

CONDITIONS SUMMARY

Application Number:	DA20/0262
Assessing Officer	Lauren Van Etten
Land to be developed (Address):	Lot 5 DP 1452 344 Park Road WALLACIA NSW 2745
Proposed Development:	Resource Recovery Facility for Processing a Maximum of 95,000 Tonnes Per Year of Construction & Demolition (C&D) & Commercial & Industrial (C&I) Waste including Conversion of Existing Dwelling to Office, Internal Driveways, Car & Truck Parking Areas & Associated Infrastructure

General

1 [A001 - Approved plans table](#)

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

Drawing Title	Prepared By	Drawing No.	Revision	Date
Architectural Plans				
Cover Sheet	Carlo Ranieri & Associates	A00	C	08/06/21
Overall Site Plan, <i>as amended by site plan A02 below</i>	Carlo Ranieri & Associates	A01	E	08/06/21
Part Site Plan & Site Analysis	Carlo Ranieri & Associates	A02	H	08/06/21
Process Building Floor Plan with Enclosed Loading Area	Carlo Ranieri & Associates	A03	F	16/12/21
Elevations	Carlo Ranieri & Associates	A04	E	16/12/21
Elevations		A05	D	08/06/21
Process Building Sections	Carlo Ranieri & Associates	A06	C	08/06/21
Production Office	Carlo Ranieri & Associates	A07	D	08/06/21
Materials & Finishes Schedule	Carlo Ranieri & Associates	A08	C	08/06/21
Existing Office & Access Plan	Carlo Ranieri & Associates	A09	A	08/06/21
Car Park Plan	Carlo Ranieri & Associates	A10	A	08/06/21
Process Building Roof Plan	Carlo Ranieri & Associates	A11	A	08/06/21
Tree and Vegetation Disturbance Plan	Carlo Ranieri & Associates	A12	A	08/06/21

Civil Plans, as amended by the plans that will submitted prior to CC in accordance with the requirements of TFNSW				
Cover Sheet	Indesco	7410-DA-000		
General Notes & Legend	Indesco	7410-DA-001	B	22/09/20
General Arrangement Plan Sheet 1	Indesco	7410-DA-002	B	05/08/21
General Arrangement Plan Sheet 2	Indesco	7410-DA-003	B	05/08/21
Erosion & Sediment Controls & Details	Indesco	7410-DA-020	B	22/09/20
Erosion & Sediment Control Plan	Indesco	7410-DA-021	C	05/08/21
Earthworks Plan	Indesco	7410-DA-050	B	22/09/20
Site Sections	Indesco	7410-DA-051	C	05/08/21
Grading Plan Sheet 1 of 2	Indesco	7410-DA-060	B	05/08/21
Grading Plan Sheet 2	Indesco	7410-DA-061	B	05/08/21
Stormwater Plan Sheet 1	Indesco	7410-DA-100	C	05/08/21
Stormwater Plan Sheet 2	Indesco	7410-DA-101	C	05/08/21
Chainage Plan Sheet 1	Indesco	7410-DA-200	C	05/08/21
Chainage Plan Sheet 2	Indesco	7410-DA-201	C	05/08/21
Road Cross Sections Sheet 1	Indesco	7410-DA-205	B	22/09/20
Road Cross Sections Sheet 2	Indesco	7410-DA-206	B	22/09/20
Road Longitudinal Sections Sheet 1	Indesco	7410-DA-210	B	22/09/20
Road Longitudinal Sections Sheet 2	Indesco	7410-DA-211	B	22/09/20
Road Longitudinal Sections 3	Indesco	7410-DA-212	B	22/09/20
Road 1 Cross Sections Sheet 1	Indesco	7410-DA-215	A	04/08/20
Road 1 Cross Sections Sheet 2	Indesco	7410-DA-216	A	04/08/20
Road 2 Cross Sections Sheet 1	Indesco	7410-DA-217	A	04/08/20
Road 2 Cross Sections Sheet 2	Indesco	7410-DA-218	A	04/08/20
Cross Sections	Indesco	7410-DA-219	A	04/08/20
Cross Sections	Indesco	7410-DA-220	A	04/08/20
Catchment Plan Pre Development	Indesco	7410-DA-300	B	22/09/20
Catchment Plan Post Development	Indesco	7410-DA-301	C	05/08/21
Catchment Plan External	Indesco	7410-DA-302	A	22/09/20
Music Catchment Plan & Schedule	Indesco	7410-DA-303	C	05/08/21
Onsite Detention Details Sheet 1	Indesco	7410-DA-405	C	05/08/21
Onsite Detention Details Sheet 2	Indesco	7410-DA-406	C	05/08/21
Culvert Details	Indesco	7410-DA-407	C	05/08/21
Internal Driveway Access Plan & Details	Indesco	7410-DA-420	C	05/08/21

Supporting Documents:

- Biodiversity Conditions - Appendix A
- Biodiversity Conditions - Appendix B

- Construction Environmental Management Plan, prepared by Benbow Environmental, dated 6 August 2021, ref. 191318-03_CEMP_Rev 2
- Draft Operational Management Plan, prepared by Carlo Ranieri, dated 13 May 2020
- Noise Impact Assessment, prepared by Benbow Environmental, dated 21 January 2022, ref. 191318_NIA_Rev 3
- Air Quality Impact Assessment, prepared by Benbow Environmental, dated 17 February 2022, ref. 191318_AQIA_Rev3
- Waste Management Report, prepared by Benbow Environmental, dated 16 February 2022, ref. 191318_Waste_Rev 3
- Water Cycle and Leachate Management Report, prepared by Indesco, dated 28 September 2020, ref. 7410R.1
- Wastewater Report, prepared by Strategic Environmental & Engineering Consulting, dated 19 October 2020, ref. 20000086-WW-02
- Phase II Detailed Site Assessment, prepared by Benbow Environmental, dated 6 August 2021, ref. 191318_03_DSI
- Biodiversity Development Assessment Report, Version 3, prepared by Narla Environmental, dated August 2021
- Environmental Impact Statement, Revision 4, prepared by Benbow Environmental, dated 17 February 2022
- Bushfire Risk Assessment, prepared by Bushfire Consulting Services, dated 20 April 2020
- Traffic and Parking Impact Assessment, ref. A201693N (Version 1e), prepared by Motion Traffic Engineers, dated January 2022
- Geotechnical Investigation - Subsurface Soil Profile Classification, prepared by Envirotech, dated 4 April 2020
- Due Diligence Aboriginal Archaeological Assessment, prepared by Benbow Environmental, dated May 2020
- Access Statement, prepared by Carlo Ranieri, dated 8 May 2020

2 [A001a - Endeavour Energy](#)

The development shall be constructed and maintained so as to be compliant with the conditions issued by Endeavour Energy under Clause 45 of SEPP Infrastructure 2007 and as outlined in its advice letter dated 26 August 2021 (CNR-8094).

3 [A001b - RFS](#)

The development shall be constructed and maintained so as to be compliant with the conditions issued by the NSW Rural Fire Service under Section 4.14 of the Environmental Planning and Assessment Act 1979 and Clause 77 of the associated Regulations and as outlined in its advice letter dated 15 June 2020 (Ref. DA20200529001898; CNR-8094).

4 [A001d- TfNSW](#)

The development shall be constructed and maintained so as to be compliant with the conditions issued by Transport for NSW (TfNSW) under Schedule 3 of SEPP Infrastructure 2007 and Section 138 of the Roads Act 1993 and as outlined in its advice letter dated 28 May 2021 (Ref. SYD20/00933/04; CNR-8094).

Note:

The applicant is to continue to liaise with the TfNSW Outer Sydney Orbital project team during the construction and operational phases of the development.

5 [A001e - EPA](#)

The development shall be constructed and maintained so as to be compliant with the general terms of approval (GTAs) issued by the NSW Environment Protection Authority (EPA) under Sections 34 and 42 of the Protection of the Environment Operations Act 1997 and as outlined in its advice letter dated 24 September 2021 (Ref. DOC21/817676; CNR-8094, A-9171).

Prior to the commencement of site operations, an Environmental Protection Licence shall be obtained from the EPA.

6 **A001f - Approved Use and Hours**

This consent approves the use of the subject site, as is depicted on the stamped approved plans and as is described in this consent, for a waste management and resource recovery facility. No approval is to be assumed or is granted for the disposal or incineration of waste on the site or for the acceptance of contaminated soil, putrescible waste or food and garden waste.

All loading and unloading of waste, demolition materials and recovered waste recyclables is to be conducted inside the approved building and doors/shutters are to be kept closed after vehicles have entered and departed the building.

The facility shall implement a computerised truck booking system to require bookings to be made for delivery and pick-up of skip bins and waste loads and enable the timing of truck movements into and out of the site to be managed.

Further, an allocator stationed at the weighbridge shall be dedicated to the truck scheduling program to manage:

- Scheduling of trucks arriving and leaving the site;
- Timing of truck deliveries to ensure there is room on-site for the trucks to unload; and
- The weighbridge is to contain vehicle queues inside the site.

The approved hours and parameters for the various activities and for deliveries and trucks movements are as follows:

- The approved hours for the receipt and departure of waste, demolition and recovered materials are from 7:00am to 6:00pm, Monday to Friday, and 8:00am to 1:00pm, Saturday;
- There are to be no greater than 55 truck deliveries to the site (110 truck movements) within the hours of access for trucks stated above on weekdays and no more than 25 truck deliveries to the site (50 truck movements) are permitted on Saturdays;
- There are to be no greater than 5 truck deliveries to the site per hour;
- There are to be no greater than 20 staff on site at any given time; and
- No site operations are to occur on Sundays or public holidays.

7 **A001h - Removal of signage**

Prior to the issue of an Occupation Certificate, all existing unapproved signage, pole signs and advertising structures located on the subject site are to be removed. No approval is granted for the erection or installation of any signage as part of this consent.

8 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

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

9 **A032 - Goods in buildings**

All materials and goods associated with the use shall be contained within the building at all times.

10 **A039 - Graffiti and repair**

The finishes of all structures and buildings are to be maintained at all times. Graffiti is to be immediately removed and any vandalised or damaged structures are to be repaired.

11 **A042 - ASSET PROTECTION ZONES IN BUSHFIRE AREAS**

To ensure that the Asset Protection Zone required by the Rural Fire Service and reproduced below is provided and maintained around the resource recovery facility for the term of the development, a 'positive covenant' shall be registered over the land to which the development relates, **prior to the issue of an Occupation Certificate.**

From the start of building works and in perpetuity, the property around the resource recovery facility must be managed as an inner protection area (IPA) as follows:

- North for a distance of 100 metres;
- East for a distance of 25 metres;
- South for a distance of 21 metres; and,
- West for a distance of 39 metres.

During the construction of the development, documentation and associated legal paperwork shall be forwarded to Penrith City Council for consideration and endorsement which notes Council's interest in the positive covenant before the positive covenant is registered with NSW Land Registry Services.

Note:

The Asset Protection Zone is the sum total of the Inner Protection Area and Outer Protection Area.

12 **A046 - Obtain Construction Certificate before commencement of works**

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

13 **A Special (BLANK)**

All finishes to the buildings shall be non-reflective to mitigate glare.

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15 **A Special (BLANK)**

Prior to the issue of a Construction Certificate and/or an Occupation Certificate, as relevant, the biodiversity conservation requirements outlined within Appendix A and Appendix B to this consent shall be satisfied.

Demolition

16 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with AS 2601-2001 - The Demolition of Structures.

SafeWork NSW requirements apply to demolition work and compliance with those requirements, including the SafeWork NSW Code of Practice Demolition Work August 2019, is required.

Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

17 **B003 - ASBESTOS**

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement", and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

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

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

18 **B006 - Hours of work**

Demolition works shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the demolition relates to works inside the building, does not involve external walls or the roof, and does not involve the use of equipment that emits noise, then the demolition works are not restricted to the hours stated above.

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

Heritage/Archaeological relics

19 **C003 - Uncovering relics**

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.

Environmental Matters

20 **D001 - Implement approved sediment & erosion control measures**

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development.

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

21 **D004 - Dust**

Dust suppression techniques are to be employed during demolition, construction and operation to reduce any potential nuisances to surrounding properties.

22 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

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

23 **D009 - Covering of waste storage area**

All waste materials stored on-site during works are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

24 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

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

25 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Noise Impact Assessment prepared by Benbow Environmental (dated 21 January 2022, ref. 191318_NIA_Rev 3). The recommendations provided in the above-mentioned Noise Impact Assessment shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The following recommendations made in the above mentioned Noise Impact Assessment are to be adhered to during the operational phase of the development:

- No truck deliveries are to be accepted on to the property during the evening and night time periods (between 6:00pm and 7:00am).
- All front-end loaders operated on site are to be no greater than 111kW in power, and produce no higher sound power level than 102dB(A).
- The transfer of aggregate is to create a sound power level of no greater than 106dB(A).
- Walls of the facility are to be constructed with a minimum Rw of 36dB, and composed of double corrugated steel.
- The roof of the facility is to be constructed with a minimum Rw of 32dB, and composed of corrugated steel with miwo, 120mm thick.
- The roller shutter doors must be kept closed at all times when not in use, and are to be automatic closing.
- The pedestrian doors must be kept closed at all times when not in use.
- Revving or idling of vehicles for extended periods is to be prohibited.
- Use of truck exhaust brakes is to be minimised on site.
- Low speed limits for vehicles on site are to be enforced.
- Signs are to be installed on site to encourage quiet operations during the night time period.

The recommendations of the approved Construction Noise & Vibration Management Plan within the Noise Impact Assessment prepared by Benbow Environmental (dated 21 January 2022, ref. 191318_NIA_Rev 3) are to be implemented and adhered to during the construction of the development.

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

26 **D014 - Plant and equipment noise**

All mechanical plant and equipment is to comply with the noise criteria outlined in the the Noise Impact Assessment prepared by Benbow Environmental (dated 21 January 2022, ref. 191318_NIA_Rev 3).

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 is to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

27 **D021 - Waste oil storage &**

Waste oil shall be stored in a covered and bunded area and regularly removed to a waste oil recycle operation.

28 **D023 - Bunding**

All works and storage areas where spillages are likely to occur shall be bunded. 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 so as to facilitate emptying and cleaning. Details are to accompany the application for a Construction Certificate.

29 **D026 - Liquid wastes**

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 licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

30 [D Special \(BLANK\)](#)

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

31 [D Special \(BLANK\)](#)

In the event of Council receiving complaints regarding air emissions, including dust, from the development, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified air quality consultant to undertake an air quality impact assessment of the development to address the concerns of the community. The Air Quality Impact Assessment report is to be prepared and provided to Council within 45 days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

32 [D Special \(BLANK\)](#)

Water quality monitoring of the basins is to occur monthly for the first twelve (12) months of operation, and after every rain event during that twelve (12) month period. A Water Quality Compliance Report is to be prepared by an environmental consultant and submitted to Council:

- within eight months of the commencement of operations and is to provide a summary and assessment of the monthly water quality monitoring undertaken during the first six months; and
- within fourteen (14) months of the commencement of operations and is to provide a summary and assessment of the monthly water quality monitoring undertaken during the 6-12 month period after the commencement of operations.

Water quality monitoring data is to be kept on the premises and is to be made available to Penrith City Council upon request.

Water monitoring is to be conducted to ensure ongoing compliance with ANZECC Guidelines for Fresh and Marine Water Quality criteria. Water that does not comply with ANZECC water quality criteria is to be removed from the site by a lawful waste contractor and disposed of at a lawful waste management facility. 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.

Should the Water Quality Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the mitigation of those issues. These mitigation issues are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified. Dependent upon results of the monitoring, Council may permit, after the twelve month period monitoring at a lesser frequency of quarterly monitoring. This can only be subject to approval in writing from Penrith City Council.

33 [D Special BLANK](#)

The construction and operational phases of the development are not to generate air quality impacts (including dust and odour) that exceed the relevant air quality criteria detailed in the Air Quality Impact Assessment prepared by Benbow Environmental (dated 17 February 2022, ref 191318_AQIA_Rev 3).

The recommendations provided in the above-mentioned Air Quality Impact Assessment shall be implemented and incorporated into the design and construction of the development, including the water misting system. A certificate is to be obtained from a qualified air quality consultant certifying that the building has been constructed to meet the air quality criteria in accordance with the approved Air Quality Impact Assessment prepared by Benbow Environmental (dated 17 February 2022, ref 191318_AQIA_Rev 3). This certificate is to be submitted to Council within sixty (60) days of the date of consent.

Operations are to be carried out generally in accordance with the Air Quality Impact Assessment prepared by Benbow Environmental (dated 17 February 2022, ref 191318_AQIA_Rev 3). The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive emissions.

34 [D Special BLANK](#)

No washing of vehicles or mechanical parts is to be carried out on site. The installation of a wash bay, parts washing station, or truck wheel wash bay will require consent from Penrith City Council.

35 **D Special BLANK**

All mechanical repairs shall be conducted within the workshop area which shall be provided with suitable pollution control devices that removes grease, oil, petroleum products and grime prior to discharge to the sewer system in accordance with the requirements of Sydney Water. Waste oil and waste liquids shall be stored in a covered and bunded area and regularly removed to a waste oil recycle operation.

At no time shall mechanical work be carried out in open driveways or car parking areas.

Spray painting is not permitted on site. No work, including the painting of parts or the preparation of parts for painting such as rubbing back and washing, shall be carried out on the site.

The following details are to be submitted to and approved by Penrith City Council before a Construction Certificate can be issued for the development:

- Proposed pollution control devices in accordance with Sydney Water requirements; and
- Specifications for any parts washing stations or associated plant and equipment.

A Copy of Council's approval of the information submitted for the above matters is to be provided to the Certifying Authority as part of the Construction Certificate application.

36 **D Special BLANK**

The plan detailing spill prevention, contingency and emergency clean-up procedures found in the Environmental Impact Statement prepared by Benbow Environmental (dated 17 February 2022, ref. 191318_EIS_Rev 4) shall be implemented in the event of a spill or emergency.

Only low-risk chemicals are to be stored on site. These chemicals are to be stored appropriately to prevent spillages into the stormwater drainage system.

37 **D Special BLANK**

All solid and liquid waste must be properly classified, and disposed of or recycled appropriately. Solid waste materials are to be disposed of at a licensed waste facility, or if suitable, recycled. Prior to removal for disposal or recycling, solid and liquid waste materials are to be stored at all times in a designated area within the building.

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.

38 **D Special BLANK**

Prior to the issue of the Construction Certificate, an amended Construction Environmental Management Plan is to be 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 Construction 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 amended Construction Environmental Management Plan must be prepared by a suitably qualified consultant, and is to address the following:

- The reference to a leachate management pond on page 6 of the Construction Environmental Management Plan is to be removed as there is no longer on-site leachate management proposed; and
- The Construction Environmental Management Plan is to be amended to include the updated information and recommended mitigation measures found in the revised Noise Impact Assessment prepared by Benbow Environmental (dated 21 January 2022, ref 191318_NIA_Rev 3).

All activities on the site during the demolition and construction phase of the development are to be implemented and carried out in accordance with the amended Construction Environmental Management Plan.

39 **D Special BLANK**

All activities on the site are to be implemented and carried out in accordance with the Environmental Impact Statement prepared by Benbow Environmental (dated 17 February 2022, ref. 191318_EIS_Rev 4) and associated documents, reports and assessments. Council may request a review and if necessary updating of the Environmental Impact Statement to reflect current environmental standards and legislation. Council must be satisfied with any changes prior to the amendment of the Environmental Impact Statement.

40 **D Special BLANK**

In the event of ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a Noise Impact Assessment on the development to address the concerns of the community.

The Noise Impact Assessment report is to be prepared and provided to Council within 45 days of being requested. Any mitigation works are to be undertaken within 30 days from the date of notice from Council, unless otherwise specified.

41 **D Special BLANK**

Twelve (12) months after the issue of the Occupation Certificate, an Acoustic Compliance Report is to be submitted to and approved by Council. The Report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities associated with the development on the site and the level of compliance with the noise criteria set within the Noise Impact Assessment prepared by Benbow Environmental (dated 21 January 2022, ref, 191318_NIA_Rev 3). It is also to consider the requirements of the NSW Environment Protection Authority's Noise Policy for Industry, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

BCA Issues

42 **E01A - BCA compliance for Class 2-9**

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

43 **G002 - Section 73 (not for**

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.

44 **G004 - Integral Energy**

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.

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

46 [H001 - Stamped plans and erection of site notice](#)

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 on site, 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.

47 **H002 - All forms of construction**

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 Council, or
- alternatively, any other sewage management facility approved by Council.

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

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

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

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

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

48 **H006 - Implement waste management plan**

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

49 **H041 - Hours of work (other devt)**

Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

Other construction works carried out inside a building/tenancy and that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

50 **K101 - Works at no cost to Council**

All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

51 **K201 - Infrastructure Bond**

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.

52 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc in the road reserve
- f) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

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

Note:

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

53 **K204 - S138 Roads Act – RMS CIVIL CONSTRUCTION IN THE STATE ROAD**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that any applicable application, including the payment of application and inspection fees, has been lodged with and approved by Transport for NSW (TfNSW) for any works within the Park Road road reserve.

A copy of the TfNSW approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

54 **K210 - Stormwater Management**

The stormwater management system shall be consistent with the stamped approved plans by Indesco, Project No. 7410-DA, subject to the addition of updated drainage details for the amended roof area over the truck loading area adjacent to the storage bunkers.

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 Water Sensitive Urban Design (WSUD) Policy.

Prior to the issue of any Construction Certificate, the Certifier shall also ensure that the rip-rap aprons at the discharge points of OSD 1 and OSD 2 are sized in accordance with Managing Urban Stormwater: Soils and Construction - Volume 1 (the Blue Book) to maximise the energy dissipation and spread of flow at the discharge points.

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.

55 **K214 - Flooding – Floor levels**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that all new floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 81.1m AHD (1% AEP flood level + 0.5m freeboard).

56 **K217 - Flooding – Flood Compatible Materials**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that any structures below RL 81.1m AHD (1% AEP flood level + 0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.

57 **K219 - Flooding - Flood Proofing**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that all electrical services associated with the proposed building works are adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the 1% AEP flood level of RL 80.6m AHD.

58 **K301 - Sediment & Erosion Control**

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

59 **K401 - Flooding – Surveyor Verification of floor levels**

A certificate by a registered surveyor verifying that all new floor levels are at or above RL 81.1m AHD (1% AEP flood level + 0.5m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifier.

60 **K405 - Turf to Verge**

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

61 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

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.

62 **K503 - Works as executed – General and Compliance Documentation**

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

The Draft Operation and Maintenance manual shall include details on the cleaning/maintenance requirements as well as provide an estimation on the annual and lifecycle costs associated with the proposed treatment measure.

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 where Penrith City Council is not the Principal Certifier.

63 **K504 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
 - b) Overland flowpath works
- 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, and;
 - any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

64 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the:

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

shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Developments - Appendix F.

65 **K510 - Entry/ Exit signage**

Prior to the issue of any Occupation Certificate, entry and exit signage which is clearly visible from the public road shall be placed within the development site at the driveway access to the site.

66 **K511 - Directional signage**

Prior to the issue of any Occupation Certificate, directional signage and line marking shall be installed within the development site indicating directional movements and the location of heavy vehicle, staff vehicle and customer parking to the satisfaction of the Principal Certifier.

67 **K601 - Stormwater management system operation and maintenance**

The stormwater management systems 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 system.

68 **K Special (BLANK)**

Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

69 **K Special (BLANK)**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that street lighting at the Park Road / Access Driveway intersection is assessed in accord with Council Public Domain Lighting Policy, AS 1158 and as set out in a Council Public Lighting Design Brief that shall be obtained from Council and included in the Access Driveway / Park Road design documentation.

70 **K Special (BLANK)**

Prior to the issue of any Occupation Certificate, the Certifying Authority shall ensure that the property title includes a Section 88B restriction that limits access to vehicles that are 19 metres long or less.

71 **K Special (BLANK)**

All car spaces and loading areas are to be sealed, line marked and dedicated for the parking of vehicles only and used for the storage of materials, products, waste materials, etc.

72 **K Special Condition (BLANK)**

Prior to the issue of a Construction Certificate, an Operation and Maintenance Manual shall be provided of for the proposed stormwater treatment measures. The manual should include details on the cleaning and maintenance requirements as well as provide an estimation on the annual and lifecycle costs associated with the proposed treatment measures.

Landscaping

73 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans.

Landscaping shall be maintained:

- in accordance with the approved plans, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

74 **L002 - Landscape construction**

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

75 **L003 - Report requirement**

On completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development..

76 **L008 - Tree PreservationOrder**

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.

77 **L Special (BLANK)**

Prior to the commencement of any works, a project arborist with a minimum AQF (Australian Qualification Framework) Level 5 shall be engaged to prepare a Tree Protection Plan (Specification) and Drawing in accordance with AS 4970 - 2009 to appropriately retain and protect trees identified within the tree retention plan required by this consent.

The completed Tree Protection Plan (Specification) and Drawing is to be provided to the Manager of Development Services for approval prior to the commencement of any works.

The approved plan and its protection measures shall be in place prior to demolition commencing and a copy of the plan shall be retained on site at all times.

78 **L Special (BLANK)**

Prior to the issue of a Construction Certificate, a Landscape Design Report, a Tree Replacement and Retention Plan and a Fencing Plan shall be submitted to, and approved by, the Manager of Development Services at Penrith City Council.

The Report and Plan are to be prepared by a suitably qualified and experienced landscape professional and must include the retention of trees and an increase in native planting diversity, and address the following matters:

- The replacement and retention plan must identify individual trees and their species;
- Include plant species native to the Shale Gravel Transition Forest vegetation communities;
- Ensure species of trees are located appropriately within both the front setback and side setback, namely large canopy trees shall be re-located, as indicated in red on the stamped plans, within the 10m portion of the side setback and within the front setback, surrounding the car park;
- Smaller trees are required for screening purposes within the narrow portions of the eastern setback;
- Magnolia trees, grevillieas and swamp foxtail grass are to be removed given they are inappropriate relative to the biodiversity in the area;
- Wattle trees, melaleucas, Lilly pillies, bursaria and dodonea are recommended as appropriate shrubs;
- Additional trees surrounding the car park to offset these hardstand areas while also providing additional screening from Park Road;
- Align with the requirements of the Rural Fire Service' conditions regarding inner protection area requirements;
- All trees planted are to be a minimum 45L pot size and are to be planted **prior to the issue of an Occupation Certificate**. They shall comply with NATSPEC "Specifying Trees: A Guide to Assessment of Tree Quality" (2003) or Australian Standard AS 2303 – 2015 Tree Stock for Landscape Use.
- All new plantings shall be located so future growth will not conflict with electricity wires;
- Plans must include details of all perimeter fencing to be installed, noting biodiversity requirements in this regard as per detailed within the biodiversity conditions attached to this consent; and
- The chain wire fencing around the perimeter of the resource recovery facility and associated hardstand areas shall be green to blend with the surroundings.

The revised plans and reports shall be consistent with each other.

The Tree Protection Plan (Specification) and Drawing shall:

- identify key stages where monitoring and certification will be required as outlined in AS 4970–2009, Section 5;
- provide a requirement that all contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site;
- require the project arborist to supervise any work within or directly adjacent to the Tree Protection Zone;
- nominate whether trunk and branch protection will be required to be installed on the tree and at what stages this may be required;
- permit the project arborist to alter/adjust the Tree Protection Zone or measures providing that reasons for this are clearly documented, justifiable, undertaken under the supervision of the project arborist and that those changes will not cause detriment or damage to the tree;
- require the project arborist to undertake site inspections not less than weekly to ensure that tree protection measures are in place;
- require the project arborist to keep a written record (e.g. field notes and photos) to provide evidence of site attendance and compliance with the approved conditions of consent;
- require the project arborist to forward a copy of the written record of inspection to the Principal Certifying Authority within 1 week of that inspection occurring;
- require the project arborist to identify whether there is a breach of the Tree Protection Plan. If a breach is identified the project arborist must report this to the Principal Certifying Authority and specify any remedial works and the timeframe in which these works must be completed. If an inspection reveals that there has been a significant breach of the Tree Protection Plan (Specification), inspections from then on must be carried out twice weekly;
- the site boundary fence shall remain in place for the duration of approved works to prevent physical damage to the neighbouring trees and ground protection provided as their Tree Protection Zones (TPZs) intrude into the subject site. Protection measures are to be in accordance with AS 4970 - 2009, Protection of Trees on Development Sites, Section 4.3;
- ensuring all trees to be retained and protected shall be clearly shown on all demolition and construction plans;
- providing for weather resistant signage in prominent locations on the tree protection fence that indicates access into the Tree Protection Zone is not permitted. The sign shall be a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, AS 4970 - 2009, Protection of Trees on Development Sites;
- ensuring the Tree Protection Zone (TPZ) is maintained as per AS 4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering and weed control;
- ensuring building materials, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone or that the Tree Protection Zone is not downstream of any washdown areas;
- providing a contingency should tree roots be exposed during approved works, to permit roots with a diameter less than 25mm to be pruned cleanly using sharp hand tools and not torn or ripped by machinery and require tree roots greater than 25mm in diameter to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 or equivalent - before any pruning work is undertaken.

An arborist with a minimum AQF (Australian Qualification Framework) Level 5 shall be engaged for the duration of the approved works to implement and comply with the measures within the approved Tree Protection Plan (Specification) and Drawing.

Development Contributions

81 **N001a - Section 7.12 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 7.12 City-Wide Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$100,406.00 is to be paid to Council prior to a Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Contributions Plan.

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

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

Certification

82 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- (b) submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

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

83 **Q06F - Occupation Certificate (Class 2 - 9)**

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

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

Operation of OSSM

84 [R101 - Operational Approval prior to use](#)

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

- The “Environmental and Health Protection Guidelines - On Site Sewage Management for Single Households”,
- Australian Standard AS 1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- The Wastewater Report and Effluent Management Area Plan (prepared by Strategic Environmental & Engineering Consulting, dated 19 October 2020, ref. 20000086), and
- The conditions of this consent.

Prior to the issue of the ‘Approval to Operate’, a Commissioning Certificate for the OSSM system shall be provided to Penrith City Council for approval. This Certificate shall certify that the aerated wastewater treatment system (AWTS) has been installed and is operating in accordance with the conditions of its NSW Health accreditation documentation.

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

85 [R102 - OSSM System Type and Disposal Area \(all systems\)](#)

All wastewater generated on the site is to be diverted to an Aerated Wastewater Treatment System and be disposed of by way of semi-fixed surface spray irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved Effluent Management Area Plan (prepared by Strategic Environmental & Engineering Consulting, dated 19 October 2021, ref. 20000086) and have a minimum area of 1,200m².

The system and effluent management area are to be installed and managed in accordance with:

- The “Environmental and Health Protection Guidelines - On Site Sewage Management for Single Households”,
- Australian Standard AS 1547:2012,
- Council’s On-Site Sewage Management and Greywater Reuse Policy,
- The Wastewater Report (prepared by Strategic Environmental & Engineering Consulting, dated 19 October 2021, ref. 20000086), and
- The Effluent Management Area Plan (prepared by Strategic Environmental & Engineering Consulting, dated 19 October 2021, ref. 20000086).

The system is to be utilised for a daily wastewater load of 1,315 litres in accordance with the Wastewater Report (prepared by Strategic Environmental & Engineering Consulting, dated 19 October 2021, ref. 20000086). Any approval on the site for additional wastewater generating facilities or additional staff and/or customer than this may require a new wastewater report for Council’s consideration.

86 [R103 - Council inspections for Installation](#)

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

In this regard, the septic tank(s) and disposal area(s) will need to be inspected on completion of the system’s installation (before backfilling occurs) and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.

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

87 [R104 - No alterations without approval](#)

The septic tank, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the septic tank shall not be buried or covered.

88 [R105 - Plumbing Code of Australia](#)

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

89 **R106 - AWTS - Design of Irrigation System**

The design of the irrigation system for the effluent management area is to be such that:

- The distribution line is to be buried from the tank to the designated disposal area.
- The moveable irrigation line and sprinklers (including the plume from the sprinklers) situated within the disposal area can not exceed the designated boundaries of the disposal area.
- The treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**

90 **R107 - AWTS - Irrigation pipework (surface or sub-surface)**

All irrigation pipework and fittings shall comply with AS 2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:

- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
- standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,
- all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level,
- spray irrigation equipment connected to distribution lines shall be fixed, and
- spray irrigation shall only use low pressure, low volume spray heads which are not capable of producing aerosols. The spray shall have a maximum plume height 400mm and a plume radius of not more than 2 metres.

91 **R109 - No effluent runoff**

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

92 **R110 - EMA Signage**

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

93 **R111 - AWTS Servicing**

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

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

- the chlorinator,
- replenishment of the disinfectant,
- the UV disinfection unit (if required)
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and irrigation spray outlets,
- the slime growth on the filter media, and
- the operation of the sludge returns system.

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

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

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

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

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

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

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

94 **R113 - Decommission old system**

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

95 **R114 - EMA Turfed**

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

96 **R115 - No structures on EMA**

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

97 **R116 - Diversion of stormwater**

All stormwater and seepage shall be diverted away from the septic tank and the disposal area. At no time is stormwater to be directed into the Aerated Wastewater Treatment System or onto the wastewater effluent management area.

98 [R117 - No plants for human consumption within EMA](#)

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

99 [R118 - EMA protected from stock damage](#)

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

100 [R119 - Wastewater and Native Trees](#)

No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area. It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.

101 [R127 - NSW Health Accreditation documentation required](#)

Prior to the issue of a Construction Certificate, the NSW Health Accreditation documentation is to be submitted to Council for approval. If Council is not the certifying authority, a copy of Council's written approval is to be provided to the Certifying Authority.