

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA21/0163
Description of development:	Demolition of Two Sheds, Removal of 36 Trees, Construction of a (New / Additional Multi-Purpose) School Hall, Construction of a (Maintenance Type) Shed, Relocation of Existing Gas Tanks and Associated Earthworks and Landscaping
Classification of development:	Class 9a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 12 DP 1056135
Property address:	115 - 119 Great Western Highway, EMU PLAINS NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Rps Australia East Pty Ltd Unit 2a 45 Fitzroy Street CARRINGTON NSW 2294
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) 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	26 July 2021
Date the consent expires	26 July 2026
Date of this decision	21 July 2021

POINT OF CONTACT

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

Assessing Officer:	Robert Walker
Contact telephone number:	+612 4732 7409

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 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 Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

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 56 days after the date of this notice.

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 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 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 substantially in accordance with the following plans and documents, the application form, and any supporting information received with the application, except as varied by any conditions within.

Plan Type	Drawing No.	Revision	Drawn by	Dated
Site Plan	DA011	B	BKA Architecture	26 February 2021
Building Site Plan	DA020	B	BKA Architecture	14 May 2021
Demolition Plan	DA030	A	BKA Architecture	11 December 2020
Wall types	DA040	A	BKA Architecture	11 December 2020
Ground Floor Plan	DA100	A	BKA Architecture	11 December 2020
Roof Plan	DA101	A	BKA Architecture	11 December 2020
Elevations (South East & North East)	DA200	B	BKA Architecture	14 May 2021
Elevations (North West & South West)	DA201	A	BKA Architecture	11 December 2021
Sections	DA300	B	BKA Architecture	11 February 2021
Sections	DA301	A	BKA Architecture	11 December 2020
Wall details	DA450	A	BKA Architecture	11 December 2020
Window details	DA602	A	BKA Architecture	14 May 2021
Window details	DA603	A	BKA Architecture	14 May 2021
External materials & finishes	DA700	B	BKA Architecture	14 May 2021
Landscape Plan	L100	D	BKA Architecture	10 March 2021

Document	Prepared By	Reference Nos.	Dated
Waste Management Plan	RPS	PR147922-3	15 February 2021
Acoustic Report	Pulse White Noise Acoustics	210006	17 May 2021
Civil Engineering Notes	Enstruct Group P/L	6260 / C100	6 November 2020
Erosion & Sediment Control Plan	Enstruct Group P/L	6260 / C101	6 November 2020
Site Works Plan	Enstruct Group P/L	6260 / C201	20 May 2021
Bulk Earthworks Plan	Enstruct Group P/L	6260 / C111	6 November 2020
Sections (Stormwater)	Enstruct Group P/L	6260 / C221	20 May 2021
Sections & Details (Stormwater)	Enstruct Group P/L	6260 / C212	10 December 2021
Flood Risk Management Plan	Enstruct Group P/L	6260	14 April 2021
Hydraulic Services details	ACOR Consultants P/L	NSW201467	October 2020

2 The following amendments shall be incorporated into the development:

- An accessible change room / bathroom, incorporating a toilet, basin, shower and change area, is to be provided, within the vicinity of the male and female change rooms, with direct access from the main hall area.
- An accessible staff bathroom, incorporating a toilet, basin and shower, is to be provided, within the vicinity of the staff bathroom.
- A handrail is to be provided within the central portion (i.e. along the alignment of the corner / bend) of the main stairway leading to the eastern corner of the hall.
- An accessible car parking space should be provided within the vicinity of the hall.

Prior to the pouring of the ground slab, final architectural plans and specifications, incorporating the aforementioned amendments, shall be prepared and provided to Penrith City Council.

3 The use of the hall, shall comply with the following requirements:

- The premises shall only be used in connection with the Department of Education.
- Hours of operation are to be limited to between 7am and 10pm.
- The operation of the premises shall be conducted so as to avoid unreasonable noise and cause no interference to adjoining or nearby residences.
- The use of the premises is not to interfere with the amenity of the residential area.
- The use of the premises shall not give rise to "offensive noise" as defined under the Protection of the Environment Operations Act 1997.
- Emission of sound from the premises shall be controlled at all times so as not to unreasonably impact upon nearby owners / occupants.
- If an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997.
- In the event of a noise or vibration problem arising, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to Council's satisfaction.
- The premises shall be maintained in a clean and tidy state at all times. In this regard, cleaning shall be carried out as required to ensure that the premises is maintained in an environmentally satisfactory manner.

4 Illumination is to be arranged in accordance with the requirements of Australian Standard 4282-1997 - *Control of the obtrusive effects of outdoor lighting*, so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

5 A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in must be obtained prior to works commencing.

Please refer to the web site www.sydneywater.com.au - Plumbing, building & developing - Sydney Water Tap in, or telephone 13 20 92.

Demolition

- 6 All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 "The Demolition of Structures". Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility.

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

Prior to commencement of demolition works:

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

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

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

- 8 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 9 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 10 Demolition works shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
- Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
 - No demolition work is permitted on Sundays and Public Holidays.

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

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

Heritage/Archaeological relics

- 11 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

- 12 Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person. The validation certificate must:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person, with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- 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
- demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

A copy of the validation certificate is to be submitted to Council.

Note: An appropriately qualified person is considered to be "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance".

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

- 14 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 Minimisation and Management Plan.

Waste materials not specified in the approved Waste Minimisation and Management Plan are to be disposed of at a lawful waste management facility. 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.

- 15 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the 'Acoustic Report'

(210006) for Nepean Creative and Performing Arts High School Hall prepared by Pulse White Noise Acoustics dated 17/5/2021. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved Acoustic Report. This certificate is to be submitted to Penrith City Council prior to the occupation of the building.

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

- 16 The operating noise level of plant and equipment shall not exceed 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.
- 17 A Vegetation Management Plan (VMP) is to be prepared by an appropriately qualified Ecological Consultant or Bushland Regenerator with a minimum of 5 years experience in bushland restoration and management on the Cumberland Plain, who holds a Certificate IV in Conservation and Land Management or equivalent tertiary qualifications (as a minimum), is to be submitted to and approved by the Manager Development Services, Penrith City Council, prior to the occupation of the building. The VMP must:
 - Be consistent with relevant environmental legislation and policies, including, but not limited to, the NSW Biodiversity Conservation Act 2016, the Biosecurity Act 2015, the Water Management Act 2000, the Rural Fires Act 1997 as well as the federal Environment Protection and Biodiversity Conservation Act 1999, and guidelines such as Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005). It is to also have regard to any Recovery Plans and recovery actions that are relevant.
 - Identify ongoing management and maintenance of the conservation areas in terms of impacts on flora and fauna and vegetation management requirements. The focus is to be on the improvement of biodiversity corridors and the protection and conservation of native vegetation and fauna habitats on the site.
 - Clearly outline how vegetation will be protected and managed during construction of proposed future development.
 - Identify potential impacts from the development and future use of the site (both during construction and post construction) on the on-site and adjacent vegetation and habitats.
 - Identify ongoing future management of the vegetation that is to be retained on site and any identified threatened species.
 - Identify a suitable style of boundary fence, and fence for the protected vegetation that permits native fauna movement but inhibits access of larger grazing animals (e.g. cows).
 - Identify habitat improvement measures that are to be undertaken across the site.
 - Detail monitoring and reporting requirements.
 - Utilise the Vegetation Species Planting List included in the Flora and Fauna Assessment Report (prepared by Ecological Australia, dated 12 February 2021) for the selection of native species for vegetation planting activities to occur on site.
 - Include a clear outline of works to be undertaken along with timing of works and estimated costs.

Once the VMP is approved by the Manager Development Services, Penrith City Council, it must be implemented in its entirety. All reports specified in the VMP are to be submitted to Penrith City Council within 2 months of the time-frame specified in the VMP.

All activities on site are to be implemented and carried out in accordance with the VMP. Council may request a review and if necessary updating of the VMP to reflect current environmental standards and site conditions. Council must be satisfied with any changes prior to the amendment of the VMP.

18 A Project Arborist with a minimum AQF (Australian Qualification Framework) Level 5 qualification, shall prepare a site-specific Tree Protection Plan (Specification) and Drawing, written in accordance with AS 4970 - 2009, Protection of Trees on Development Sites. The Plan shall reflect changes in design that have occurred since the Arboricultural Impact Assessment Report was prepared (by Moore Trees, Version 1, dated 15 March 2021) and shall:

- Provide a requirement that all contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- Identify key stages where monitoring and certification will be required as outlined in AS 4970–2009, Section 5.
- Require the Project Arborist to supervise any work within or directly adjacent to the Tree Protection Zone.
- Nominate whether trunk and branch protection will be required to be installed on the tree and at what stages this may be required.
- Permit the Project Arborist to alter / adjust the Tree Protection Zone or measures providing that reasons for this are clearly documented, justifiable, undertaken under the supervision of the Project Arborist and that those changes will not cause detriment or damage to the tree.
- Ensure all TPZs are maintained as per AS 4970 - 2009, Section 4.6.
- Require the Project Arborist to undertake site inspections not less than weekly to ensure that tree protection measures are in place.
- Require the Project Arborist to maintain a written record (e.g. field notes and photos) to provide evidence of site attendance and compliance with the associated conditions of consent.
- Require the Project Arborist to forward a copy of the written record of inspection to Council within 1 week of that inspection occurring.
- Require the Project Arborist to identify where there is a breach of the Tree Protection Plan. If a breach is identified, the Project Arborist must report this to Council and specify any remedial works and the timeframe in which these works must be completed. If an inspection reveals that there has been a significant breach of the Tree Protection Plan (Specifications), inspections from then on must be carried out twice weekly.

The site-specific Tree Protection Plan shall also require that the same Project Arborist be present on site to supervise when:

- There are works undertaken within an area designated by a Tree Protection Fence.
- Any in ground work within a TPZ is to be undertaken (fenced or unfenced).
- There is a requirement for a change to the alignment of tree protection fences.
- At any other times that the approved Tree Protection Plan (Specifications) and Tree Protection Plan (Drawing) prescribes.

The completed Tree Protection Plan (Specification) and Drawing shall be submitted to and approved, by the Development Services Manager, Penrith City Council, prior to the commencement of any works (including demolition works).

The approved Tree Protection Plan (Specification) and Drawing and its protection measures shall be in place prior to demolition commencing and a copy of the plan shall be retained on site for the full duration of works.

The Project Arborist shall clearly identify those trees to be removed and ensure protection measures are applied to all trees to be retained, and that all tree removal works comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained. Tree protection measures are to be implemented as outlined in the approved Tree Protection Plan

(Specification) and Drawing and Australian Standard AS 4970-2009 'Protection of Trees on Development Sites'.

The same Project Arborist shall also be engaged for the duration of works to monitor the site and ensure compliance with the required reports and any associated Development Consent conditions.

- 19 The removal of trees is to be limited to those shown for removal on the approved Demolition Plan. No other trees or vegetation (including shrubs and other understory vegetation) is to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed, without separate approval.

The Project Arborist shall clearly identify those trees to be removed and ensure protection measures are applied to all trees to be retained (refer to Arboricultural Impact Assessment Report, prepared by Moore Trees, author Paul Vezgoff, Version 1, dated 15 March 2021, Appendix 1, Plan 1, Tree Protection Plan).

The Project Arborist shall ensure that all tree removal works comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016). The Project Arborist shall also ensure that the appropriate fauna checks are undertaken as specified in these conditions of consent prior to and concurrently with tree removal being undertaken.

All trees removed with a Diameter at Breast Height (DBH) of 30cm or greater, once felled, are to be sawn into lengths of between 2m and 6m, and relocated into the existing vegetated / biodiversity corridor (located on the site) adjacent to the northern site boundary, under the guidance of an Ecologist to provide additional fauna habitat. Other removed vegetation matter is to be salvaged for re-use, either in log form, or as woodchip mulch for erosion control or garden beds or site rehabilitation. Non-salvable materials, such as roots and stumps, shall be disposed of to a waste management centre or other approved facility.

- 20 Prior to the commencement of any works (including demolition or tree removal works), an inspection of all trees scheduled for removal (including inspection of all hollows) for resident fauna is to be undertaken under the supervision of a fauna ecologist. Where possible, these fauna are to be removed and relocated in accordance with relevant guidelines and permits. Following the inspection, trees approved for removal are to be gently agitated and then lowered to the ground slowly when felling to allow any resident fauna time to escape and to ensure they aren't crushed by falling trees and branches. A local wildlife rescue group is to be contacted in the case of any injured fauna.
- 21 Prior to the commencement of works, an Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant and submitted to Council for approval. The Protocol is to address, at a minimum, the management of any contamination found on the site during the excavation/construction phase of the development, including, contaminated soils, groundwater, buried building materials, asbestos, odour and staining. The Protocol is to be complied with at all times during the excavation / construction phase of the development.

BCA Issues

- 22 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

- 23 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 obtained prior to the completion of works.

- 24 Prior to the commencement of works, 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 commencement of works, as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

Construction

25 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by Council, or
- alternatively, any other sewage management facility approved by Council.

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

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

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

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

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

26 All works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

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

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

Engineering

- 27 The stormwater management system / works, shall be completed in accordance with the approved Stormwater Concept Plan, prepared by Entrust (Reference No. 6260, Revision E), dated 20 May 2021, and the associated requirements of Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.
- 28 Any structure below RL 27.0m AHD (adopted flood level + 0.5m freeboard) is to comprise of flood compatible building components, in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.
- 29 All structures are to be constructed to withstand the forces of floodwater, including debris and buoyancy, up to the 1% Annual Exceedance Probability event in accordance with the requirements of the Building Code of Australia (BCA).
- 30 All electrical services associated with the development are adequately flood proofed in accordance with the Penrith Development Control Plan provisions relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the adopted flood level of RL 26.5m AHD.
- 31 Prior to commencement of works, sediment and erosion control measures shall be installed in accordance with the approved plans, the associated provisions of the Protection of the Environment Operations Act 1997, and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

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

- 32 Prior to the occupation of the building, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to Penrith City Council, in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage Specification for Building Developments.
- 33 Prior to the occupation of the building, all associated stormwater management works (including on-site detention and water sensitive urban design), shall have been satisfactorily completed in accordance with the approved plans and the requirements of this consent.

Any construction variations to the approved design shall meet the design intent and any remedial works required to be undertaken is to have been satisfactorily completed at this time.

Details of both the approved and the constructed systems, shall be provided on the works-as-executed drawings.

- 34 The stormwater management system shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 35 All car parking and manoeuvring must be in accordance with AS 2890.1-2004, AS 2890.6-2009 and Council's requirements.

36 All vehicles are to enter/exit the site in a forward direction.

Landscaping

37 All landscaping works are to be maintained in a healthy state, in perpetuity. If any of the vegetation comprising that landscaping, dies or is removed with the necessary approval (if approval is required), it is to be replaced with vegetation to maintain necessary screening, canopy cover and amenity.

38 A total of 108 native plantings are to be provided within the existing vegetated / biodiversity corridor (located on the site) adjacent to the northern site boundary (i.e. 3 plantings for each tree to be removed). Plantings are to be native species selected from the Vegetation Species Planting List within the Flora and Fauna Assessment Report (prepared by Ecological Australia, dated 12 February 2021), and are to include a combination of trees, shrubs, groundcovers and grass species.

All replacement plantings are to be maintained and replaced where losses occur, for a period of 3 years or until they reach a height of 3m, whichever comes last.

SIGNATURE

Name:	Robert Walker
Signature:	

For the Development Services Manager