

## General

1. The development must be implemented substantially in accordance with the following plans approved by the Sydney Western City Planning Panel, 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.

Doc No.	Issue	Title	Prepared By	Date
<b>Architectural Plans all Project No. A013</b>				
DA01	C	Site Plan - Overall	Therian Pty Ltd	25 September, 2018
DA02	E	Site Plan - Proposed	Therian Pty Ltd	23 November, 2018
DA03	C	Building 'A' – Proposed Design	Therian Pty Ltd	25 September, 2018
DA04	C	Building 'B' – Proposed Design	Therian Pty Ltd	25 September, 2018
DA05	C	Building 'C' – Proposed Design	Therian Pty Ltd	25 September, 2018
DA06	C	Building 'C' – Proposed Design	Therian Pty Ltd	25 September, 2018
DA07	C	Building 'D' – Proposed Floor Plan	Therian Pty Ltd	25 September, 2018
DA08	C	Building 'D' - Elevations	Therian Pty Ltd	25 September, 2018
DA09	C	Building 'E1' – Proposed Floor Plan	Therian Pty Ltd	25 September, 2018
DA10	C	Building 'E1' - Elevations	Therian Pty Ltd	25 September, 2018
DA11	C	Building 'E2' – Proposed Floor Plan	Therian Pty Ltd	25 September, 2018
DA12	C	Building 'E2' - Elevations	Therian Pty Ltd	25 September, 2018
DA13	C	Building 'F' – Proposed Design	Therian Pty Ltd	25 September, 2018

## Drainage Layout Plan Job No. J082

0001	E	Drainage Layout Plan	Planit Consulting	20 September, 2018
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**Statement of Landscape Intent, Issue J, dated July 2017**

Figure 1.0	J	Landscape Intent	Planit Consulting	July, 2017
Figure 2.0	J	Landscape Design Elements	Planit Consulting	July, 2017
Figure 3.0	J	Landscape Intent – Bioretention Planting Palette	Planit Consulting	July, 2017
Figure 4.0	J	Landscape Intent – Section A	Planit Consulting	July, 2017
Figure 5.0	J	Landscape Intent – Section B	Planit Consulting	July, 2017
Figure 6.0	J	Landscape Intent – Section C	Planit Consulting	July, 2017
Figure 7.0	J	Planting Palette	Planit Consulting	July, 2017

- Assistance Dog Education and Welfare Operation Plan – Orchard Hills National Training School, Document Set ID: 8015777, Version 1, Version Date 22 January, 2018;
- Noise Impact Assessment prepared by Acoustic Logic, Document Reference No. 2016007.1/2509A/R5/JS, Revision 5, dated 25 September, 2018;
- Odour Impact Assessment prepared by Ask Acoustic & Air Quality, Report No. 8108R01V05.doc, dated 29 October, 2018;
- Revised Wastewater Management Report prepared by HMC Environmental Consulting Pty Ltd, Job No. 2015.149, Report No. HMC 2015.149, dated 25 September, 2018;
- Stormwater Assessment, Document No. J082-SW\_RPT01, Version 6, dated 20 September, 2018;
- Waste Management Plan prepared by HMC Environmental Consulting Pty Ltd, Report No. 2015.149.01, dated 21 December, 2017;
- Bushfire Assessment prepared by Planit Consulting, dated 15 December, 2017;
- Demolition Plan prepared by Planit Consulting, dated July 2017;
- Preliminary Compliance Report prepared by Thomas Independent Certification, TIC Reference 10587, Revision 2-0, dated 7 August, 2017;
- Flora and Fauna Assessment prepared by Planit Consulting Pty Ltd, Issue C, dated 19 July, 2017;
- Basix Certificate No. 84333S, dated 24 July, 2017; and
- NSW Rural Fire Services comments, Reference No. DA17/2982

- 2 The **organisation** shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times **in relation to the kitchen facilities**.

- 3 A satisfactory inspection of the **kitchen facility** from an authorised officer of Council's Environmental Health Department is required **prior to the issue of the Occupation Certificate**. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

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

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

Construction and demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
  - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- 6 • No construction work is permitted on Sundays and Public Holidays.
- In the event that the construction relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the construction works are not restricted to the hours stated above.

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

- 7 The dog training facility is to operate from 7.00am to 9.00pm, seven days a week. During the hours of 6pm and 7am **on weekdays and 6pm and 8am, Saturday and Sunday and Public Holidays**, all dogs are to be moved into their overnight accommodation.

- 8 A maximum of sixty (60) dogs is to be provided to the dog training facility at any one time.

Staffing number for the dog training facility are to be provided as follows;

Weekdays

- | 9 | Position         | No. of Staff             | Working hours                   |
|---|------------------|--------------------------|---------------------------------|
|   | Dog Welfare Team | 6 + 2 during night shift | 7am - 2pm, 8am - 4pm, 2pm - 9pm |
|   | Dog Instructors  | 11                       | 8am – 4pm                       |

Administration	11 (including managers)	9am – 5pm
Maintenance / Caretakers	2	Living on-site
Total	30	

Weekends

Position	No. of Staff	Working hours
Dog Welfare Team	6 + 2 during night shift	7am - 2pm, 8am - 4pm, 2pm -9pm
Total	8	

- The dog training facility is to be operated in accordance with the Assistance Dog Education and Welfare Operation Plan – Orchard Hills National Training School, Document Set ID: 8015777, Version 1, Version Date 22 January, 2018 forming part of this development consent. **Any changes to the Assistance Dog Education and Welfare**
- 10 **Operation Plan are to be provided to Council for consideration as a application for modification of this Development Consent. A copy of the management plan for the facility is to be displayed prominently for staff members at the facility and a copy is to be made available to members of the public on request.**

- 11 The café to Building B is not to be open to, or accessible by the public **and shall only be available for use by staff and users of the facility included intended owners of the assistance dogs and their relatives and carers.**

- 12 No works are to be conducted to the northern end of Lot 23, DP 239091 maintaining mature tree vegetation in the form of Shale Plains Woodland which have been identified as critically endangered. In this regard, this area is to remain separate from the approved use and operations and be protected at all times.

- 13 The approved signage to the southern boundary is not to be illuminated.

- 14 A maximum of one (1) bus visit to the dog training facility is to be provided per week.

The development is to be carried out in 2 stages as follows;

- 15
- Stage 1 - The provision of buildings A, B, C, D E1 (Training facility) and building F (Caretakers residence) as well as all associated infrastructure including training yards, site entry, driveways, car parking, fencing and services.
  - Stage 2 - The provision of building E2.

Anything in this consent making reference to a Construction Certificate or Occupation Certificate is to be read as applying to the relevant Construction Certificate or relevant

Occupation Certificate for the relevant stage. Stage 2 is not to commence construction until a minimum of 12 months after the Occupation Certificate for Stage 1 is provided. For the avoidance of doubt, this consent permits the issue of early works Construction Certificates, or Staged Construction Certificates within the relevant Stage of the development and any conditions referring to the relevant stage are to be read as applying to the relevant Construction Certificate for the relevant stage.

The Statement of Landscape Intent is to be amended to provide for an additional number of deciduous trees along the western edge of Buildings E1 and E2. In this regard, plans are to be amended to the satisfaction of Penrith City Council's Landscape

- 16 Architecture Supervisor **prior to the issue of any Construction Certificate**. The resulting landscaping works must then be implemented **prior to the issue of an Occupation Certificate**.
- 17 To ensure that appropriate plant species and screening are provided to the proposed earth mounds along the eastern and western boundary and to the front of proposed perimeter fencing **as well as an appropriate acoustic wall treatment along the western and eastern boundary (this treatment not allowing for colourbond fencing)**, plant species **and fencing details** are to be provided to the satisfaction of Penrith City Council **prior to the issue of any Construction Certificate**. **Fencing details are to ensure compliance with all findings and recommendations of the Noise Impact Assessment prepared by Acoustic Logic and approved as part of this Development Consent.**
- 18 This consent does not allow for any cooking onsite. A separate development application shall be provided to Penrith City Council for any future expansion of the operation of the food business (café).
- 19 **The accommodation in Building D is to be used by staff and users of the facility included intended owners of the assistance dogs and their relatives and carers.**

## Demolition

- 20 **Prior to commencement of demolition works on site**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:
  - Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
  - The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

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

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

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

- 22 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 23 **Prior to demolition works commencing**, a hazardous materials assessment is to be conducted of the existing structures to be demolished. A copy of the hazardous materials assessment is to be provided to Penrith City Council for review prior to demolition works commencing.

Environmental Matters 24 [D001 - Implement approved sediment& erosion control measures](#)

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the demolition and construction associated with the development.

- 25 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 26 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
  - be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
  - clearly indicate the legal property description of the fill material source site,
  - provide details of the volume of fill material to be used in the filling operations,
  - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
  - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith Development Control Plan 2014) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the

environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Development Control Plan 2014 defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

- 27 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.

- 28 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 29 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

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

- 30 The operating noise level of plant and equipment shall not exceed 38dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 31 In the event that Penrith City Council receives noise complaints in relation to the operation of the development, an acoustic report shall be prepared by a suitably qualified and experienced person and submitted to Penrith City Council for review and approval. The acoustic assessment is to provide recommendations for mitigation of the noise impacts generated by the operation of the development.

- 32 The recommendations provided in the acoustic report prepared by Acoustic Logic, Document Reference No. 2016007.1/2509A/R5/JS, Revision 5, dated 25 September, 2018 shall be implemented and incorporated into the design and construction of the development, and **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 has been constructed in accordance with the recommendations prescribed in the approved acoustic report. **This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate**. A copy of the certification together with the Occupation Certificate shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 33 Prior to the commencement of works, including the removal of any trees, an inspection for resident threatened fauna (including inspection of all hollows) is to be undertaken under the supervision of a fauna ecologist. Where possible, these fauna are to be removed and relocated in accordance with relevant guidelines and permits.

Trees identified for removal are to be lowered to the ground slowly under the supervision of a qualified ecologist when felling to allow any resident fauna time to escape and to ensure they aren't crushed by falling trees and branches. A local Wildlife rescue group are to be contacted in the case of any injured fauna.

- 34 All *Corymbia* sp. and *Eucalyptus* sp. trees that are scheduled for removal once felled in accordance with the Consent Conditions, are to be sawn into 2-6m lengths and relocated into the area of retained native vegetation at the rear of the site. This is to be done under the guidance of an ecologist to provide additional fauna habitat.
- 35 The recommendations outlined in the Odour Impact Assessment prepared by Ask Acoustic & Air Quality, Report No. 8108R01V05.doc, dated 29 October, 2018 are to be implemented at all times. In the event that Council receives concerns regarding offensive odour emissions, an amended Odour Impact Assessment is to be provided to Council for review, approval and implementation.

## BCA Issues

- 36 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.
- 37 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

- within 12 months after the last such statement was given, or



- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

38 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**

- 39 The construction, fit out and finishes of the **kitchenette to Building B** must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.
- 40 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business (café).
- 41 Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 42 The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.
- 43 A cleaners sink must be provided in addition to the hand wash basin and double bowl equipment wash sink. The cleaners sink must be serviced with hot and cold water through

taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.

- 44 All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

## Utility Services

- 45 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**.

- 46 **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.

- 47 **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

- 48 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.

- 49 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.

## Engineering

50 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.

51 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 the issue of any Construction Certificate**. 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 City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

**52 Prior to the issue of any Construction Certificate**, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged 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
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

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 City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

b) All works associated with the Roads Act approval must be completed **prior to the issue of any Occupation Certificate**.

- 53 A Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works (road upgrade, earthworks). The Construction Certificate shall be issued for any roadworks within the right of carriageway within Lot 6, DP 869116.

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Therian Pty Ltd, Document No. DA01, Project No. A013, revision C, dated 25 September 2018, and that all roadworks within the right of carriageway have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

- Private access driveways
- Sediment and erosion control measures
- Earthworks
- Relocation of services
- Landscaping and embellishment works

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

a) Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information;

b) The applicant shall notify other residents benefited by the right of way before any approvals being obtained and commencing any works;

c) A Section 138 Approval is required for any works within the public road reserve (Austin Place) - see separate S138 condition.

- 54 The stormwater management system shall be provided generally in accordance with the Stormwater Assessment Report prepared by Planit Engineering Document No. J082-SW\_RPT01, Version 6, dated 20 September, 2018 and associated concept plan lodged for development approval, prepared by Planit Engineering Job No. J082 Drawing No. 0001, Revision E, dated 20 September 2018.

Engineering plans and supporting calculations for the final configuration of the stormwater management system, including revised MUSIC modeling in accordance with the WSUD Technical Guideline requirements, are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy. In addition, a revised MUSIC model and detailed design plans must be submitted to the satisfaction of Council to ensure the stormwater management system meets all pollutant reduction targets in accordance with the Water Sensitive Urban Design Policy requirements and has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

- 55 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

- 56 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include, but not limited to the following: vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

The TMP shall be supported by a traffic control plan, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

- 57 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.

- 58 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall

finish flush with the edge.

59 All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

60 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

61 **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.

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

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

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

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

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

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

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

64 **Prior to the issue of any Occupation Certificate**, directional signage and linemarking shall be installed indicating directional movements and the location of staff, patron and visitor parking to the satisfaction of the Principal Certifying Authority.

65 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

- 66 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
- 67 All vehicles are to enter/exit the site in a forward direction.

## **Landscaping**

- 68 All landscape works are to be constructed in accordance with the stamped approved plans as amended by the applicable conditions of this Development Consent and Sections C2 'Vegetation Management' and C6 'Landscape Design' of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

- 69 The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional. This includes the following requirements:-

- All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Development Control Plan 2014.

- 70 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional.

### **i. Implementation Report**

Upon completion of the landscape works associated with the development and **prior to the issue of an Occupation Certificate** for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

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.

- 71 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Development Control Plan 2014.

- 72 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.

73 No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained. Tree protection measures are to be implemented as outlined in the Australian Standard AS 4970-2009 'Protection of trees on development sites'. No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained.

74 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section C6 'Landscape Design' of Penrith Development Control Plan 2014.

75 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

76 All trees and landscaping must be maintained in perpetuity to enable maturity to their full potential in healthy growing conditions. This includes mature height, spread and form, consistent with the tree species. Pruning must not alter the natural form and height of trees.

### **Payment of Fees**

77 All roadworks and drainage works are to be carried out at the applicant's cost.

78 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

### **Certification**

79 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 and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

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.

80 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.

## Operation of OSSM

81 The on-site sewage management (OSSM) system and effluent management area shall be installed and operated in accordance with the:

- “Environmental and Health Protection Guidelines On Site Sewage Management for Single Households”
- Australian Standards AS1547:2012,
- Council’s *On-Site Sewage Management and Greywater Reuse Policy (2014)*,
- the Effluent Management Area Plan as provided by the revised Wastewater Management Report prepared by HMC Environmental Consulting Pty Ltd, Job No. 2015.149, Report No. HMC 2015.149, dated 25 September, 2018,
- the revised Wastewater Management Report prepared by HMC Environmental Consulting Pty Ltd, Job No. 2015.149, Report No. HMC 2015.149, dated 25 September, 2018,
- And, the conditions of this consent.

82 All wastewater generated on the site is to be diverted to a Taylex CABS sewage treatment plant with a minimum treatment capacity of **10 kilolitres**. The treated effluent is to be disposed of into **two sand mounds** in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan as part of the revised Wastewater Management Report prepared by HMC Environmental Consulting Pty Ltd, Job No. 2015.149, Report No. HMC 2015.149, dated 25 September, 2018.

83 Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Development Services Department to organise all inspections required**

**for the installation of the system.**

In this regard, the Taylex CABs tanks and sand mounds will need to be inspected at the following stages:

- On completion of the Taylex CABs tanks installation (before back-filling occurs) and prior to its commissioning,
- During the soil amelioration phase prior to the installation of the sand mounds.
- To observe the conduct of the pre-commissioning tests, including the water squirt test, to ensure even distribution of treated effluent across the distribution manifold.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

84 The Taylex CABs sewage treatment plant, drainage and effluent management area shall not be altered without the prior approval of Council. In addition, the Taylex CABs tanks shall not be buried or covered.

85 All house drainage and sanitary plumbing shall be carried out in accordance with the requirements of the Plumbing and Drainage Act 2011 and the Plumbing Code of Australia.

86 There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.

87 A minimum of two signs shall be erected within the effluent management area. These signs are to state “RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT”. The signage shall be maintained for the term of the development.

88 The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the aerated septic tank(s) every three (3) months from the date of commissioning in the following manner:

i. A three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:

- the chlorinator,
- replenishment of the disinfectant,
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and filters,
- the slime growth on the filter media, and
- the operation of the sludge returns system.

ii. The following field tests are to be carried out at every service:

- free residual chlorine using DPD colorimetric or photometric method,
- pH from a sample taken from the irrigation chamber,
- dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.

iii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the septic tank (primary treatment tank) and the clarifier, where appropriate.

iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.

v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound provided, parts replaced (if applicable), the date the service was conducted and the technician's name. A copy of the service report is to be:

- given to the property owner and another to the applicant (if not the same), and
- forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

89 The contents of the existing septic tanks are to be removed by a licensed waste contractor and deposited to an approved waste facility. The disconnected tank shall be removed, demolished or filled with clean soil and garden lime. Documentation of the collection and disposal of waste are to be retained and provided to Council on request.

90 The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report that variety is to be installed and maintained.

91 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.

92 All stormwater and seepage shall be diverted away from the septic tank and the disposal area by using an agricultural drain or earthen bund and dish drain.

93 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.

94 The effluent management area shall be protected from possible stock damage.

95 **Prior to the issue of the Construction Certificate**, a Hydraulic Report is to be submitted to Council for approval that demonstrates how the wastewater generated across the site will be transferred to the approved treatment system, and how wastewater will be distributed evenly across the approved Effluent Disposal Area using two sand mounds. This Report is to include an amended Site Plan showing the location of all pipework, any pump stations and all other associated infrastructure required.

96 **Prior to the issue of the Occupation Certificate**, an Operational Wastewater Management Plan (OWMP) for the system is to be provided to Penrith City Council for consideration and approval. The OWMP shall be prepared by a suitable qualified consultant in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The OWMP is to address:

- All environmental aspects of the operation of the on-site sewage management system
- All systems and controls to be implemented to minimise the potential for any adverse environmental impacts
- A program for ongoing monitoring and review to ensure that the OWMP remains contemporary with relevant environmental standards. Council is to be consulted prior to any amendments of the OWMP. Council may request a review of the OWMP or any proposed amendments.

The OWMP should include but is not limited to the following:

- System information (including specifications and site plans)
- Monitoring and testing
- Maintenance and servicing program (treatment system and sand mounds)
- System performance
- System failure contingency
- Odour management
- Landscape and disposal area management
- Health and safety

The on-site sewage management system is to be operated in accordance with the requirements of this Plan.

97 Council is to be provided with an Annual Environmental Performance Report detailing the performance of the system including but not limited to the following information:

- Details and records of maintenance checks of disposal areas.
- Copies of maintenance report sheets.
- Results of effluent output testing.

The first Annual Environmental Performance Report is to be provided to Council 12 months after the system is commissioned.

98 Annual testing of effluent output is to occur for the following parameters:

- Metered hydraulic load
- pH
- turbidity
- Total Nitrogen
- Total Phosphorus
- Faecal Coliforms
- Biochemical Oxygen Demand

- Total Suspended Solids
- Dissolved Oxygen (in aeration chamber)
- Free residual chlorine

Effluent is to be sampled by a suitably qualified person and tested at a NATA accredited laboratory. The test results are to be provided to Council within 21 days of their receipt by the owner/operator. Testing is to occur at the stage of commissioning the system and every 12 months thereafter from the date of commissioning.

99 The reserve area, as marked on the Stamped Approved Effluent Management Area Plan as provided by the revised Wastewater Management Report prepared by HMC Environmental Consulting Pty Ltd, Job No. 2015.149, Report No. HMC 2015.149, dated 25 September, 2018, is to be established with turf and is not to be used for any ancillary purpose. No materials are to be stored in the reserve area, and the reserve area is not to be developed. In the event that the primary effluent disposal area is to fail the reserve area is to be used. Written approval is to be obtained from Penrith City Council prior to any works being undertaken.

**100 Prior to the issue of the ‘Approval to Operate’, a Commissioning Certificate for the Onsite Sewage Treatment system shall be provided to Penrith City Council for approval.** This Certificate shall certify that the Taylex CABS sewage treatment plant has been installed with a Phosphorous Reduction System in accordance with the relevant Australian Standards.

**Prior to the issue of the Occupation Certificate and before the Onsite Sewage Treatment (OSSM) system can be used, an ‘Approval to Operate’ for the OSSM system is to be sought from and issued by Penrith City Council.**

101 Each sand mound is to be 51m long and 8m wide. Each distribution bed will be 45.6m long and 1.8m wide. The sand loading rate is to be 40mm/day. **Prior to the issue of a Construction Certificate**, certification from the sand supplier is to be provided to Penrith City Council verifying that the sand meets the recommended specification outlined in the revised Wastewater Management Report prepared by HMC Environmental Consulting Pty Ltd, Job No. 2015.149, Report No. HMC 2015.149, dated 25 September, 2018.

102 At no time is the effluent management area to be used for ancillary purposes including dog training.