

# MEMORANDUM

Reference: PPSSWC-299 (Council Reference: DA22/1172)  
To: Sydney Western City Planning Panel Secretariat  
From: Gavin Cherry - Development Assessment Coordinator  
Date: 27 July 2023  
**Subject: PPSSWC-299 – Amended Conditions of Consent**

I refer to the abovementioned development application listed for determination by the Sydney Western City Planning Panel on Monday 31st July 2023.

Since writing and uploading the Assessment Report, Council have received additional comments on the application from Sydney Water. Please see attached updated recommended Conditions of Consent for PPSSWC-299 that were amended in accordance with the comments received from Sydney Water.

Kind Regards,



Gavin Cherry  
**Development Assessment Coordinator**

## CONDITIONS

### General

- The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:-

Plan Title	Plan / Drawing Nos.	Issue	Prepared by	Dated
Location & Site Plan	PG-KC-DA-A00	P15	HL Architects	9 June 2023
Site Plan	PG-KC-DA-A001	P18	HL Architects	15 June 2023
Open Space Edge Road Layout Plan	PG-KC-DA-A002	P15	HL Architects	9 June 2023
Subdivision Plan	PG-KC-DA-A003	P15	HL Architects	5 June 2023
Office A & Dock Office Floor Plans	PG-KC-DA-A120	P15	HL Architects	9 June 2023
Warehouse Office & Lunch Room Floor Plan	PG-KC-DA-A121	P15	HL Architects	9 June 2023
Warehouse Elevations	PG-KC-DA-A200	P15	HL Architects	6 June 2023
Office Elevations	PG-KC-DA-A201	P15	HL Architects	9 June 2023
Warehouse Sections	PG-KC-DA-A210	P15	HL Architects	5 June 2023
External Lighting Plan	PG-KC-DA-A400	P15	HL Architects	9 June 2023
Landscape Concept Plan ('Lot 14')	H8-22018 (Drawing Nos. L-01 to L-14)	H	Habit8	20 June 2023
Landscape Concept Plan ('Bike Path & Recreation Areas')	H8-23024 (Drawing Nos. L-01 to L-13)	C	Habit8	9 June 2023
Report / Document Title				
Report / Document Title			Prepared By	Dated
Operational Summary			Probiotec Ltd.	-
Air Quality Risk Assessment			Northstar Air Quality P/L	2 November 2022
Acoustic Report			Acoustic Works	17 November 2022
Ecologically Sustainable Development Report			Frasers Property Industrial Construction P/L	8 November 2022
Crime Risk Assessment Report			NEAL Consulting Solutions	23 November 2022

Bushfire Assessment Report	Peterson Bushfire	14 June 2023
Geotechnical Assessment Letter	PSM Consulting P/L	11 November 2022
Resilience and Hazards SEPP Statement	Riskcon Engineering P/L	14 December 2022
Waste Management Plan	Land & Groundwater Consulting P/L	11 November 2022

2 Prior to the issue of any Construction Certificate, the Civil Works Plans, submitted to Council (in support of the Development Application) on 21 June 2023, prepared by Costin Roe Consulting P/L, are to be **amended (in consultation with Penrith City Council's Development Engineering Section and Sydney Water) to incorporate the following** and approved by the Senior Development Assessment Planner, Penrith City Council:

- The Stormwater Concept Plan is to include details demonstrating that the stormwater management system, including the rainwater tank(s) has been sized to achieve a non-potable water reuse demand of 80% (in accordance with Council's Water Sensitive Urban Design Policy).
- All site stormwater discharge from the development of proposed Lot 14, shall be contained within the lot and directed to a single point of discharge. The establishment of a swale and drainage to such, within the future adjoining open space are not permitted.
- All car parking areas, and associated driveway, access and manoeuvring areas, are to comprise of pervious pavers (as indicated on the approved Landscape Plan) and be permeable over the entire area.
- Design plans for the 'interim' (mountable teardrop island) and 'ultimate' (roundabout) intersection of the 'Open Space Edge Road' (Access Road 5) with Access Road 3.
- Detailed civil engineering plans for the design of the 'Open Space Edge Road' (Access Road 5). The design shall be in accordance with the Mamre Road Precinct Development Control Plan 2021, and shall include long sections and cross sections, demonstrating acceptable batter interfaces with adjoining infrastructure (including regional stormwater infrastructure) and open space lands.
- Detailed civil engineering design plans of the 'shared pathway between the 'Open Space Edge Road' (Access Road 5) and Access Road 1. The shared path shall be a minimum of 3.5m wide (as shown on the approved Landscape Plan), be designed to accommodate heavy vehicular access for maintenance purposes, and shall include long sections and cross sections, demonstrating suitable interfaces with adjoining infrastructure (including regional stormwater infrastructure) and future open space lands.
- Provision of passively irrigated street trees (for the 'Open Space Edge Road'), in accordance with associated provisions of the Sydney Water Stormwater Scheme Infrastructure Design Guideline and the Mamre Road Precinct Development Control Plan 2021.

The works depicted within the plans submitted and approved in satisfaction of this condition, are to be complied with throughout the construction and operation of the development.

Note:

- Provision should be made in completing the final stormwater design, to enable a seamless connection to Sydney Water's Regional Stormwater Scheme, including the associated decommissioning of on-site rainwater harvesting and re-use systems.

3 Prior to the issue of any Construction Certificate, a Landscape Plan for the (19.5m) width of the 'Open Space Edge Road', is to be **prepared (in consultation with Penrith City Council's Development Engineering Section and Sydney Water) incorporating the following** and approved by the Senior Development Assessment Planner, Penrith City Council:

- The provision of passively irrigated street trees, in accordance with associated provisions of the Sydney Water Stormwater Scheme Infrastructure Design Guideline and the Mamre Road Precinct Development Control Plan 2021.

The works depicted within the plans submitted and approved in satisfaction of this condition, are to be complied with throughout the construction and operation of the development.

4 Prior to the issue of a construction certificate, details are to be submitted and approved by the Certifier, demonstrating that

- Vehicular access and internal heavy vehicle manoeuvring areas have been designed for a 30m A-Double vehicle.
- Sight distance requirements are in accordance with AS2890.2, Figure 3.3 and Figure 3.4.
- All vehicles accessing the site can enter and exit to / from the road, in a forward direction.

5 Prior to the commencement of the operation of the development, the Applicant must complete the construction of the internal Estate roads and applicable upgrade works to the Mamre Road - Bakers Lane intersection under SSD-9522, to the satisfaction of Penrith City Council and in accordance with the requirements of SSD-9522.

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

7 With respect to development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor, the applicant must at their own expense:-

- (a) protect and support any building, structure or work on adjoining land from possible damage from the excavation,
- (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

Note: These requirements do not apply if:-

- (a) the person having the benefit of the development consent owns the adjoining land, or
- (b) the owner of the adjoining land gives written consent to the condition not applying.

8 The development shall not be used or occupied until a final Occupation Certificate has been issued.

9 The development shall not be used or occupied until a Subdivision Certificate has been issued (including the delivery and dedication of the proposed 'Open Space Edge Road').

- 10 Prior to the issue of the final Occupation Certificate for the building, all measures outlined within the Ecologically Sustainable Development Report, prepared by Frasers Property Industrial Construction P/L (version No. 2), dated 8 November 2022, submitted in support of the Development Application, are to be implemented to the satisfaction of the Principal Certifying Authority.
  - 11 The recommendations made within the Crime Risk Assessment Report (i.e., within Part 3.3), prepared by NEAL Consulting Solutions, version 'Final v0.1', dated 23 November 2022 (submitted in support of the Development Application), are to be implemented. Prior to the issuing of the final Occupation Certificate, the Principal Certifying Authority is to ensure that all associated works have been completed in accordance with such.
  - 12 The following community safety and crime prevention through environmental design (CPTED) requirements, must be implemented:
    - All outdoor spaces must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.
    - CCTV is to be provided. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Advisory notes:
- All areas of the car park should be well-lit, with consistent lighting to prevent shadowing or glare.
  - Entrances to the offices and other focal areas should be easily identifiable, well signed and allow good visibility on approach and towards the public space.
  - Graffiti resistant coatings are encouraged to be used for external surfaces where possible.
  - Procedures are to be in place to ensure the prompt removal and / or repair of graffiti or vandalism. This includes reporting incidents to police and other relevant authorities.
- 13 Lighting is to be designed and directed so as to not cause light spill onto adjoining sites, sensitive receivers or adjacent natural areas, and is to be provided in accordance with the requirements of Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting.
  - 14 Fire hydrants are to be installed to comply with AS2419.1 – 2005 Fire Hydrant Installations - System Design, Installation and Commissioning (AS 2419).
  - 15 Any gas services are to be installed and maintained in accordance with AS/NZS 1596-2014 - The storage and handling of LP gas.
  - 16 The approval of fencing is limited to that indicated on the approved plans. All elements of the fencing, including the footings, is to be contained entirely within the development site and not encroach upon the any existing or future road corridor.

17 The approval of signage is limited to the two (2) freestanding combined business identification and directional signs, and the business identification type wall sign, as shown on the approved plans. The signage:

- is not to be illuminated;
- is not to flash, move or display electronic images;
- is to be maintained in a condition as to not become unsightly; and
- contents must relate to the existing and the approved use of the premises.

The signage shown on the western building elevation, is to be deleted from the architectural plans, prior to the issuing on a Construction Certificate.

18 The use of the premises shall comply with the following requirements:

- (a) The approved Operational Summary, prepared Probiotec Ltd.
- (b) The approved hours of operation for the use of the premises, are 24 hours per day, 7 days a week.
- (c) All materials and goods associated with the use, shall be stored within the building and not under any awning.
- (d) No retail sales or sales to the general public, shall be made from the premises.
- (e) All waste, recycling and bins, are to be contained within designated Waste Management Area(s).
- (f) The premises shall be maintained in a clean and tidy state at all times.
- (g) The goods being stored in the warehouse at any given time, must not comprise of quantities of 'Dangerous Goods' greater than that listed on Table 3-1 of the approved Preliminary Hazard Analysis, prepared by Riskcon Engineering P/L, dated 14 December 2022.
- (h) Hazardous or combustible materials are not to be stored externally.
- (i) Vehicles servicing the site shall be limited in size to 30m A-Double.
- (j) The operation must not result in any vehicles queuing on the public road network.
- (k) All vehicular entries and exits to the site shall be made in a forward direction and all vehicles awaiting loading or unloading shall be parked on site and not on adjacent or nearby public roads.

19 The design and construction recommendations provided in the Acoustic Report, prepared by Acoustic Works, dated 17 November 2022, shall be implemented and incorporated into the design and construction of the development. Details of such are to be provided on the plans accompanying the Construction Certificate application.

Noise levels from the premises, shall not exceed the relevant noise criteria detailed in the Acoustic Report, prepared by Acoustic Works, dated 17 November 2022 (Reference No. R01B). Furthermore, the provisions of the Protection of the Environment Operations Act 1997, apply to the development in terms of regulating offensive noise.

## **Heritage/Archaeological relics**

20 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**

- 21 Prior to the issue of the Construction Certificate, a Construction Environmental Management Plan is to be prepared by a suitably experienced and qualified person and submitted and approved, by the Environmental Health Coordinator, Penrith City Council.

The Construction Environmental Management Plan 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 Construction Environmental Management Plan 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 Construction Environmental Management Plan.

- 22 Prior to the issue of the Construction Certificate, a Construction Waste Management Plan is to be submitted to Council for approval. This Plan is to address all waste materials generated during the construction phase of the development, including details of the proposed waste volumes, on site storage and management, designated waste contractors and waste facilities.

The final approved Waste Management Plan must be implemented and adhered to on-site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.

- 23 Prior to the issue of the Occupation Certificate, a detailed Environmental Management Plan, is to be submitted to and approved by the Senior Development Assessment Planner, Penrith City Council.

The Environmental Management Plan is to address the environmental aspects of the development and is to include details on the environmental management practices and controls to be implemented on the site. The Environmental Management Plan must be prepared by a suitably qualified and experienced person(s), in consultation with the relevant authorities and agencies, and is to address, but is not limited to the following:

- Water quality management,
- Wastewater management,
- Stormwater management and drainage,
- Noise control and hours of operation,
- Dust suppression,
- Waste management (including solid and liquid waste),
- Chemical storage (including dangerous/hazardous goods), transport, spill contingency and emergency response,
- Air quality including odour and dust control,

Compliance is to be had with the final approved Environmental Management Plan at all times. Additionally, the provisions of the Protection of the Environment Operations Act 1997, apply to the development, in terms of regulating offensive noise.

Operational matters of the development

Compliance Certificates or other written documentation shall be obtained from a qualified environmental consultant certifying that the above mentioned aspects of the Council approved Environmental Management Plan are complied with. The Compliance Certificate or other written documentation shall be submitted to Penrith City Council on an annual basis, on the anniversary of the Occupation Certificate being issued for the development.

- 24 Prior to the issue of the Construction Certificate, details of the proposed spill containment system are to be submitted to and approved by the Environmental Health Coordinator, Penrith City Council. The spill containment system is to be designed so that it is suitable for the type of materials to be contained and is to ensure a containment capacity equal to 25% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater.

The spill containment system details are to demonstrate compliance with relevant standards including Australian Standards, the Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG Code) and SafeWork NSW Codes and requirements.

- 25 Prior to the issue of a Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development are to be submitted to and approved by the Environmental Health Coordinator, Penrith City Council. The submitted details are to include, suitable data and information assessed by a suitably qualified Acoustic Consultant, demonstrating compliance with the established noise criteria within the approved Acoustic Report, prepared by Acoustic Works, dated 17 November 2022.

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.



26 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.

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

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

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

30 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, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

31 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.

- 32 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.

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

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

- 34 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 Occupation Certificate being granted.

- 35 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.

- 36 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.

- 37 The construction and operational phases of the development are not to generate air quality impacts (including dust and odour) exceeding the relevant air quality and / or odour emissions criteria, as detailed in Air Quality Risk Assessment prepared by Northstar Air Quality P/L, dated 2 November 2022 (Reference 22.11048.FR1V2).

The recommendations provided in the above-mentioned Air Quality Risk Assessment shall be implemented and incorporated into the design and construction of the development. A certificate is to be obtained from a qualified odour/air quality consultant certifying that the development has been constructed to meet the air quality and/or odour emissions criteria in accordance with the Council approved Air Quality Risk Assessment. This certificate is to be submitted to Penrith City Council within sixty (60) days of the date of consent.

- 38 Loading and unloading of oils, chemicals and any other liquid materials must only take place in a bunded area.

- 39 All liquid spills are to be cleaned up using dry methods only.
- 40 Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.

## **BCA Issues**

- 41 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**

- 42 All services (water, sewer, electricity, telephone and gas) are to be installed before final inspection of the subdivision related engineering works.

Prior to the release of the linen plan, 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 and
- 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; and
- 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.

These clearances are to be submitted to the Principal Certifying Authority.

- 43 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

- 44 The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at: <https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm> Recycled Water.

- 45 All development lots must have a frontage to a recycled water main that is the right size and can be used to support the immediate or future connection to a recycled water network for permitted non-potable uses.

The recycled water (dual reticulation) system is to provide:

- One reticulation system servicing drinking water uses, connected to the drinking water supply, and
- One reticulation system servicing non-drinking water uses, such as toilet flushing, irrigation, and firefighting. The design of the recycled water main is to be such that a future change-over from the initial drinking water supply to treated stormwater and / or recycled water supply once available can be achieved without significant civil or building work, disruption or cost.

The proponent is required to decommission the connections between the drinking water and recycled water networks once the supply of treated stormwater and recycled wastewater via the recycled water networks is established. The locations of any cross connections between the drinking water network and recycled water network must be clearly shown on the design plans when submitting a S73 application.

- 46 In completing the final stormwater design, the proponent must demonstrate provision for connection to Sydney Water's Regional Stormwater Scheme, via a dual water reticulation system. This must clearly shown on the design plans when submitting a S73 application.

The proponent is also required to decommission on-site rainwater harvesting and re-use systems when the Regional Stormwater Scheme becomes available to the site. This capability and intent must be clearly shown on design plans when submitting a S73 application.

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

Prior to the issue of a Construction Certificate or Subdivision Works 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 as well Sydney Water's standards for Dual Water Reticulation Systems.

- 47 Prior to the issue of an Occupation Certificate, a restriction applies to user and positive covenant, relating to connection to Sydney Water's Regional Stormwater Scheme and decommissioning of all other water harvesting infrastructure on site, upon the Regional Stormwater Scheme being available to the site. 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.
- 48 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.

- 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.

## Construction

- 50 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

51 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.

52 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.

## Engineering

53 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.

- 54 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate or Subdivision Works Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

- 55 Lodgment of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development.

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

- a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of:
  - i. Utilities (water, sewer, power, telecommunications)
  - ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
  - iii. Reconstruction of concrete footpath and / or cycleways across the frontage
- d) Establishment of a construction work zone
- e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- f) Operation of a tower crane over the road reserve
- g) Temporary ground anchors that encroach below the road reserve (for basement construction).

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

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

Note:

- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval(s) must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

- 56 Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with and approved by Penrith City Council (being the Roads Authority under the Roads Act) for provision of an interim (mountable teardrop) and final (roundabout) intersection of Access Road 5 and Access Road 3

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and 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 the Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.



- 57 A Subdivision Works Certificate (previously a Construction Certificate) is to be approved by the Certifier for the provision of any subdivision works (road, drainage, earthworks), including the construction of the 'Open Space Edge Road' and the 'shared pathway'.

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that engineering plans are consistent with the final approved Civil Plan, and that all associated works have been designed in accordance with conditions of 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
- Street trees
- 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.

58 Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that the proposed 'Open Space Edge Road' (Access Road No. 5) has been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

- Road Reserve Width - 19.5m
- Carriageway Width - 10.5m
- Verge Width - 4m (west) & 5m (east)
- Footpath - 2.5m (west) & 1.5m (east)

Road pavement design shall be undertaken in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments. A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for the Subdivision Works Certificate.

The 'Open Space Edge Road' shall not be utilised for heavy vehicles. Appropriate load limit signage shall be provided and detailed on a Signage & Linemarking Plan, subject to endorsement by Local Traffic Committee (LTC).

59 A Stage 3 (detailed design) Road Safety Audit shall be undertaken in accordance with *Austroads Guide to Road Safety Part 6: Road Safety Audit* on the proposed roadworks by an accredited auditor who is independent of the Design Consultant. A copy of the Road Safety Audit shall accompany the design plans submitted with the Subdivision Works Certificate or Roads Act application.

Prior to the issue of the Subdivision Works Certificate or Section 138 Roads Act approval, the Certifier shall ensure that the recommendations of the Road Safety Audit have been considered in the final design, through review of the Road Safety Audit Checklist, including findings, recommendations and any corrective actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifier for information purposes.

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

Prior to the issue of a 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.

The stormwater management system shall be provided in accordance with the final approved Stormwater Plans.

61 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 Subdivision Works Certificate.

62 Prior to the issue of a final Occupations Certificate, the Certifier is to ensure that all car parking areas, and associated driveway, access and manoeuvring areas, are constructed with pervious pavers, as indicated on the approved Landscape Plan.

- 63 a. 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.
- b. Prior to the issue of a Construction Certificate, the Principal Certifying Authority 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.
- c. The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- d. 250 car parking spaces shall be designed, sealed and line marked, in accordance with the approved plans. Three (3) of these spaces are to be accessible spaces with a shared zone and three (3) other spaces are to be provided with electric vehicle charging stations.
- e. Wheel stops shall be provided along the front of all car parking spaces, in accordance with AS 2890.1 - Parking Facilities.
- f. Each space shall be permanently line marked at all times.
- g. All parking spaces, loading zones, parking aisles and manoeuvring areas are to be kept clear of stored materials, products and waste materials, such that these areas remain unobstructed and allow for the safe movement of vehicles.
- h. Staff, company and visitors vehicles shall be parked in the spaces provided on the subject premises and not on adjacent footpaths or landscaping areas.
- 64 Prior to the commencement of any works on-site, and prior to the issue of any Construction Certificate or Subdivision Works Certificate (whichever occurs first), a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee.

Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

- 65 Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate or Subdivision Works Certificate and 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.

- 66 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 (TfNSW) publication Traffic Control at Worksites Technical Manual, and certified by an appropriately accredited TfNSW 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 any Construction Certificate or Subdivision Works Certificate.

- 67 Work in relation to the construction of the 'Open Space Edge Road', shall not commence until:

- a Subdivision Works Certificate has been issued for such,
- a Certifier has been appointed for the works, 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.

- 68 Lighting is to be provided along the proposed 'Open Space Edge Road' and the proposed 'shared pathway' in accordance with associated Council standards.
- 69 All services for the development, including those across the frontage of the development, are to be located or relocated underground in accordance with the relevant authorities' regulations and standards.
- 70 Prior to the issue of any Occupation Certificate or 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.
- 71 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.

- 72 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 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.

- 73 Prior to the issue of any 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 Penrith City Council is not the Principal Certifier.

- 74 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F

- 75 Prior to the issue of any Subdivision Certificate and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee. The plans shall include the provision of appropriate load limit signage such that the Open Edge Space Road will not be utilised by heavy vehicles.

Notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges.

- 76 Prior to the issue of any Subdivision Certificate, an application for proposed street names must be lodged with Penrith City Council, approved and the signs erected on-site.

The proposed names must be in accordance with NSW Address Policy and User Manual by Geographical Names Board.

Notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for advice regarding the application process and applicable fees.
- Allow approximately eight (8) weeks for notification, advertising and approval.

- 77 Prior to the issue of a Subdivision Certificate, the full (19.5) width of the 'Open Edge Space Road' (Access Road 5) is to be dedicated to Penrith City Council, as Road Reserve.
- 78 Prior to the issue of any Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier:
- a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
  - b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
  - c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.3m intervals. All levels are to be shown to AHD.
  - d) CCTV footage in USB format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.
  - e) 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 Penrith City Council.
  - f) 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, private or public lands.
  - g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
  - h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction Specification. The report shall include:
    - Compaction reports for road pavement construction.
    - Compaction reports for bulk earthworks and lot regarding.
    - Soil classification for all residential lots.
    - Statement of Compliance.
  - i) Structural Engineer's construction certification of all structures.
  - j) A slope junction plan for inter-allotment drainage lines indicating distances to boundaries and depths.
  - k) Soil testing for each lot to be classified according to AS2870 Residential Slabs and Footings.

- 79 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.

- 80 Prior to the issue of a final Occupation Certificate, an Operational Traffic Management Plan is to be prepared. The Plan shall include all details of any traffic control measures and the management of heavy vehicles servicing the development.

- 81 Prior to the issue of the final Occupation Certificate, directional signage and line marking, shall be installed indicating directional movements and the location of customer and / or staff parking to the satisfaction of the Principal Certifier.

## Landscaping

- 82 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.

- 83 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.

- 84 On completion of the landscape works associated with the development and prior to the issue of the final Occupation Certificate for the development, a Landscape Implementation Report, must be prepared by a suitably qualified and experienced landscape professional, attesting to the satisfactory completion of the landscaping works for the development.

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.

85 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.

Hedging, excessive pruning and lopping of plants undertaken is not permitted, unless specified the approved Landscape Plan.

86 From the commencement of building works and in perpetuity, the site is to be maintained as an Inner Protection Area, in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

The following landscaping specifications apply to achieve the Inner Protection Area for the proposed development:

- Trees at maturity should not touch or overhang the building.
- Tree crowns should not provide a connected canopy between the identified hazard and the building when at maturity.
- Ensure gaps in the vegetation, such as between garden beds, to prevent the spread of fire towards the building.
- Clumps of shrubs should be separated from glazing and doors by a distance of at least twice the height of the vegetation.
- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height).
- Leaves and vegetation debris should be regularly removed.
- Organic mulch is not to be used within 1m of a building.

## Subdivision

87 Work on the subdivision is not to commence until:

- a Subdivision Works Certificate has been issued,
- a Principal Certifying Authority 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.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

88 The subdivision approved pursuant to State Significant Development Consent No. 25725029, is to be fully completed, all associated Development Consent conditions satisfied and the associated lots registered with Land and Property Information NSW, prior to the issuing of a Subdivision Certificate (associated with this Development Consent).



89 Prior to the issue of the Subdivision Certificate, the following is to be submitted:

An original plan of subdivision and associated administration sheets. The plan of subdivision must indicate, where relevant -

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

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

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

Prior to lodgement of the Subdivision Certificate Application, street address numbering must be obtained/approved by Penrith City Council by completing the Street Address Confirmation Application Form found on Council's website. Instructions for completion and submission are outlined on the form.

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

## **Development Contributions**

91 Prior to the issue of any Construction Certificate (or at a time otherwise agreed to by Council), the Applicant must pay the required contribution to Penrith City Council, in accordance with the Planning Agreement between Penrith City Council, Altis Frasers JV P/L and The Trust Company (Australia) Ltd, that was executed on 29 September 2022.

Evidence of required monetary payment and condition satisfaction from Penrith City Council is required to be provided to the appointed certifying authority.

92 A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Aerotropolis) Determination 2022 (as in force when this development consent takes effect).

A person may not apply for a subdivision certificate or construction certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

A request for assessment by the Department of Planning and Environment of the amount of the contribution that is required under this condition can be made through the NSW Planning Portal (<https://www.planningportal.nsw.gov.au/development-assessment/contributions/sic-online-service>). Please refer enquiries to [SICcontributions@planning.nsw.gov.au](mailto:SICcontributions@planning.nsw.gov.au).

## **Certification**

- 93 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 Certifier shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

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