

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0143.02
Proposed development:	Modification to Development Consent for Alteration and Additions to an Existing Industrial Unit and Construction of 11 x Industrial Units, basement parking and associated landscaping and drainage works in 2 Stages to change the Basement Vehicular Access, Basement parking spaces and Arrangement and Changes to Stormwater Design.
Property address:	2 Camden Street, PENRITH NSW 2750
Property description:	Lot 1 DP 1230098
Date received:	26 September 2019
Assessing officer	Pukar Pradhan
Zoning:	IN1 General Industrial - LEP 2010
Class of building:	Class 8 , Class 7a
Recommendations:	Approve

Executive Summary

Council is in receipt of an application under Section 4.55 to amend the location of vehicular access to basement, increase the parking numbers and to carry out minor internal layout amendments to the approved development application DA18/0143 for the construction of an industrial building comprising 5 units at ground level and 6 units on first level, basement and ground parking and associated landscaping and drainage works in 2 stages. Under Local Environmental Plan 2010, the proposal is defined as " *Industries and Light Industries*". The subject site is zoned IN 1 - General Industrial and both " *Industries and Light Industries*" are both permissible land use in the zoning with Council consent.

An assessment under Section 4.15 and Section 4.55 of the Environmental Planning and Assessment Act 1979 has been undertaken and the proposed modification is considered to be of a minor nature, having minimal adverse environmental impacts to the area and will result in the development being substantially same as approved. The application is therefore recommended for approval.

Background

- On 16 July 2019 Council granted approval (DA18/0143) for the for the construction of an industrial building comprising 5 units at ground level and 6 units on first level, basement and ground parking and associated landscaping and drainage works in 2 stages.
- This application now seeks to amend the location of vehicular access to basement, increase the parking numbers and carry out minor internal layout to include additional toilets within units.

Site & Surrounds

The site is a corner lot located at the intersection of Castlereagh Road and old Castlereagh Road/Andrews Road and Camden Street. The site has a shape of quarter circle with the main vehicular access from Camden Street. The development site has a total area of 5,912sqm with a frontage of 105m and including the site with existing building it has a total frontage length of 145m to Camden Street. Castlereagh Road is located to the east and Camden Street to the west of the site.

The surrounding area is generally industrial and car sales outlets. Penrith Lakes is located to the north of the site and Waterside Corporate Estate is located to the north east of this site across the street.

Proposal

The proposed amendments involves the relocation of vehicular access, reconfiguration of basement parking area and increase in number of on site parking spaces, provision of horizontal awning along the western elevation and minor alteration to internal layout to include toilet facilities as follows:

Items	Approved	Proposed amendments	Other additions
Unit 1	543m2 & Mezzanine floor = 195m2	567.64m2 & 195m2	Additional toilet
Unit 2	443m2 & Mezzanine Floor = 150m2	442.21m2 & 150m2	Additional toilet
Unit 3	425m2 & Mezzanine floor = 152m2	412.19m2 & 153m2	Additional toilet
Unit 4	401m2 & Mezzanine floor = 182m2	432.15m2 & 253m2	Additional toilet
Unit 5	425m2 & Mezzanine floor = 513mm2	425.41m2 & 523m2	Additional stair and toilet
Level 1	6 Light Industrial Units Unit 6 = 853m2 Unit 7 = 362m2 Unit 8 = 638m2 Unit 9 = 548m2 Unit 10 = 631m2 Unit 11 = 356 m2 Total = 3,388m2	6 Light Industrial Units Unit 6 = 469m2 Unit 7 = 701m2 Unit 8 = 620m2 Unit 9 = 544m2 Unit 10 = 358m2 Unit 11 = 356 m2 Total = 3,048 m2	Additional toilets in Units 7 & 11
Parking spaces	143 spaces	179 spaces	Additional 36 spaces

The total gross floor area of the building will not be increased.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

• **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 and Section 4.55 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

• **Section 4.55(1A) - Modifications involving minimal environmental impact**

The development has been assessed in accordance with the matters for consideration under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, and a consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

a) Comments:

- The proposed modification seeks an amendment to the location of vehicular access of the development, increase in the number of parking spaces by 32 additional spaces and include toilet facilities to each units, stairs and provide awning along the western elevation for weather protection.
- The development will result in providing more parking spaces than required by the DCP.
- The proposed new location of vehicular access results in a better vehicular access design outcome in that it will now result in less conflict to delivery/pick up vehicular movement along the internal driveway fronting Camden Street.
- The amount of landscaping area is generally same as originally proposed and will maintain same amount of deep soil landscaped area of the development.
- The proposed amendments have been examined by Council's Development and Traffic Engineers who has raised no objection to the proposed amendments.

In view of the above, it is considered that the proposed modification will result in minimal environmental impact.

b) Comments;

- The proposal will have minimal or no impacts on the design outcome of the development and will still result in substantially the same development as initially approved.

c & d) Comments:

- The proposed modification is considered to be of minor nature and as such re-notification was not considered necessary. The original exhibition of the DA did not result in any submissions being received.

In view of the above the modification is considered to have no significant impact to the existing amenity of the area and will result in having the development substantially the same as was approved originally and within the scope of Section 4.55. The proposal is hence recommended for support.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The proposed modifications are considered to not diminish the approved development's compliance with this plan.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 7.2 Flood planning	Complies
Clause 7.5 Protection of scenic character and landscape values	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned IN 1 - General Industrial under Local Environmental Plan 2010. The 5 units will be used for industrial use and the upper 6 larger Units are for high tech production usage. Under the LEP, the proposal is defined as " Industries and Light Industries" and both " Industries and Light Industries" are permissible land use in the zoning with Council consent.

Clause 2.3 Zone objectives

The proposed amendments are generally consistent with the objectives of the zone.

Clause 7.5 Protection of scenic character and landscape values

The proposed amendments are considered to still maintain the scenic character and landscape value of the site and surrounds.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	Complies
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
D4.1. Key Precincts	Complies
D4.2. Building Height	Complies
D4.3. Building Setbacks and Landscape	Complies
D4.4. Building Design	Complies
D4.5. Storage of Materials and Chemicals	N/A
D4.6. Accessing and Servicing the Site	Complies
D4.7. Fencing	Complies
D4.8 Lighting	N/A

Section 79C(1)(a)(iv) The provisions of the regulations

This has been examined in detail and found to be satisfactory as in the original assessment.

Section 79C(1)(b)The likely impacts of the development

Bulk, Scale and Design

The proposed amendments mostly involves the interior amendments to first floor layouts, provision of awning above loading area located along the western elevation and the relocation of vehicular access and parking arrangements. The amendments will still result maintaining the floor area similar to approved floor area and in a good design outcome to both Camden and Castlereagh Road frontages.

Drainage

The proposed amendments have been examined by Council's development engineer and has advised that the proposed drainage is satisfactory and raised no objections to the proposal, subject to their recommended conditions to reflect the new drainage design.

Traffic and Parking

The proposal was referred to Council's Traffic Engineer for comments and they have advised that the proposed location of driveway to cul de sac will result in a better traffic flow and the additional 32 number of parking spaces will assist to minimise on street parking and hence the proposed amendments are acceptable. No objection is raised to the proposal subject to changes to the plan number references.

Landscaping

The amendments to the driveway location will provide an improved streetscape along Camden Street and will also retain the landscaping areas along Castlereagh Road generally similar to that originally approved. The submitted plans have not shown all vegetation required to be planted along the eastern side of the driveway fronting Castlereagh Road and hence the site plan has been amended in red to include a row of trees along that area so that it is consistent with the original approved site/landscape plan. The proposal now will result in an acceptable streetscape along Castlereagh Road.

Section 79C(1)(c)The suitability of the site for the development

- The site is zoned to permit the proposed use
- The buildings have been designed to be suitable for the site.
- The development will provide facilities and service to the local people
- The site is able to drain to Council's satisfaction.
- The development is considered to be suitable for the site.

Section 79C(1)(d) Any Submissions

Community Consultation

No submission was received during the original application exhibition and as the application was considered to be of minor nature and as such not notified.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 79C(1)(e)The public interest

Conclusion

In assessing this modification application against Section 4.55 of the EP & A Act, 1979 and other the relevant environmental planning policies, being SREP 20, LEP 2010 & DCP 2014, and the proposal generally satisfies the aims, objectives and provisions of these policies.

- The proposed modification is satisfactory with respect to the applicable planning instruments.
- The proposed modification is unlikely to have an adverse environmental impact on the surrounding area.
- The proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

In view of the above, the modification is considered to have no significant impact to the existing amenity of the area and to be substantially the same as was approved originally and within the scope of Section 4.55 and is hence recommended for support.

Recommendation

That DA18/0143 seeking modification under Section 4.55 of the EPA Act for the relocation of vehicular access, increase the parking spaces and minor alteration to internal layout to approved Development Consent No. DA 18/0143 for the alteration and addition to an existing Industrial Unit and Construction of 11 x Industrial Units, basement parking and associated landscaping and drainage works in 2 Stages at 2 Camden Street, Penrith, be approved subject to the attached conditions (Development Assessment Report Part B).

Condition 1 to be amended as follows:

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Drawing Title	Drawing Reference	Prepared by	Dated
Site Plan	1272 DA01/N	N F Billyard	06.09.2019
Basement Floor Plan	1272 DA02/K	N F Billyard	30.08.2019
Ground Floor Plan	1272 DA03/N	N F Billyard	06.09.2019
Mezzanine Floor plan	1272 DA04/E	N F Billyard	06.09.2019
First Floor plan	1272 DA05/E	N F Billyard	30.08.2019
Roof plan	1272 DA06/D	N F Billyard	28.05.2019
Elevations Stage 1 & 2	1272 DA07/E	N F Billyard	06.09.2019
Elevations Stage 1	1272 DA08/E	N F Billyard	06.09.2019
Landscape Plan	Job 4947	Monaco Designs PL	17.12.2017
Stormwater Drainage Plan	104261 - 1 (Issue L)	Knee Bone Beretta & Hall Structural & Civil Engineers	23.09.2019
Stormwater Drainage Plan	104261 - 2 (Issue C)	Knee Bone Beretta & Hall Structural & Civil Engineers	23.09.2019
Filter Pit Details	104261 – 3	Knee Bone Beretta & Hall Structural & Civil Engineers	04.03.2019
Schedule of External Colours and Finishes	-	N F Billyard	undated
Waste Management Plan	-	Noel Billyard	14.02.2018

and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions:

- Condition 40 shall be deleted.
- Condition 41 to be amended to reflect new stormwater drainage plan, Issue L, dated 23/09/2019.
- Condition 65 - 4th dot point to be deleted as it is no longer applicable as the access ramp 1 and 3 located along the western part of the site have been removed.
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As amended by Section 4.55 of the Environmental Planning and Assessment Act, 1979 on 15 November 2019.

(All other conditions to remain unaltered)

General

1 A001

The development must be implemented substantially in accordance with the plans numbered

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Site Plan	1272 DA01/N	N F Billyard	06.09.2019
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As amended by Section 4.55 of the Environmental Planning and Assessment Act, 1979 on 15 November 2019.

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The operating hours are from 7 am to 7pm Mondays to Fridays, 8am to 5pm pm Saturdays.

4 A039 - Graffiti

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

5 A046 - Obtain Construction Certificate before commencement of works

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

6 A Special (BLANK)

Prio to the issue of the Constructin Certiifcate, the structure and footings design of both pylon signage are to be certified by a practising structural engineer as being designed in accordance with the requirements of the BCA and any appropriate Australian Standards.

On completion of the erection of the sign, a practising structural engineer is to provide certification to Council and the Principal Certifying Authority that the sign has been built in accordance with these details **prior to an Occupation Certificate being issued.** .

The proposed pylon signs shall not be fitted with flashing lights.

7 [A Special \(BLANK\)](#)

Additional vegetation shall be provided along the Castlereagh Road boundary as indicated in red on the approved landscape plan. One of the parking spaces located in front of Unit 2 at ground level facing Castlereagh Road shall be amended to landscaped area as shown in red on the approved site plan. Details of these amendments including the type of species to be planted shall be provided to Council for consideration and approval **prior to the issue of the Construction Certificate.**

As amended by Section 4.55 of the Environmental Planning and Assessment Act, 1979 on 8 November 2019.

8 [A Special \(BLANK\)](#)

Any fences to be provided along the eastern and western boundaries shall be of 1.8m to a maximum of 2.1m high and shall be constructed with see through palaside metal material of black or green colour. All fences are to be **completed prior to the issue of an Occupation Certificate.**

9 [A Special \(BLANK\)](#)

Prior to the release of the Construction Certificate, any works requiring the relocation of existing services located within the road reserve to cater for the developemnt will need to obtain approval from the relevant authorities and all associated cost shall be borne by the applicant.

10 [A Special \(BLANK\)](#)

Prior to the issue of the Construction Certificate, submission of a signage strategy for all building and directional signs (excluding the approved pylon signs) shall be submitted to Council for consideration and approval.

11 [A Special \(BLANK\)](#)

All buildings or structures (including private utilities, such as padmount sub-stations and hydrants) together with any improvement integral to the future use of the site, shall be wholly located within the subject site and clear of the proposed road widening of Castlereagh Road.

12 [A Special \(BLANK\)](#)

Prior to the issue of an Occupation Certificate for Stage 1 of the development, all road works, including the cul-de-sac, landscaping, fencing and drainage works relating to this development shall be completed as part of any **first** stage of the development.

Demolition

13 [B004 - Dust](#)

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

14 [B005 - Mud/Soil](#)

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

15 [B006 - Hours of work](#)

Any works carried out on site including demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the 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

16 **C003 - Uncovering relics**

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

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

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

18 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

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

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

20 **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.

21 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

22 **D Special (BLANK)**

Prior to the issue of the Construction Certificate, a Construction Noise Vibration Management Plan (CNVMP) shall be prepared with consideration to the NSW EPAs 'Interim Construction Noise Guideline' and identify appropriate measures and controls to mitigate impact to nearby receivers and shall be submitted to Council for consideration and approval.

BCA Issues

23 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

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

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

(b) be given:

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

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

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

24 **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

25 **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.

26 **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.

27 **G005 - Rainwater tank- Plumbing**

A completed *Permit Application - for Plumbing and Drainage Work* is to be submitted to Sydney Water at least two working days before the rainwater tank is installed and associated plumbing work is started on the site.

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

29 [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 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.

30 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 the council, or
- alternatively, any other sewage management facility approved by council.

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

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

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

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

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

31 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

32 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

33 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

34 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

35 [H041 - Hours of work \(other devt\)](#)

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

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

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

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

Engineering

36 [K101 - Works at no cost to Council](#)

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

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

38 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 applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

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

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

39 **K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE**

Prior to the issue of any Construction Certificate, the Certifying Authority 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 road and drainage works associated with the extension of Camden Street and **provision of a cul-de-sac at the end of Camden Street** generally in accordance with the plans by N F Billyard, reference 1272 DA01/K, revision K, dated 28.05.2019.

The design shall incorporate the following requirements:

- Provision of heavy duty bollards at the end of the cul-de-sac to prevent vehicles entering or exiting to Old Castlereagh Road.
- Road pavement to be designed to accommodate an ESA of 1 x 10⁷ with the cul-de-sac to have a wearing surface of 75mm SBS Polymer modified bitumen AC14
- Provision of a 1.5m wide concrete footpath for the frontage of the property in Camden Street with a connection to the existing path network at the roundabout in Castlereagh Road.
- Provision of street lighting to Council's Street Lighting Policy and Australian Standards

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

40 **K209 - Stormwater Concept Plan**

Deleted

As amended by Section 4.55 of the Environmental Planning and Assessment Act, 1979 on 15 November 2019.

41 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by Kneebone, Beretta & Hall, **reference number 104261 - 1 & 2, revision L, dated 23.09.2019.**

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 any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

As amended by Section 4.55 of the Environmental Planning and Assessment Act 1979 on 15 November 2019.

42 **K211 - Stormwater Discharge – Basement Car parks**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

43 **K214 - Flooding – Floor levels**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all habitable floor levels are located a minimum of 25.0m AHD

44 **K216 - Flooding – Garage Levels**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the crest for the basement entry level car park is a minimum of RL 24.8m AHD.

45 **K222 - Access, Car Parking and Manoeuvring – General**

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

46 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

47 **K225 - Performance Bond**

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for all associated road and drainage works in Camden Street.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

48 **K226 - Basement Geotechnical Testing/ Dilapidation Report**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted prior to any Occupation Certificate confirming no damage has occurred.

49 **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.

50 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services 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) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) 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 a Construction Certificate.

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

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 25.0m AHD 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 Certifying Authority.

52 **K402 - Street Lighting**

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

53 **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.

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

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority 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.

55 **K502 - 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 shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

56 **K503 - Stormwater Compliance**

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

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to 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.

57 [K505 - Restriction as to User and Positive Covenant](#)

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

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

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

58 [K509 - Linemarking & Signage](#)

Prior to the issue of any Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges

59 [K510 - Entry/ Exit signage](#)

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

The signage shall indicate that the northern vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The southern vehicular access is to be used for egress purposes only and appropriately signposted "No Entry".

60 [K511 - Directional signage](#)

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

61 [K513 - Bond for final wearing course](#)

Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

62 [K515 - Maintenance Bond](#)

Prior to the issue of any Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for all road and drainage works in Camden Street.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

63 **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 systems.

64 **K - Waterways - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

65 **K Special (BLANK)**

Prior to the issue of any Construction Certificate the Principal Certifying Authority shall ensure that the plans include dimensions of driveways, ramps, aisles, parking spaces, columns and obstructions, car park headroom, accessible parking, bicycle parking with end of journey facilities and accessible pedestrian paths of travel complying with AS 2890, AS 1428 and Council Development Control Plan (DCP) C10. These details shall include but not limited to:

- *Minimum driveway, ramp, aisle, vehicle turning swept paths and car space width and lengths in accordance with DCP C10, AS2890., AS 2890.2 and AS2890.6.*
- *Minimum headroom (from floor to lowest ceiling obstruction) of 2.2 metres to accessible parking spaces and minimum headroom of 2.5 metres above accessible parking spaces.*
- *Swept turn path clearances at driveways (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) External driveway access turning paths are to be provided and be at least 0.3 metres clear of driveway edges, parking and road centrelines and at least 300mm clear of kerbs and medians. Internal aisle and car park manoeuvring area vehicle turning paths are to be at least 0.3 metres clear of obstructions including to walls, medians bollards and other obstructions.*
- **Deleted**
- *At least a 1.0 metre long indent at the end of any dead end aisles.*
- *Car park ramp dimensions (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) including at least an additional 0.3 metre clearances to walls and other obstructions.*
- *Car park ramp headroom clearances including at grade transitions.*
- *Car park aisle widths, service vehicle areas, car park column locations and clearances (including accordance with AS 2890.1 Figure 5.1 and 5.2).*
- *Additional car space clearances from obstructions (including accordance with AS 2890.1 B4.1 minimum additional clearance of 0.3 metres).*
- *Sight distance requirements in accordance with AS 2890.1 and / or AS 2890.2 Figure 3.2 at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety.*
- *Accessible pedestrian paths of travel from all car parking spaces to the lifts and stairs.*
- *Footpath at least 1.5 metres wide and separate accessible pedestrian paths of travel from the fronting roadway footpaths to access the fronting car park area and all building entrances.*
- *Footpath 1.5 metres wide along the full frontages of Camden Street, Old Castlereagh Road and Castlereagh Road with connections to the existing pedestrian footpath and kerb ramps at the intersection of Old Castlereagh Road and Castlereagh Road.*
- *Wheel stops at car parking spaces that fronting pedestrian pathways.*
- *Complying numbers of secure bicycle parking, end of journey facilities, change rooms, showers, and lockers are provided at convenient locations in accordance with DCP C10, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines of Walking and Cycling (NSW Government 2004).*
- *Signage and line marking that is visible from the public road, internal access road and on-site to reinforce designated vehicle circulation and to direct staff / service vehicle drivers / visitors to on-site parking and service areas.*

As amended by Section 4.55 of the Environmental Planning and Assessment Act 1979, on 15 November 2019.

66 **K Special (BLANK)**

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

67 **K Special (BLANK)**

All car spaces and access areas are to be sealed / line marked and dedicated for the parking of vehicles only and not to be used for storage of materials / products / waste materials etc.

68 **K Special (BLANK)**

All vehicles are to enter and leave in a forward direction.

69 **K Special (BLANK)**

Subleasing of car parking spaces is not permitted by this Consent.

Landscaping

70 **L001 - General**

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

Landscape Plan	Job 4947	Monaco Designs PL	17.12.2017
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and in accordance with Penrith Council's Development Control Plan 2014. The landscape plan shall be amended to reflect the latest stamped approved site 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.

71 **L003 - Report requirement**

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

i. Implementation Report

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

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.

72 **L005 - Planting of plant**

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

73 **L006 - Aust Standard**

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.

Development Contributions

74 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for Drainage & Water Quality, Roads and Traffic land and Works. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$338,113.00** 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 Section 7.11 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Drainage & Water Quality, Roads and Traffic land and Works may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

75 **Q006 - 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/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades. In addition, a Compliance Certificate or other documentation deemed suitable to the Principal Certifying Authority (PCA) is to be submitted to the PCA, detailing compliance with:

- The provisions of AS1428.1 and that any person with disabilities can access the building, including its perimeter. In this regard, the Compliance Certificate (or other documentation) is to be prepared by an accredited access consultant.
- Condition 38 & 39 where upon Council has certified that the works approved under the Roads Act 1993 are satisfactorily completed.

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.

76 **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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C1 Site Planning and Design Principles

Whilst the amendments proposes awning along the western elevation, the overall design of the building and building setbacks are consistent with the original approval and considered to result in an acceptable design outcome.

C6 Landscape Design

The landscaping provision along both street frontage are considered to be satisfactory and compatible with other developments in the area.

C10 Transport, Access and Parking

The development provides a total of (172) parking spaces which includes 143 spaces at basement level and 29 spaces at ground level located along the eastern part of the building.

The proposal was referred to Council's Traffic Engineer who has examined the proposal and provided the following comments:

- the development provides adequate on site parking spaces and are more than that required by DCP,
- the proposed vehicular accesses will provide adequate and safe ingress/egress for the development, the proposed vehicular access to the development via two driveways from CUI De Sac of Camden Street for customer/staff vehicles is considered to be satisfactory,
- the proposal provides adequate width of roller doors and turning areas for delivery and pick up vehicles to leave the site in a forward direction,
- delivery vehicular movements generated by this development can be catered by the internal driveway and Camden Street without having adverse impact on the local traffic.
- They are satisfied that the proposal will not have detrimental traffic impact to local traffic movements. No objection raised to the proposal subject to their recommended conditions.