

Council draft conditions						Applicant Response																																																							
1. The approved development must be implemented substantially in accordance with the following plans and documents as stamped approved by Council, the application form, and any supporting information received with the application, except as varied by any condition within this consent.																																																													
	<table><tr><th>Plan Title</th><th>Prepared by</th><th>Plan / Document No.</th><th>Issue / Rev.</th><th>Dated</th></tr><tr><td>Site Plan</td><td>Nettleton Tribe</td><td>12376_DA001</td><td>TBC</td><td>TBC</td></tr><tr><td>Ground Floor Plan</td><td>Nettleton Tribe</td><td>12376_DA011</td><td>TBC</td><td>TBC</td></tr><tr><td>Roof Plan</td><td>Nettleton Tribe</td><td>12376_DA012</td><td>TBC</td><td>TBC</td></tr><tr><td>Office A</td><td>Nettleton Tribe</td><td>12376_DA015</td><td>TBC</td><td>TBC</td></tr><tr><td>Office B</td><td>Nettleton Tribe</td><td>12376_DA016</td><td>TBC</td><td>TBC</td></tr><tr><td>Elevations 01</td><td>Nettleton Tribe</td><td>12376_DA021</td><td>TBC</td><td>TBC</td></tr><tr><td>Elevations 02</td><td>Nettleton Tribe</td><td>12376_DA022</td><td>TBC</td><td>TBC</td></tr><tr><td>Sections</td><td>Nettleton Tribe</td><td>12376_DA031</td><td>TBC</td><td>TBC</td></tr><tr><td>Bulk Earthworks Plan</td><td>Enspire Solutions</td><td>220011-DA2-C04.01</td><td>TBC</td><td>TBC</td></tr><tr><td>Acoustic Assessment Report</td><td>Acoustic Logic</td><td>20221337.1/2111A/R0/ANP</td><td>TBC</td><td>TBC</td></tr></table>	Plan Title	Prepared by	Plan / Document No.	Issue / Rev.	Dated	Site Plan	Nettleton Tribe	12376_DA001	TBC	TBC	Ground Floor Plan	Nettleton Tribe	12376_DA011	TBC	TBC	Roof Plan	Nettleton Tribe	12376_DA012	TBC	TBC	Office A	Nettleton Tribe	12376_DA015	TBC	TBC	Office B	Nettleton Tribe	12376_DA016	TBC	TBC	Elevations 01	Nettleton Tribe	12376_DA021	TBC	TBC	Elevations 02	Nettleton Tribe	12376_DA022	TBC	TBC	Sections	Nettleton Tribe	12376_DA031	TBC	TBC	Bulk Earthworks Plan	Enspire Solutions	220011-DA2-C04.01	TBC	TBC	Acoustic Assessment Report	Acoustic Logic	20221337.1/2111A/R0/ANP	TBC	TBC	Landscape and civil plans have been added by the Applicant in their marked-up conditions.				
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2. Prior to the issue of any Construction Certificate, the following amendments are to be made to the Architectural Plans, which are to be submitted to and approved by the Development Assessment Coordinator, Penrith City Council:						Delete last part of this condition, ie “which are ... Penrith City Council”, as a result of the following comments with resulting changes capable of being achieved with approval of the PCA.																																																							
a) The northern wall of ‘Warehouse 2’ is to be relocated 8m southwards (to provide a minimum building setback to Lenore drive of 20.53m).						Delete condition. The setbacks that have already been provided satisfy the objectives of the DCP setback controls which are (a) To provide an open streetscape with substantial areas for landscaping; and (b) To enhance the visual quality of development and the urban landscape. The development provides a variable setback to Lenore Drive influenced by the curved boundary alignment to Lenore Drive reflecting the dedication of land for future road widening on the approach to the intersection which has already been made by the Applicant. The setback varies from 28 metres to 12.5 at the closest point with the area of building within the setback more than offset by the area of additional setback, such that the minimum setback provisions of the DCP are exceeded on balance. This setback is acceptable for the following reasons: • The landscaped mound along the northern boundary of the site provides a strong basis for good visual screen; • A continuous landscaped buffer of a minimum of 10 metres increasing to 25 metres along Lenore Drive provides an effective and consistent landscape treatment to the frontage establishing the landscaped character of this section of Lenore Drive and complementing the wide footpath in the vicinity of the site. There are no driveways or parking areas in the setback providing effective landscaped screening with a partially reduced setback; • Landscaping has been designed to provide a layering of vegetation from ground cover to tall trees to effectively screen the building; • The setback from Lenore Drive at the corner of Compass Drive is 25 metres and is fully landscaped.																																																							
b) The vehicle maneuvering and turnaround area, and associated retaining walls, to the north-east of ‘Warehouse 2’, are to be relocated 8m southwards.						Delete condition for the above reasons.																																																							
c) The depth of the super awning is to be reduced (by 16m) to a depth of 20m.						Delete condition. The warehouse building is setback some 45 metres from Lockwood Road. The awning is 36 metre wide and provides weather protection to loading and unloading vehicles from the inclement south westerly weather and also shade to the concrete loading apron providing amenity for workers and drivers while reducing heat load. These awnings are an important element in modern logistics operations. A continuous landscaped zone is provided along the southern boundary varying in width from approximately 5 to 9 metres and occupying the full frontage except for driveway crossings. The <i>Corymbia maculata</i> trees to be planted within the landscaped frontage is a suitable species as indicated in the following photograph:																																																							



Figure 1 Corymbia maculata planted in close proximity to building, demonstrating narrow canopy growth.
Additional street trees are proposed along Lockwood Road.
The building façade along this frontage is activated by the office elements and the awning.

d) The fire sprinkler tank and the pump room (located adjacent to the office of 'Warehouse B'), are to be moved to the west, to provide additional space for landscaping.	Delete condition. The fire sprinkler tank and pump room cannot be moved further to the west for operational and vehicle manoeuvring reasons.
e) The three (3) 'signage zones' are to be removed from the 'Elevations'.	OK. Signage can be subject to separate approval.
f) The provision of four (4) x 100kW (or greater) solar power systems.	Amend condition to require two solar power systems of 100kW as there are only two tenancies.
3. Prior to the issue of any Construction Certificate, the Landscape Plan (prepared by Cabbage Tree Landscape, Project No. 20220901, Issue DA_02B, Revision 3, dated March 2023), is to be amended to incorporate the following and approved by the Development Assessment Coordinator, Penrith City Council:	Delete last part of this as a result of the following comments with resulting changes capable of being achieved with approval of the PCA
a) Provision of common species names, mature heights and foliage spread of all plants, as required by Part F3.4.4.2 of the Penrith Development Control Plan 2014.	
b) Widening of the landscape areas between the super awning and Lockwood Road, by 3m.	Delete condition. The width of the hardstand cannot be reduced for operational truck manoeuvring reasons.
c) Revised building layout in accordance with the amended Architectural Plans as required by Condition No. 2.	Delete condition as discussed above in relation to condition 2.
d) Provision of additional landscaped areas and suitable plantings, within the increased building setback to be provided to the north of 'Warehouse B'.	Delete condition as discussed above in relation to condition 2. As discussed above, the Corymbia maculate species proposed along Lockwood Road is appropriate.
e) Species within the landscape areas between the super awning and Lockwood Road, being selected having regard to the location's aspect.	Delete condition. As also discussed above, the Corymbia maculate species proposed along Lockwood Road is appropriate.
f) Providing a mixture of tree species within the landscape areas between the super awning and Lockwood Road, that are of a range of mature height and to provide additional canopy screening.	Delete condition. This condition is unnecessary as a mixture of tree species is already provided consistent with other developments in the immediate area.
g) The fencing and hedge planting, within the landscape areas between the super awning and Lockwood Road, are to be moved to the northern edge of such.	Delete condition. The fencing is shown on the landscape drawings as being within the landscaped zone and is setback 2 metres from the kerb which is preferable for operational and aesthetic reasons. The fencing would be hit if moved closer to the hardstand.
h) The tree species within the landscape strip immediately alongside the western / Compass Drive boundary, being suitable for its narrow area.	Delete condition. A variety of tree species has been selected to be appropriate for the deep soil context.
i) Provision of additional screen planting (which includes trees), in the vicinity of the vehicle maneuvering and turnaround area to the north east of 'Warehouse 2', with species selected having regard to the constrained nature of the area.	Delete condition. The vehicle manoeuvring area in the north east of the building is screened from view from Lenore Drive by the existing earth mound and would not be visible. Effective landscape screening is already proposed.

j) Provision of an additional landscape area to the west of the office of 'Warehouse B', with suitable species.	Delete condition. Additional landscaping cannot be provided in this area.
k) Provision of substantial additional quantities of medium and tall shrub plantings, within landscaped areas, in order to help soften the bulk and scale of the built form, and to provide additional screening.	Condition not necessary. The planting on Lenore Drive and Compass Drive has been layered with the taller shrubs along the fence line or at the top of the embankment to utilise the height of the planting. Along Lenore Drive mid level trees have been placed to soften the building façade between the ground cover and shrub planting and the taller tree canopy.
l) The use of an appropriate street tree species, in lieu of Eucalyptus amplifolia, which is also suitable for constrained verge areas (where applicable).	Eucalyptus amplifolia has been used in other developments throughout the Erskine Park area and is already planted along site street frontages. This species has been approved in a plan recently submitted to Council.
m) Providing additional street trees along the frontage of the development site, particularly in the vicinity of the intersection of Lenore Drive and Compass Drive, that are spaced at 10m of approximate increments.	These trees can be provided where acceptable on traffic grounds in terms of sight distances and only in locations that do not impede the effectiveness of street lighting.
n) Indicates that landscaped blister islands (including associated structural soil pits) are spaced no further apart than 1 island per 6 car parking spaces.	Delete condition. 1 blister island for every 10 spaces has recently been approved elsewhere in the Estate and in this case the development exceeds the 40% canopy cover (that calculation is excluding blister Islands).
o) Reference to 'sandstone spall' is to be deleted from the 'Landscape Specifications'.	OK
p) Fencing within the street frontages is to be aligned and setback to minimise visual impact.	OK
q) Specifications or elevations are to be provided of the fencing located within the street setback areas (being 2.1m high, black, palisade style).	OK
4. Warehouse 1 and Warehouse 2 must be used independently as two (2) separate unrelated operations. An Operational Management Plan, is to be submitted and approved by the Development Assessment Coordinator, Penrith City Council, providing comprehensive operating details of the use of 'Warehouse 1' and 'Warehouse 2', and which clearly specifies that the two (2) warehouses are to be used independently as two (2) separate operations.	Amend condition by deleting second sentence which is a requirement for a POM as one has been provided to Council.
REASON: A development in which Warehouse 1 and 2 relate to the same operation is State significant development as defined in Section 4.36 of the <i>Environmental Planning and Assessment Act 1979 (EPA Act)</i> , Section 2.6 and Schedule 1(12) of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> . State significant development requires assessment and determination pursuant to Division 4.7 of the EPA Act, the consent authority for which is the Minister.	
5. Prior to the issue of an Occupation Certificate, a detailed Waste Management Plan in relation to the warehousing (or distribution center) operations, is to be prepared in accordance with the provisions of Part C5 of the Penrith Development Control Plan 2014, and be submitted to and approved by the Development Assessment Coordinator, Penrith City Council.	Amend condition to allow sign off by PCA
6. Prior to the issue of an Occupation Certificate for the building, all measures outlined within the Ecologically 'Sustainable Development Statement' submitted in support of the Development Application, along with the provision of four (4) x 100kW (or greater) solar power systems, are to be implemented and to be operational, to the satisfaction of the Principal Certifying Authority.	Amend condition to require two 100kW units as there are only two tenants
7. A Construction Certificate must be obtained prior to commencement of any building works.	OK
8. The development shall not be used or occupied, until an Occupation Certificate has been issued.	OK
9. The approved hours of operation for the use of 'Warehouse 1' and 'Warehouse 2', is 24 hours per day, 7 days a week.	OK
10. The maximum number of staff working at any single time, is to be 60 in 'Warehouse 1' and is to be 40 in 'Warehouse 2'.	Delete condition. There is no need to restrict worker numbers. There might be peak periods (e.g. lead up to Christmas) where additional short-term staff may be required.
11. No retail sale of goods shall be conducted from the subject premises.	OK
12. All materials and goods associated with the use shall be contained within the building at all times. Under no circumstances are items to be stored external of the building, including within the hardstand area (including under the super awning).	OK
13. The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises are maintained in an environmentally satisfactory manner.	OK
14. The recommendations of the following documents, are to be implemented and adhered to at all times:	OK
The approved Acoustic Assessment Report (prepared by Acoustic Logic, Document No. 20221337.1/2111A/R0/ANP, dated 21 November 2022).	OK
The final approved Operational Management Plan.	
15. Noise levels from the premises, shall not exceed the relevant noise criteria detailed in the approved Acoustic Assessment Report (prepared by Acoustic Logic, Document No. 20221337.1/2111A/R0/ANP, dated 21 November 2022).	OK
Furthermore, the provisions of the Protection of the Environment Operations Act 1997, apply to the development, in terms of regulating offensive noise.	
16. The operating noise level of plant and equipment, shall not exceed 5 dB(A) above the background noise level, when	OK

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.	
17. No public address system or sound amplifying equipment shall be installed so as to permit the emission of offensive noise, as defined by the Protection of the Environment Operations Act 1997, onto any private premises or public place.	OK
18. Offensive odours are not to be emitted from the site. Vapours, fumes, gases, particles or any other substance that are considered to be harmful to human health or the environment or impact unreasonably on a person outside of the premises are not to be emitted from the site.	OK
19. The quantities of dangerous goods stored and handled at the site must be below the threshold quantities listed in the Department of Planning's Hazardous and Offensive Development Application Guidelines – Applying SEPP 33 at all times.	OK
20. Loading and unloading of oils, chemicals and any other liquid materials must only take place in a bunded area.	OK
21. Any liquid spills are to be cleaned up using dry methods only.	OK
22. All car parking spaces are to be used for vehicle parking at all times, and are not to be used for the storage of goods, products, waste items, unregistered / disused vehicles or the like.	OK
23. All vehicles are to enter and exit the site in a forward direction.	OK
24. 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.	Delete condition. There is no Sydney Water infrastructure and consultation with Sydney Water will be through the normal process of Notice of Requirements and section 73 application as required by condition 46. This condition is duplication..
25. For the purposes of Section 4.17 (11) of the Act, it is a prescribed condition of this development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this development consent must, at the person's own expense: (a) protect and support the building, structure or work from possible damage from the excavation, and (b) where necessary, underpin the building, structure or work to prevent any such damage.	OK
26. Illumination across the site is to be provided in accordance with the requirements of Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting.	OK
27. LED Lighting is to be used throughout the building.	OK
28. This Development Consent does not provide for any fit out type work and separate Development Consent will need to be obtained prior to the fit out of the warehouses.	OK
29. This Development Consent does not provide for any signage (i.e. business identification type signage or advertising signage). Other than for signage which is considered to be 'exempt development', separate Development Consent will need to be obtained prior to the erection of such.	OK
Heritage / Archaeological relics	
30. If any archaeological relics are uncovered during the course of the works, 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.	OK
Environmental Matters	
31. Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan (CEMP) is to be prepared by a suitably experienced / qualified person and submitted to Penrith City Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority. The CEMP is to address the environmental aspects of the construction phase of the development, and is to include details on the environmental management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to the following: • Water quality management, • Noise control and hours of operation, • Dust suppression, • Waste management (including solid and liquid waste), • Erosion and sediment control, • Air quality including odour and dust control. All construction activities on the site are to be implemented and carried out in accordance with the Council approved CEMP.	OK

32. 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 interim use of equipment that emits offensive noise, then the works are not restricted to the hours stated above. The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all works.	OK
33. Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.	OK
34. Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.	OK
35. Mud and soil from vehicular movements to and from the site must not be deposited on the road.	OK
36. No fill material shall be imported to the site until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certification shall: • be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC), • clearly state the legal property description of the fill material source site and the total amount of fill tested, • provide details of the volume of fill material to be used in the filling operations, • provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and • (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation work may be requested. In these circumstances the works shall be carried out prior to any further approved works. {Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, 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."}.	OK
37. Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification / finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant. All remediation works within the Penrith Local Government Area are considered to be Category 1 works as prescribed in State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 (Remediation of Land). Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.	OK
38. 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.	OK
39. 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. 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.	OK
40. A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted to Penrith City Council for approval prior to works commencing.	This detailed operational document can be provided to the PCA for approval.

41. All works and storage areas where spillages are likely to occur shall be bunded. Where Australian Standards apply, bunding construction and capacity must comply with those standards. Where Australian Standards do not apply, the size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump, to facilitate emptying and cleaning.	OK
42. Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements. If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a suitable waste contractor is to remove the liquid waste from the premises to an appropriate waste facility. Waste licensing requirements apply in NSW. Where required, the waste contractor and waste facility are to be licensed by the NSW Environment Protection Authority. Reference should be made to the NSW Environment Protection Authority for licensing requirements.	OK
43. A certificate is to be obtained from a qualified Acoustic Consultant, certifying that the development, including mechanical plant and equipment, has been constructed to meet the noise criteria, specified within the approved Acoustic Assessment Report (prepared by Acoustic Logic, Document No. 20221337.1/2111A/R0/ANP, dated 21 November 2022). This certificate is to be submitted to the Principal Certifying Authority, prior to the issue of an Occupation Certificate. Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.	OK
BCA Issues	
44. 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). 45. 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.	OK
Utility Services	
46. 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 an Occupation Certificate.	OK
47. 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.	OK

48. The provision of all electricity related infrastructure for the development is to be placed underground.	OK
49. 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.	OK
50. In the event that a pad mounted substation is necessary to service the approved development, Penrith City Council must be consulted about and must approve 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. Confirmation is to be provided to Penrith City Council that a blast wall or similar structure is not required.	Delete condition as the location of a substation is determined by the relevant energy authority.
Construction	
51. Stamped plans, specifications, a copy of this development consent, the Construction Certificate and any other Certificates that are 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 details required by this condition 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.	OK
52. 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.	OK

53. The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority immediately prior to the positioning of wall panels / bricks or block work. Additionally, a Survey Certificate of the location of the building upon completion shall be undertaken and submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate. The Survey Certificate is to show the boundaries of the allotment and the distances of the building from the boundaries.	OK
Engineering	
54. All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the developer, at no cost to Penrith City Council.	OK
55. An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges. An application form together with an information sheet and conditions are available on Council's website. Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.	OK
56. Lodgement of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development. These works may include but are not limited to the following: a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways) b) Temporary road reserve occupancies c) Road reserve openings for the installation of any utilities (water, sewer, power, telecommunications) d) Establishment of a construction work zone e) Establishment of road reserve hoardings and temporary structures / fencing etc. f) Operation of a tower crane over the road reserve g) Street tree planting All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice. Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information. Note: All works associated with the Roads Act approval(s) must be completed prior to the issue of any Occupation Certificate.	OK
57. The stormwater management system shall be provided generally in accordance with the Civil Engineering Concept Plans, prepared by Enspire Solutions P/L, Project No. 220011, dated 26 April 2023. 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. Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Council's Water Sensitive Urban Design (WSUD) Policy, including the provision of rainwater tanks that are sized to meet a minimum of 80% non-potable demand.	OK PCC have suggested a 110kL rainwater tank capacity which should be specified as 50,000L and 60,000L tanks to be provided at the eastern and western ends of the building respectively.
58. Prior to the issue of any Construction Certificate, an Operation and Maintenance Manual for the stormwater treatment measures, is to be submitted to and approved by the Development Assessment Coordinator, Penrith City Council.	OK
59. Prior to the issue of any Construction Certificate, the Certifier shall ensure that the foundations of proposed structures adjoining the drainage and services easements have been designed clear of the zone of influence.	OK
60. The car parking areas are to be finished with asphalt, the hardstand areas are to be finished with concrete and the retaining walls are to comprise of masonry blockwork that is colour in keeping with the building.	OK

61. All vehicle parking spaces, parking aisles and driveways / circulation roads, are to be designed and constructed in accordance with AS2890.1, AS2890.2 and AS2890.6. Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking area, associated with the development, are provided in accordance with the approved plans, AS2890.1, AS2890.2 and AS2890.6. The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage. 146 car parking spaces shall be designed, sealed and line marked, in accordance with the approved plans. Two (2) of these spaces are to be accessible spaces with a shared zone and provision made for (future) electric vehicle charging stations at 15 of these spaces. Wheel stops shall be provided along the front of all car parking spaces, in accordance with AS 2890.1 - Parking Facilities. Each space shall be permanently line marked and maintained free from obstruction at all times. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footpaths or landscaping areas.	OK
62. Prior to the issue of any Occupation Certificate, directional signage and line marking indicating vehicular directional movements, shall be completed to the satisfaction of the Principal Certifying Authority.	OK
63. Prior to the issue of any Occupation Certificate, pedestrian line marking shall be provided for the length of the driveway of eastern car parking area (to provide a safe and clear path between parking spaces and the entry to 'Warehouse B'), to the satisfaction of the Principal Certifying Authority.	OK
64. 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.	OK
65. Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a Section 138 Roads Act approval, have been inspected and signed off by Penrith City Council.	OK
66. 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.	OK
67. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures): • Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent. • Have met the design intent with regard to any construction variations to the approved design. • Any remedial works required to 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.	OK
68. Prior to the issue of a Construction 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.	OK
69. 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).	OK
Transport for NSW	
70. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system along Lenore Drive are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.	OK

71. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au. If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is / are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.	OK
72. A Construction Traffic and Pedestrian Management Plan (CTMP) should be prepared prior to the issue of the construction certificate with details of predicted construction traffic movements, routes, and access arrangements, and outline how construction traffic impacts on existing traffic, pedestrian and cycle networks would be appropriately managed and mitigated. TfNSW would welcome further discussions with the proponent regarding the preparation the CTMP and can be contacted directly at Development.Sydney@transport.nsw.gov.au.	OK
73. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Lenore Drive during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf.	OK
Landscaping	
74. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.	OK
75. All landscape works are to be completed in accordance with the final approved Landscape Plan (as required by Condition No. 3).	OK, delete reference to condition 3.
76. All landscape works are to be completed by a suitably qualified and experienced landscape construction professional, and 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.	OK
	OK
	OK
	OK
77. Street trees are to provided and maintained in accordance with Penrith City Council's Street and Park Tree Management Plan.	OK
78. On completion of the landscape works associated with the development and prior to the issue of any Occupation Certificate for the development, a Landscape Implementation Report, must be prepared by a suitably qualified and experienced landscape design professional, attesting to the satisfactory completion of the landscaping works for the development (in accordance with the Final Landscape Plan, as required by Condition No. 3). A copy of the Landscape Implementation Report is to be provided to the Principal Certifying Authority and to the Senior Development Assessment Planner, Penrith City Council, prior to the issue of any Occupation Certificate.	OK
	OK, delete reference to condition 3.
79. All fencing works are to be completed in accordance with the final approved fencing details shown on the approved Landscape Plan (as required by Condition No. 3), prior to the issue of an Occupation Certificate.	OK, delete reference to condition 3.
80. Landscaping shall be maintained: - in accordance with the approved plan, - to achieve its mature dimensions and form, unless otherwise specified and approved (for example hedging), 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.	OK
	OK
	OK
	OK
	OK
81. Hedging, excessive pruning and lopping of plants undertaken is not permitted, unless specified the final approved Landscape Plan.	OK
Development Contributions	
82. 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, \$367,950 is to be paid to Penrith City Council, prior to a 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.	OK
Certification	

83. 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 Environmental Planning and Assessment 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 6.6 of the Environmental Planning and Assessment Act 1979. <u>Information to accompany the Notice of Commencement</u> Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing of site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.	OK
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