the issue of any Construction Certificate or Subdivision Works 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 or Subdivision Works Certificate.

39. Prior to the issue of any Construction Certificate or Subdivision Works 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.

40. Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any

Construction Certificate or Subdivision Works Certificate, whichever occurs first, 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. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

41. 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.

42. Prior to the issue of any Occupation Certificate, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

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 Penrith City Council is not the Principal Certifier.

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

44. Prior to the issue of any Occupation Certificate, a restriction on the use of land 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 on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

45. Prior to the issue of any Occupation Certificate, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifier.
46. 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.

47. The car parking area for warehouse 3B shall have a minimum of three car parking spaces connected to an Electric Vehicle Charging Station (EVCS) and a minimum of four other car parking spaces shall be designed to be readily retrofitted to connect to an EVCS. The parking area for warehouse 3B2 car park shall have a minimum of two parking spaces connected to an EVCS and a minimum of three other car parking spaces shall be designed to be readily retrofitted to connect to an EVCS.

The charging stations are to be designed to accommodate commercially available public vehicles and their required connector types (currently known as Type 1 and Type 2 connectors).

The installed EVCS car parking spaces are to be signposted and marked for the use of electric vehicles only and are to be located as close as possible to the building. EVCS shall be free of charge to staff and visitors.

48. The required sight lines around the driveway entrances and exits shall not be compromised by street trees, landscaping or fencing.
49. Sight distance requirements at verges, footpaths and driveways shall be in accordance with AS 2890.2 Figure 3.3 and Figure 3.4.
50. All vehicles shall enter and leave to site in a forward direction.

### **Landscaping**

51. All landscape works are to be constructed in accordance with the stamped approved plans and Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

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.

52. The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.
53. 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.

54. All plant material associated with the construction of approved landscaping is to be planted in accordance with Penrith Development Control Plan 2014.
55. 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.
56. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
57. 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.

### **Subdivision**

58. **Prior to the issue of the Subdivision Certificate**, the following is to be submitted:

An original plan of subdivision and two (2) copies of the plan. The plan of subdivision must indicate, where relevant:

- All drainage easements, rights of way, restrictions and covenants.
- All proposed dedications of roads/drainage/public reserve, which are to be undertaken at no cost to Penrith City Council.

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

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

**Prior to lodgement of the Subdivision Certificate Application, street address numbering must be obtained/approved by Penrith City Council's Rates Team. Proposed street addresses can be forwarded to council@penrith.city for approval.**

59. The linen plan of subdivision is to be supported by an 88B instrument creating the following encumbrance:

- a) The Oakdale West Estate Voluntary Planning Agreements (SVPA-2017-8367) is to be noted on the title of any related Lot(s). The onus is on the landowner to ensure that all obligations of the applicable Planning Agreements which apply to particular Lots being the subject of this consent, are met.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

60. A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

#### **Section 94**

61. This condition is imposed in accordance with Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$243,085 is to be paid to Council prior to a Construction Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.12 invoice accompanying this consent should accompany the contribution payment. The Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development may be inspected at Council's Civic Centre, 601 High Street, Penrith.

**Note:** The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

#### **Certification**

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

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

63. A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.
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 Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.