

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA14/0766.01
Description of development:	Construction of a Temporary Haulage Road and Associated Infrastructure upgrades to Facilitate the Movement of Trucks Associated with Future Works within the Central Precinct, St Marys - Section 96(2) to include widening of Links Road, Construction of Turn Bays, Holding Areas, Roundabout and Gate House.
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1132380
Property address:	75 - 103 Links Road, ST MARYS NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Lend Lease PO Box 4 PARRAMATTA NSW 2124
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DECISION OF CONSENT AUTHORITY

In accordance with Sections 81(1) (a) and 96 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

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

Date from which consent operates	4 March 2015
Date the consent expires	4 March 2017
Date of this decision	15 December 2014 as amended on 11 August 2015 under Section 96 of the Environmental Planning and Assessment Act.

POINT OF CONTACT

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

Assessing Officer:	Belinda Borg
Contact telephone number:	(02) 4732 7505

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

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

Certification and advisory notes

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

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

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented and/or installed substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan No.	Prepared By	Date
Cover Sheet and Drawing List	899104020-03-S96-1000 Revision 1	Cardno	20/04/2015
General Notes and Specification	899104020-03-S96-1001 Revision 1	Cardno	20/04/2015
General Arrangement Plan	899104020-03-S96-1010 Revision 1	Cardno	20/04/2015
Cut/ Fill Plan Sheet 1	899104020-03-S96-1031 Revision 1	Cardno	20/04/2015
Cut/ Fill Plan Sheet 2	899104020-03-S96-1032 Revision 1	Cardno	20/04/2015
Typical Road Cross Section	899104020-03-S96-1050 Revision 1	Cardno	20/04/2015
Erosion & Sediment Control Plan Sheet 1	899104020-03-S96-1121 Revision 1	Cardno	20/04/2015
Erosion & Sediment Control Plan Sheet 2	89899104020-03-S96-1122 Revision 1	Cardno	20/04/2015
Erosion & Sediment Control Plan Sheet 3	899104020-03-S96-1123 Revision 1	Cardno	20/04/2015
Erosion & Sediment Control Plan Sheet 4	899104020-03-S96-1124 Revision 1	Cardno	20/04/2015
Erosion & Sediment Control Plan Typical Details	899104020-03-S96-1125 Revision 1	Cardno	20/04/2015
Road and Stormwater Plan Sheet 1	899104020-03-S96-1131 Revision 1	Cardno	20/04/2015
Road and Stormwater Plan Sheet 2	899104020-03-S96-1132 Revision 1	Cardno	20/04/2015
Road and Stormwater Plan Sheet 3	899104020-03-S96-1133 Revision 1	Cardno	20/04/2015
Road and Stormwater Plan Sheet 4	899104020-03-S96-1134 Revision 1	Cardno	20/04/2015
Road and Longitudinal Sections Sheet 1 Road 001	899104020-03-S96-1151 Revision 1	Cardno	20/04/2015
Road and Longitudinal Sections Sheet 2 Road 001	899104020-03-S96-1152 Revision 1	Cardno	20/04/2015
Road and Longitudinal Sections Sheet 3 Road 001, 002 & 003	899104020-03-S96-1153 Revision 1	Cardno	20/04/2015
Stormwater Catchment Plan	899104020-03-S96-1180 Revision 1	Cardno	20/04/2015
Stormwater Outlet Details	899104020-03-S96-1181 Revision 1	Cardno	20/04/2015

Stormwater Drainage Longitudinal Sections	899104020-03-S96-1191 Revision 1	Cardno	20/04/2015
Road and Retaining Wall Typical Details	899104020-03-S96-1211 Revision 1	Cardno	20/04/2015
Pavement, Signage & Linemarking Plan Sheet 1	899104020-03-S96-1221 Revision 1	Cardno	20/04/2015
Pavement, Signage & Linemarking Plan Sheet 2	899104020-03-S96-1222 Revision 1	Cardno	20/04/2015
Pavement, Signage & Linemarking Plan Sheet 3	899104020-03-S96-1223 Revision 1	Cardno	20/04/2015
Pavement, Signage & Linemarking Plan Sheet 4	899104020-03-S96-1224 Revision 1	Cardno	20/04/2015
Road Intersection Plan Sheet 1	899104020-03-S96-1231 Revision 1	Cardno	20/04/2015
Road Intersection Plan Sheet 2	899104020-03-S96-1232 Revision 1	Cardno	20/04/2015
Road Intersection Plan Sheet 3	899104020-03-S96-1233 Revision 1	Cardno	20/04/2015

As amended under Section 96(2) of the Environmental Planning and Assessment Act 1979 dated 11 August 2015.

- 2 A copy of the General Terms of Approval approval issued by the NSW Office of Water (ref 10 ERM2014/0579) dated 1 August 2014 under the Water Management Act 2000 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 A temporary fencing shall be installed on the perimeter of the existing macrofauna fencing to protect the macrofauna to ensure they are fenced in and away from the operations/works.
- 5 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
- 6 The recommendations contained in the Noise and Dust Review (Report No.1415 Version A) prepared by Wilkinson Murray dated June 2014 shall be implemented.

Environmental Matters

- 7 Erosion and sediment control measures outlined in the *Central Precinct St Marys Site - Haul Road Erosion and Sediment Control Plan sheets 1-4 Ref Drawing Number 89914020 - DACC- BE- 1301/1302/1303/1304 Revision 3* 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.**

- 8 Before any works are commenced on site, adequate fencing with star picket and wire fencing shall be installed to ensure that the adjoining area is not disturbed by the construction/demolition works or earthworks.
- 9 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.
- 10 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.
- 11 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.

- 12 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the *"Noise and Dust Review Report - Central Precinct - Haul Road - D.A Noise and Dust Review - Report 14145 Version A - Prepared for Cardno Level 9 The Forum 203 Pacific Highway ST LEONARDS NSW 2065 prepared by Wilkinson Murray dated June 2014.* The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and 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.

- 13 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.

- 14 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 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.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

{Note: Penrith Contaminated Land 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."}

- 15 Prior to any subdivision/development activities that will affect ground cover on the site, a site search for Cumberland Plain Land Snail (*Meridolum corneovirens*) is to be undertaken by a fauna ecologist. Any individuals found are to be translocated into the adjacent Regional Park.

- 16 Under the guidance of a Fauna Ecologist or similar, felled trees and other habitat features such as large

rocks and logs are to be relocated to within the future Regional Park to enhance fauna habitat.

- 17 The following strategies are to be implemented to ensure impacts from the proposed development are mitigated:
- St Marys North and South Dunheved Precincts Plan: Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2005)
 - St Marys North and South Dunheved Precincts Plan: Weed Management Plan (Cumberland Ecology, 2005)
 - St Marys Macrofauna Management Plan 2006/2007 (Cumberland Ecology, 2005)
- 18 Prior to the removal of any trees associated with subdivision/development activities, an inspection for hollows and hollow dependent threatened fauna is to be undertaken under the supervision of a Fauna Ecologist. Any fauna found are to be relocated by the Fauna Ecologist prior to felling. Should juveniles be contained within the affected tree then clearing is to be delayed until the juveniles have vacated.

Utility Services

- 19 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 commencement of works.

Construction

- 20 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 is 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.

21 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.

22 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.

23 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

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

25 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

26 **Prior to the issue of a Construction Certificate** for civil works the Certifying Authority shall ensure that a S138 Roads Act application, including the 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 any works on Links Road in association with the provision of vehicle entrance for proposed haul road.

Engineering plans, including survey information of the existing location of street trees and utilities services on Links Road, 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, Engineering Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. 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.
2. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

27 **Prior to the issue of a Construction Certificate** for civil works the Certifying Authority shall ensure that engineering plans are consistent with the following stamped approved concept plan/s prepared by Cardno, revision 01, dated 28 20 April 2015 and that all works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The civil works may include but are not limited to the following:

- Public and private roads
- Stormwater management (quantity and quality) of haul road
- Sediment and erosion control measures
- Flood control measures
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works.

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

Note:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 to ascertain applicable fees.

As amended under Section 96(2) of the Environmental Planning and Assessment Act 1979 dated 11 August 2015.

28 **Prior to the issue of a 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. All vehicles shall enter and exit the site in a forward direction.

29 **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.

30 **Prior to commencement of works**, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited

Roads and Traffic Authority Traffic Controller.

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

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

31 **Prior to the commencement of works**, a dilapidation report is to be submitted to Penrith City Council. The report is to include all infrastructure but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend over the the proposed haulage route along Council's existing local road network.

32 Work on the haul roads shall not commence until:

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

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

33 Street lighting is to be provided for Links Road at the vehicle entrance of the proposed haul road to Penrith City Council's standards.

34 All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works.

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

35 **Upon completion of works**, 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.

36 **Upon completion of works**, the Principal Certifying Authority shall ensure that all civil works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

37 **Upon completion of works**, directional signage and linemarking shall be installed indicating directional movements and the location of truck layover area to the satisfaction of the Principal Certifying Authority.

38 **Upon completion of road works on Links Road**, a maintenance bond is to be lodged with Penrith City

Council.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

39 **Upon completion of works**, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- c) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- d) Documentation for all road pavement materials used demonstrating compliance with Council's Engineering Construction Specification for Civil Works.
- e) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks.
 - Statement of Compliance
- f) Structural Engineer's construction certification of all structures

40 The route for trucks to travel is via Wallgrove Road, Great Western Highway, Glossop Street, Forrester Road, Links Road.

At no time should trucks access the Great Western Highway or Mamre Road via Saddington, Putland or Princess Mary Streets, St Marys.

As amended under Section 96(2) of the Environmental Planning and Assessment Act 1979 dated 11 August 2015.

- 41 To prevent the transference of material (dust / soil / mud) via truck tyres onto the road pavement at Links Road, it is recommended that a truck shake-down grid be installed immediately northwest of the proposed stabilised site access and truck wash down area (on exit to Links Road) to dislodge material (dust / soil / mud).
- 42 The proposal shall comply with the Stormwater Management Strategy - Dunheved Precinct Industrial Development prepared by Parsons Brinckerhoff and the Dunheved Precinct Industrial Development Civil Design Report dated October 2007 (reference 2122626A-PR-0021 rev D) and the MUSIC Modelling previously undertaken as part of DA07/0494 for water quality treatment targets.
- 43 **Prior to the commencement of works**, a pre-construction dilapidation report is to be submitted to Penrith City Council. The report is to include all infrastructure but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend over the proposed haulage route along Council's existing local road network.
- 44 **Upon completion of works**, a post infrastructure dilapidation report is to be submitted to Penrith City Council. The report is to comment on the condition of all infrastructure but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend over the the proposed haulage route along Council's existing local road network. Any damage identified between the pre and post dilapidation reports is to be rectified at the expense of the applicant to the satisfaction of Council. The report is to be submitted within one (1) month of works completion.

Landscaping

- 45 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Council's Landscape Development Control Plan.

Upon completion of road works on Links Road, forty-two (42) replacement trees are to be planted within the vicinity of the Link Road frontage of the property. The trees are to attain a minimum height of 10m and are species reflective of the existing landscaping to be removed.

The trees are to have a minimum pot size of 50L and are to be selected from the recommended plant list with Section 2.6 Landscape of Penrith Development Control Plan 2006.

As amended under Section 96(2) of the Environmental Planning and Assessment Act 1979 dated 11 August 2015.

- 46 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.
- 47 The trees identified for retention by shall be retained and duly protected during the construction of the development. Tree protection measures shall:
- be installed before any works can commence on site including the clearing of site vegetation, and
 - comply with the standards prescribed by Section 2.6 Landscape of the Penrith Development Control Plan 2006.

Payment of Fees

- 48 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 49 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

- 50 Prior to the commencement of any earthworks, construction or demolition 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.

SIGNATURE

Name:	Belinda Borg
Signature:	

For the Development Services Manager