

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA21/0801
Description of development:	2 Lot Torrens Title Subdivision, Bulk Earthworks, Construction of a Road and Construction of a Warehouse (comprising of 2 occupancies) with associated works
Classification of development:	Class 7b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 102 DP 1268632
Property address:	68 Lockwood Road, ERSKINE PARK NSW 2759

DETAILS OF THE APPLICANT

Name & Address:	Fitzpatrick Investments Pty Ltd C/- Bishops Real Estate PO Box 232 GLEBE NSW 2037
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DECISION OF CONSENT AUTHORITY

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

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

Descision:	Approve
Date from which consent operates	13 September 2022
Date the consent expires	13 September 2027
Date of this decision	12 September 2022

POINT OF CONTACT

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

Assessing Officer:	Robert Walker
Contact telephone number:	+61247327409

NOTES

Reasons

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

Conditions

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

Certification and advisory notes

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

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

Review of determination

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

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

Appeals in the Land and Environment Court

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

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

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following approved plans and documents, the application form, and any supporting information received with the application, except as varied in red or by any conditions within this consent.
 - Estate Plan, Drawing No. 12393_DA002, Issue 7, prepared by Nettleton Tribe, dated 23 June 2021
 - Ground Floor Plan, Drawing No. 12393_DA011, Issue 7, prepared by Nettleton Tribe, dated 23 June 2021
 - Roof Plan, Drawing No. 12393_DA015, Issue 7, prepared by Nettleton Tribe, dated 23 June 2021
 - Elevations, Drawing No. 12393_DA020, Issue 6, prepared by Nettleton Tribe, dated 16 June 2021
 - Office Elevations, Drawing No. 12393_DA025, Issue 3, prepared by Nettleton Tribe, dated 16 June 2021
 - Office Plans (1A), Drawing No. 12393_DA030, Issue 3, prepared by Nettleton Tribe, dated 18 March 2021
 - Office Plans (1B), Drawing No. 12393_DA031, Issue 3, prepared by Nettleton Tribe, dated 18 March 2021
 - Sections, Drawing No. 12393_DA040, Issue 7, prepared by Nettleton Tribe, dated 23 June 2021
 - Fencing Plan, Drawing No. 12393_DA061, Issue 3, prepared by Nettleton Tribe, dated 23 June 2021
 - Bulk Earthworks Plan, Drawing No. 190050-05-DA1-C04.01, Revision 4, prepared by Enspire Solutions, dated 5 August 2022
 - Landscape Plan, Project No. 20210619, Issue DA_03D, prepared by Cabbage Tree Landscape, dated 28 June 2022
 - Subdivision Plan, Drawing No. 11251.DA.002.A, Revision A, prepared by ICD Asia Pacific, dated 3 August 2021
- 2 The development is to incorporate the following amendment and an amended Bulk Earthworks Plan is to be submitted to the Principal Certifying Authority, for approval, prior to the issue of a Construction Certificate:
 - No bulk earthworks are approved within 60m of the site boundary with Lockwood Road.
- 3 **Prior to the issue of any Construction Certificate** for the approved development, the Principal Certifying Authority is to be provided with an amended landscape plan, which:
 - Indicates that all landscaped blister islands provided within the car parking areas are a minimum of 1.5m wide (internal) and are spaced no greater apart than 1 blister island per 10 car parking spaces.
 - Provides a replication of the tree plantings approved along the western side of the approved road, along the eastern side of the approved road.
- 4 **Prior to the issue of any Occupation Certificate** for the approved development, the Principal Certifying Authority is to ensure that all approved landscaping for the site has been installed in accordance with the stamped approved landscape plan(s) and is thriving.

Any damaged, dead or dying plantings are to be replaced like-for-like **prior to the issue of any Occupation Certificate**.
- 5 Prior to use of the premises or either occupancy within the building, separate Development Consent is to be obtained for such use.

It is noted that Council may require any such Development Applications seeking to be supported by a Noise Impact Assessment, prepared by a suitably qualified acoustic consultant.
- 6 A **Construction Certificate** shall be obtained prior to commencement of any building works.

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

8 Illumination is to be arranged in accordance with the requirements of Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting.

LED Lighting is to be used throughout the building.

9 Two x 100kW solar power systems are to be installed, as shown on the approved Roof Plan, prior to the issue of any Occupation Certificate.

10 A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in must be obtained prior to works commencing.

Please refer to the web site www.sydneywater.com.au Plumbing, building & developing Sydney Water Tap in, or telephone 13 20 92.

11 a. The development must be consistent with WaterNSW's 'Guideline for Development Adjacent to the Upper Canal and Warragamba Pipelines' (September 2021).
b. Entry to the Warragamba Pipelines Corridor is prohibited without the written consent of WaterNSW.
c. All incidents that affect or could affect the Warragamba Pipelines Corridor shall be reported to WaterNSW on the 24 hour Incident Notification Number 1800 061 069 as a matter of urgency.

12 From the start of building works and in perpetuity, to ensure ongoing protection from the impact of bush fires, all of proposed Lot 11, except for the portion of the lot zoned 'Environmental Conservation', must be managed as an Inner Protection Area (IPA), in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

13 In accordance with the requirements of Transport for New South Wales (TfNSW), as are detailed in letter dated 13 July 2022 (TfNSW Reference: SYD22/00232/01 Planning Portal Reference: CNR-35580) the Principal Certifying Authority is to ensure that the following conditions are complied with:

A. Prior to the issue of a Construction Certificate, the Construction Traffic Management Plan should be updated with further details and submitted to Transport for NSW and Council for endorsement and approval.

B. Prior to the issue of the relevant Occupation Certificate, a Green Travel Plan (GTP) should be submitted to Transport for NSW for review and endorsement.

Heritage/Archaeological relics

14 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The Applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act 1977, may be required before any further work can be recommenced in that area of the site.

Environmental Matters

15 All works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

In the event that the work relates to activities inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits offensive noise, then the works are not restricted to the hours stated above. The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all works.

16 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

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

18 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.

19 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 and NH&MRC),
 - clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

circumstances the works shall be carried out prior to any further approved works.

{For the purpose of this condition an appropriately qualified person is defined as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

- 20 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 are to be fully enclosed when the site is unattended.
- 21 Waste materials associated with the construction phase of the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used or recycled in accordance with the approved Waste Management Plan dated 25 March 2022. Where the disposal location or waste materials has 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 application for the relevant Construction Certificate.

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

- 22 Prior to construction works commencing any portion of the old rural fencing along the southern and western boundary that contains barbed wire is to be removed and disposed of.
- 23 Where possible, hollows should be sectionally dismantled from felled hollow-bearing trees and attached to a retained tree in the Conservation Area portion of the site, that will not compromise the health and safety of the host tree. This is to be done by a qualified and experienced climbing Arborist under the direction of the Ecologist. Where this cannot occur the hollow limb will be placed on the ground in the 'Conservation Area'.

Logs salvaged from native trees, are to be cut into 3m lengths and be introduced into the Conservation Area, under the direction of the Ecologist.

Suitable upper tree branches of native trees are to be salvaged and evenly distributed across the Conservation Area under the direction of the Ecologist to be used for brush mat.

- 24 Prior issue of an Occupation Certificate, a statement is to be submitted to the Principal Certifying Authority and to the Environmental Health & Compliance Manager, Penrith City Council, with evidence that habitat features / native vegetation has been salvaged and introduced into the Conservation Area.
- 25 Prior to issue of an Occupation Certificate, permanent fencing delineating the area subject to the development footprint from the Conservation Area, must be installed along the southern and western perimeter.

The fence is to be a minimum 1.6m high and designed to deter Kangaroos from entering the development site. A gate may be installed to allow pedestrian access to the Conservation Area. Prior to the issue of an Occupation Certificate, the Applicant is to prepare a statement, which along with photographic evidence, is to be submitted to the Environmental Health and Compliance Manager, Penrith City Council, confirming that bushland protection fencing has been installed.

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

Remediation works within the Penrith Local Government Area are considered to be Category 1 works under Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021. Should any contamination be found during development works and should remediation works be required, Development Consent is to be obtained from Penrith City Council, before the remediation works commence.

BCA Issues

- 27 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.

Utility Services

- 28 All services (water, sewer, electricity, telephone and gas), including the provision of service conduits and stub mains, are to be installed within the proposed road corridor, before final inspection of the engineering works.

Prior to the issuing of the Subdivision Certificate, the following service authority clearances shall be obtained:

- A Section 73 Compliance Certificate under the Sydney Water Act 1994, shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate.
- A letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements.
- A letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

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

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

- 30 Prior to the issue of a the relevant 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 location of the substation, prior to the issue of the relevant Construction Certificate.

- 31 The provision of all electricity related infrastructure associated with the development is to be placed underground.

- 32 Prior to the issue of the relevant 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.

- 33 The provision of water, electricity and gas must comply with Table 7.4a of Planning for Bush Fire Protection 2019.

Construction

- 34 Stamped plans, specifications, a copy of the development consent, the relevant 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 associated construction signage is to be removed when the relevant Occupation Certificate has been issued.

35 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and back filling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

36 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.

37 All warehouse building construction must comply with Section 3 (excluding Section 3.5) and Section 9 (BAL FZ) of Australian Standard AS3959-2018 - Construction of buildings in bushfire-prone areas or the relevant BAL-FZ requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). All construction must also comply with the construction requirements in Section 7.5

Engineering

- 38 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.
- 39 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 the initial 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.

- 40 Prior to the issue of the relevant 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

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 the relevant 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.

41 A Subdivision Works Certificate is to be approved by the Certifier for the provision of any subdivision works (road, drainage, earthworks).

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that engineering plans are consistent with concept plans (submitted in support of the Development Application), prepared by Enspire Solutions Pty Ltd, Job Number 190050-05, Revision 3, dated 30 June 2022, and that all subdivision works have been designed in accordance with the conditions within this 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 subdivision works may include but are not limited to the following:

- Public and private roads
- Stormwater management (quantity and quality)
- Inter-allotment drainage
- Private access driveways
- Sediment and erosion control measures
- Flood control measures
- Overland flow paths
- Traffic facilities
- Earthworks Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note: Subdivision Works Certificates are now lodged via the NSW Planning Portal. Further information on the lodgement process can be found on the NSW Planning Portal website. Council's Development Engineering Department can provide this service and can be contacted on 4732 7777, to obtain a formal fee proposal prior to lodgement on the portal or if you require any assistance with the lodgement process.

42 The stormwater management system shall be provided generally in accordance with the concept plans (submitted in support of the Development Application), prepared by Enspire Solutions Pty Ltd, Job Number 190050-05, Revision 3, dated 30 June 2022.

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

Prior to the issue of the relevant Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy, and that the proposal incorporates the connection of the main roof area to the proposed rainwater tanks and rainwater harvesting.

43 The stormwater management system shall be consistent with the concept plans (submitted in support of the Development Application), prepared by Enspire Solutions Pty Ltd, Job Number 190050-05, Revision 3, dated 30 June 2022.

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.

- 44 Prior to the issue of the relevant Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.
- 45 Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed, to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

- 46 Prior to commencement of any works associated with the development, a Traffic Guidance Scheme, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW publication Traffic Control at Worksites Technical Manual, and certified by an appropriately accredited Transport for NSW traffic controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- A copy of the Traffic Guidance Scheme shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of the relevant Construction Certificate.

- 47 Work on the subdivision shall not commence until:

- a Subdivision Works Certificate (if required) has been issued;
- a Certifier has been appointed for the project, and;
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

- 48 All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority / Superintendent in consultation with the Principal Certifier.

- 49 Upon completion of all works in the road reserve, all verge areas fronting 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.
- 50 Prior to the issue of any Subdivision 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.
- 51 Prior to the issue of any Subdivision Certificate, the Principal Certifier shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.
- 52 Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.

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

- 53 Prior to the issue of a Subdivision works Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F
- 54 Prior to the issue of a Subdivision Certificate the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:
- Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the relevant Construction Certificate drawings, signed, certified and dated by a Registered Surveyor or the Design Engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
 - The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
 - The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 300mm depth ranges.
 - CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
 - A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Council.
 - Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
 - Documentation for all road pavement materials used demonstrating compliance with Council's

Engineering Construction Specification for Civil Works.

- A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include compaction reports for road pavement construction, compaction reports for bulk earthworks and lot regrading, soil classification for all residential lots, and a statement of compliance.
- Structural Engineer's construction certification of all structures.
- A slope junction plan for inter-allotment drainage lines indicating distances to boundaries and depths.

55 Prior to the issue of any Subdivision Certificate, the following easements shall be created on the plan of subdivision:

- a) Any Right of carriageway
- b) Any other easements identified during the construction process

56 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.

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

58 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.

59 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

Landscaping

60 All landscape works are to be completed in accordance with the stamped approved Landscape Plan.

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.

61 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.

- 62 Associated landscaping is to comply with the principles of Appendix 4 of Planning for Bush Fire Protection 2019.
- 63 On completion of the landscape works associated with the development and prior to the issue of any 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.

Section 94

- 64 This condition is imposed in accordance with the 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, \$264,000 is to be paid to Penrith City Council prior to the initial Construction Certificate being issued for this development. If not paid within the current quarterly period, this contribution will be reviewed at the time of payment.

The Section 7.12 Development Contributions Plan for Non-Residential Development may be inspected at Council's Civic Centre, 601 High Street, Penrith.

In addition, given that the proposed cost of carrying out the development is greater than \$750,000, a cost summary report is provided by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors in accordance with Section 3.2.3 of Council's Section 7.12 Contributions Plan for Non-Residential Development. The cost summary report is also required prior to the issue of the initial Construction Certificate.

Certification

- 65 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.

SIGNATURE

Name:	Robert Walker
Signature:	

For the Development Services Manager