

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/1247.04
Proposed development:	Section 4.55(1A) Modifications to Approved Place of Public Worship including Minor Site Layout & Building Design Amendments
Property address:	230 - 242 Aldington Road, KEMPS CREEK NSW 2178
Property description:	Lot 18 DP 253503
Date received:	4 June 2021
Assessing officer	Jake Bentley
Zoning:	SEPP - (WSEA) 2009 - ZONE IN1
Class of building:	Class 9b , Class 1a
Recommendations:	Approve

Executive Summary

Council is in receipt of a modification application involving minor internal and external alterations and additions associated with an approved place of public worship at 230-242 Aldington Road, Kemps Creek. The modified proposal remains permissible with consent noting the sites IN1 General Industrial zoning under State Environmental Planning Policy (Western Sydney Employment Area) 2009 SEPP WSEA.

In accordance with Council's Community Engagement Strategy the proposed modification application was notified to surrounding property owners and exhibited from 14 June to 28 June, 2021. No submissions were received in response.

An assessment under Section 4.15 and 4.55 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended condition amendments and additions.

Site & Surrounds

The subject site is located on the eastern side of Aldington Road between Bakers Lane and Abbotts Road, Kemps Creek. The site has an area of 10.16 hectares and is rectangular in shape, with a frontage of approximately 142 meters to Aldington Road and a depth of approximately 720m. Vehicular access is currently provided via a driveway crossing onto Aldington Road.

The topography of the site is undulating in nature however generally falls from east to west with levels dropping from RL 88m AHD at the south-eastern corner of the site to RL 56m AHD at the south-western corner of the site.

The site is currently under going earthworks for the purposes of the approved place of public worship with the single storey dwelling and two sheds/workshops remaining at the rear of the site.

The site is located within the Mamre Road Precinct under SEPP WSEA with the site and surrounds zoned IN1 General Industrial. The surrounding sites are occupied by rural residential land uses noting the previous rural zoning. It is noted that the adjoining northern sites are subject to a State Significant Development (SSD) application (known as 200 Aldington Road). The SSD proposes an industrial precinct composing of large warehouses, civil works and landscaping works. The SSD abuts the northern boundary of the proposal which includes extensive retaining wall works.

Site Constraints

- The subject is mapped as bushfire prone land.
- A watercourse transects the site.
- The site is impacted by airport noise contours.
- The site is affected by local overland flows.
- The slope of the land.
- The site is not connected to Sydney Water sewer services.
- There are heritage items in the vicinity of the site.

History

DA17/1247 was approved by the Sydney Western City Planning Panel (SWCPP) on 29 September 2019 which included deferred commencement conditions of consent relating to landscaping, a plan of management and waste management. These conditions of consent were subsequently satisfied with an operational consent being issued on 28 February 2020.

On 10 November 2020. Council approved DA17/1247.01 which modified the finished ground levels, siting and internal layout of buildings, car parking, landscaping and associated site works of the approved place of public worship.

On 2 March, 2021 Council approved DA17/1247.02 which included covered walkways, changes to building facades and numerous retaining walls associated with the approved place of public worship.

On 11 June, 2021 Council approved DA17/1247.03 which included signage, additional associated buildings (gatehouses, amenity buildings and wastewater treatment rooms), water feature, cultural welcome gate, plant rooms, dedicated monk offices and other minor amendments to the approved development.

Proposal

The modified proposal involves the following minor internal and external alterations and additions to the approved development:

- shuffled parking areas surrounding the front amenities buildings, central buildings and Mandir,
- elevated statue garden area and northern carriageway,
- revised on-site detention location and removal of reed beds and overflow bypass,
- relocated front children play area,
- identified hydrant booster locations (front of site),
- inclusion of pavement material,
- additional fire stair in basement,
- revised carriageway gradients in response to revised basement entry/exit levels and Mandir and parking area level amendments responding to slope of site,
- elevated Mandir level (3m) including western step entrance,
- additional paved area and extended walkway with additional cultural features associated with Mandir,
- extended carriageway north-east of Mandir for access,
- increased retaining wall height and length separating carriageway from rear effluent disposal area,
- inclusion of amenities to eastern side of Mandir,
- tiles to the exterior of the gatehouse, reception, toilet, central buildings and wastewater treatment room,
- increased height of entry gatehouse, reception, toilet buildings,
- slightly elevated cultural gate feature,
- inclusion of irrigation water tank room in basement,
- inclusion of solar panels atop central buildings roof,
- increase to central buildings height,
- reconfigured floor plan for exit gatehouse,
- elevated bridge in western section near toilet block,
- elevated Mandir results in retaining wall adjacent to northern and southern parking areas,
- elevated rear carriageway by 2m adjacent to rear effluent disposal area,
- retaining walls surrounding car parking and Mandir areas to address level changes, and
- amended stormwater layout.

The modified proposal also seeks to use a pump out system temporarily for on-site wastewater management until Sydney Water sewage services are available to the site. The pump out system will consist of 50kL septic tank/s and a 60kL collection well.

Plans that apply

- Mamre West Land Investigation Area Development Control Plan 2016
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy (Western Sydney Employment Area) 2009

Planning Assessment

• Section 2.12 – Sydney Western City Planning Panel (SWCPP)

The original application (DA17/1247) was determined by the Sydney Western City Planning Panel considering the cost of works.

In accordance with the EP&A regulations, *Clause 275 Functions exercisable by council on behalf of Sydney district or regional planning panel*, the proposed Section 4.55(1A) modification application can be determined by Council on behalf of the regional panel.

• Section 4.46 - Integrated development

The original application triggered integrated development provisions noting a Bushfire Safety Authority (BFS) and a Controlled Activity Approval (CAA) was required for the proposal given the nature of the

development and proximity to a watercourse. The Rural Fire Service (RFS) issued their general terms of approval (GTA's) on 1 August 2019, raising no objection to the development subject to conditions and Natural Resource Access Regulator (NRAR) issued their GTA's on 21 February 2018, raising no objection to the development subject to conditions.

The modified proposal will not provide for any inconsistencies with the RFS GTA's. The amenity structures to the rear of the Mandir are suitably distanced from the site boundary and the existing GTA's will ensure the structures are constructed in accordance with the relevant bushfire considerations. In light of the above, there are no adverse bushfire planning impacts envisioned as a result of the amended proposal.

The modified proposal results in amended earthworks and stormwater disposal surrounding the water channel on-site. In this regard, NRAR were notified of the modified proposal on 6 August, 2021. To date NRAR have not responded. In accordance with *Clause 70 Notification of general terms of approval* of the Environmental Planning and Assessment Regulation 2000, NRAR must give written notice to the consent authority of its decision concerning the general terms of approval within 40 days of receipt of the notice or in the case of development that is required to be advertised or notified under Schedule 1 to the Act, within 21 days after it receives;

- (i) the last of the submissions made during the relevant submission period, or
- (ii) advice from the consent authority that no submissions were made.

It is noted that the modified proposal was notified to surrounding property owners. The 40 day and 21 day periods have expired. It is noted that the previous modification application DA17/1247.03 relative to the proposal approved additional structures within proximity to the watercourse. NRAR raised no issues with that modified proposal.

In this regard, considering NRAR have not responded to the notice within the time frames and previous approvals which approved structures in proximity to the watercourse did not raise any issues, the modified proposal is considered satisfactory.

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

In accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 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 a 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,
- (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.

The proposed modification has been assessed in accordance with the above provisions as follows:

- (a) The modified proposal involves minor amendments that do not provide for major environmental impacts. In this regard, the modified proposal is of minimal environmental impact.
- (b) The modified proposal maintains the approved use and is considered to be substantially the same development to that originally approved.
- (c) In accordance with Council's Community Engagement Strategy the proposed modification application was notified to surrounding property owners and exhibited from 14 June to 28 June, 2021.

(d) No submissions were received in response.

The modification application has also been considered against the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979 that are of relevance to the application later within this report.

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 9 Hawkesbury-Nepean River

The modified proposal remains in keeping with the requirements of the former SREP No. 20 and appropriate conditions of consent remain in place.

State Environmental Planning Policy (Resilience and Hazards) 2021

In accordance with the contamination and remediation provisions of this SEPP which are to be considered in determining development applications, a consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

The original approval provided for an assessment of land contamination and was found satisfactory. A review of historical aerial images of the site and Council's systems does not identify any potential land contamination activities occurring at the site since the original land contamination assessment. In this regard, the site remains suitable for the modified proposal with respect to land contamination.

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

Clause 19 Aircraft noise

The approved place of public worship is identified as noise sensitive development under this clause and is on land within a noise contour of between 20 and 25. Under the provisions of this clause development consent must not be granted to noise sensitive development on land with an aircraft noise contour of 20 or greater.

The place of public worship is approved and the modification application does not constitute the granting of development consent under the provisions of Section 4.55 of the Environmental Planning and Assessment Act. In addition, the modified proposal is not envisioned to create any aircraft noise impacts considering the scale of the modifications. In this regard, the modification application can be approved.

Clause 21 Wildlife hazards

The modified proposal does not relate to 'relevant development' as defined in this clause. In this regard, the provisions of this clause are not applicable.

Clause 24 Airspace operations

The modified proposal does not involve any works which will penetrate the prescribed airspace. In this regard, the modified proposal is not considered a controlled activity and therefore, the provisions of this clause do not apply.

State Environmental Planning Policy (Western Sydney Employment Area) 2009

Clause 11 Zone objectives and land use table

The modified proposal remains a 'place of public worship' being a permitted with consent land use in the sites IN1 zoning.

It is noted that the site was previously zoned under Penrith Local Environmental Plan 2010 (PLEP) and the original proposal was found to be consistent with the zone objectives of the relevant zone (RU2 Rural Landscape) under the PLEP. The zoning has since changed to IN1 and it is noted that the modified proposal will not be inconsistent with the IN1 zone objectives noting the original approval.

Clause 18 Requirements for development controls

The Mamre Rod Precinct Development Control Plan 2021 (DCP) was adopted on 19 November, 2021 and applies to the site. Compliance with the provisions of the DCP are discussed later within this report.

Clause 21 Height of buildings

The amended proposal includes revised earthworks and building heights across the site. The two large buildings being the Mandir and central building structures will not have a building height exceeding 20m as specified in the DCP. It is noted that the Mandir will have a large retained portion of the site to its rear providing a buffer from the further eastern residential properties.

The modified proposal includes revised earthworks across the site to balance cut/fill. The Mandir has been elevated roughly 4m, the central parking areas have been elevated and the right of carriageways surrounding the above areas have been elevated in response. The elevated building platforms have not resulted in any building height non-compliance.

In this regard, building heights are not envisioned to impacts amenity of surrounding residential areas and topography has been considered.

Clause 31 Design principles

The modified proposal includes three tiers of steps to the Mandir entrance, widened walkways with cultural features and additional hardstand. The modified proposal is not considered to adversely impact design quality as the cultural features are consistent across the site and water features as well as numerous garden beds are provided minimising the impacts of additional hardstand.

The proposed additional and amended retaining walls across the site are suitably distanced from the site boundaries maintaining the 6m buffer to the perimeter road.

The modified proposal seeks to utilise grey tiling and clay coloured cultural elements throughout the site. The colours are consistent with the approved colour schedule and the tiled treatment is considered suitable.

The modified proposal will not impact the availability of approved landscaping on-site with the exception of the area surrounding the Mandir. The increased pavement area reduces the extent of landscaping within the Mandir level however, numerous garden beds have been retained. It is noted that the parking areas to the north and south of the Mandir are hard up against the extended and elevated walkway structures whereas a landscaping buffer was provided. The modified proposal maintains a landscaping strip west of the parking and Mandir interaction screening views from the west. In this regard, no adverse landscaping issues are envisioned.

Clause 33C Development within the Mamre Road Precinct

Clause 33C specifies that 'consent must not be granted to development on the land identified on the land application map as Precinct 12 (Mamre Road) that has a capital investment value of more than \$200,000 without the concurrence of Transport for NSW'. This clause was made by *State Environmental Planning Policy (Western Sydney Employment Area) Amendment 2020* and under Clause 34(3) is excluded from any savings provisions. Despite this, given that this clause applies to 'granting consent' and not 'modifying

consent', this clause does not prohibit Council approving the subject modification application.

Further, it is noted that the original application was referred to Transport for NSW (TfNSW) in accordance with the provisions of the SEPP (Infrastructure) 2007. TfNSW provided comments relating to the provision of parking for Council to consider in their assessment. This was addressed in the assessment report for DA17/1247, and requires no further assessment given the proposed modifications do not impact on the number of visitors to the site or reduce the number of on-site parking spaces.

Clause 33H Earthworks

The modified proposal involves the following amendments to earthworks to better respond to site topography:

- 0.5m elevated statue garden and carriageway north of garden,
- 1m reduced carriageway forward of central buildings providing gradual slope to buildings,
- elevated carriageway at rear of central buildings (1m on northern side and 4m on southern),
- elevated carriageways surrounding central buildings requires small retaining walls with batter. Noted that retaining walls dissipate further west,
- the first parking space level requires a 5.9m high retaining wall (previously approved 5m) with walls extending east that gradually reduce as adjoining carriageway rises,
- the second parking level is occupied by a 4m high retaining wall (previously approved 5m) with walls extending east that gradually reduce as adjoining carriageway rises,
- The Mandir is retained by a wall 5.8m high (previous approved 6.3m) with retaining extending further north inline with the carriageway,
- The Mandir is then elevated a further 3m accessible via steps, and
- The parking surrounding the Mandir is retained via 4m wall at its highest point which gradually reduces further north.

The bulk of the earthwork changes have occurred due to the elevated carriageways surrounding the central parking and Mandir and the increased Mandir floor height. The elevated carriageway locations are not anticipated to create any adverse visual impacts noting the 6m landscape buffer and the topography of the adjoining sites.

Council's Development Engineering Department have reviewed the proposed drainage method as being satisfactory and perimeter landscaping has been maintained to avoid flows onto adjoining properties.

Clause 33I Development on flood prone land

The modified proposal has been referred to Council's Development Engineering Department which have raised no issues with the modified proposal with respect to flooding.

33L Stormwater, water quality and water sensitive design

Council's Environmental Waterways Team have reviewed the revised Water Sensitive Urban Design (WSUD) approach which involved the removal of the bio-retention area and the inclusion of Ocean protect pits and stormwater filters. In addition, rainwater tanks will be installed for re-use purposes. No issues were raised subject to recommended condition addition.

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

There are no provisions within any current draft environmental planning instruments which have specific implications in relation to the proposed modifications to the development.

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

Mamre West Precinct 2016

Provision	Compliance
Development Control Plan Mamre West Precinct 2016	Does not comply - see Appendix - Development Control Plan Compliance

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

Existing conditions of consent requiring compliance with the relevant provisions of the Building Code of Australia and the regulations will be retained.

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

The modified earthworks and increase in hardstand is not envisioned to generate any significant adverse impacts considering the 6m perimeter landscape buffer has been maintained, the difference in retaining wall heights from that previously approved is not significant, suitable landscaping has been retained and the change to industrial character of the area will result in additional building/hardstand mass as opposed to the previous rural setting.

Council's Waterways Team are satisfied with the WSUD approach noting the removal of bio-retention systems.

The proposed pump out system is considered satisfactory on a temporary basis until Sydney Water infrastructure is connected. It is noted that Sydney Water has informed that sewage is expected to be available for the site in the next 2 years. In this regard, the installation of an on-site sewage management system was not feasible considering cost and time of use. As such, Council's Environmental Management Team agreed to a temporary pump out arrangement.

The remaining changes are minor in nature.

In light of the above, there are no significant adverse impacts envisioned as a result of the modified proposal.

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

The site remains suitable for the modified proposal.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Council's Community Engagement Strategy the proposed modification application was notified to surrounding property owners and exhibited from 14 June to 28 June, 2021. No submissions were received in response.

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
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Social Planning	No objections - subject to conditions

Building Surveyor

The modified proposal was referred to Council's Development Engineering, Waterways and Environmental Management Teams which have supported the proposal subject to additional conditions which have been included in the end of the condition list.

The remaining internal departments did not receive a referral but appear above for the purposes of condition transfer.

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

There are no significant issues relating to the public interest envisioned as a result of the modified proposal.

Section 94 - Developer Contributions Plans

It is noted that the Draft Mamre Road Contributions Plans is under review. The Plan would apply to the subject site but has not yet been adopted. Considering the modified proposal relates to a place of public worship which constructed works have already commenced for and the Contribution Plan has not been adopted, contributions under this plan are not considered to be required.

Conclusion

In assessing the modified development against relevant environmental planning instruments the proposal satisfies the aims, objectives and provisions of these policies. The site is suitable for the modified development, the modified proposal is in the public interest and there is unlikely to be negative impacts arising from the modified development. Therefore, the modification application is worthy of support and is recommended for approval, subject to recommended condition amendments and additions.

Recommendation

That DA17/1247.04 for minor internal and external alterations and additions associated with an approved place of public worship at 230-242 Aldington Road, Kemps Creek be approved subject to the attached recommended condition amendments and additions.

The condition amendments/additions relate to condition numbers 1, 61, 69, 107, 108, 109, 110, 111 and 112.

General

1 A001

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

Drawing Title	Drawing No	Prepared By	Dated
Architectural Plans			
Site Plan	JA1120 - S4.55 v04-03 (Issue E)	Jakaan Architects	11/11/21
Staging Plan	JA1120 - S4.55 v04-04 (Issue D)	Jakaan Architects	30/08/21
Site Plan - Landscaped Precinct	JA1120 - S4.55 v04-05 (Issue D)	Jakaan Architects	30/08/21
Site Plan - Central Facilities and Carpark Precinct	JA1120 - S4.55 v04-06 (Issue D)	Jakaan Architects	30/08/21
Site Plan - Mandir and Upper Sub Soil Irrigation	JA1120 - S4.55 v04-07 (Issue D)	Jakaan Architects	30/08/21
Sections	JA1120 - S4.55 v04-12 (Issue D)	Jakaan Architects	30/08/21
Site Boundary Elevations	JA1120 - S4.55 v04-13 (Issue D)	Jakaan Architects	30/08/21
Basement Plan	JA1120 - S4.55 v04-20 (Issue D)	Jakaan Architects	30/08/21
Ground Floor Plan - Central Buildings	JA1120 - S4.55 v04-21 (Issue D)	Jakaan Architects	30/08/21
First Floor Plan - Central Buildings	JA1120 - S4.55 v04-22 (Issue D)	Jakaan Architects	30/08/21
Plant Room - Central Facilities	JA1120 - S4.55 v04-23 (Issue D)	Jakaan Architects	30/08/21
Roof Plan - Central Buildings	JA1120 - S4.55 v04-24 (Issue D)	Jakaan Architects	30/08/21
Ridge Plan - Central Buildings	JA1120 - S4.55 v03-24 (Issue C)	Jakaan Architects	12/02/21
Elevations and Section - Central Building	JA1120 - S4.55 v04-25 (Issue D)	Jakaan Architects	30/08/21
Entry Forecourt - Mandir	JA1120 - S4.55 v04-31 (Issue D)	Jakaan Architects	30/08/21
Ground Floor Plan - Mandir	JA1120 - S4.55 v03-32 (Issue C)	Jakaan Architects	12/02/21
First Floor Plan - Mandir	JA1120 - S4.55 v04-32 (Issue D)	Jakaan Architects	30/08/21
Roof - Mandir	JA1120 - S4.55 v04-33 (Issue D)	Jakaan Architects	30/08/21
Elevations and Sections - Mandir	JA1120 - S4.55 v04-34 (Issue D)	Jakaan Architects	30/08/21
Mandir Amenities	JA1120 - S4.55 v04-35 (Issue D)	Jakaan Architects	30/08/21
Site Transition Buildings	JA1120 - S4.55 v04-40 (Issue D)	Jakaan Architects	30/08/21
Security House Entry	JA1120 - S4.55 v04-60 (Issue D)	Jakaan Architects	30/08/21
Security House Exit	JA1120 - S4.55 v04-61 (Issue D)	Jakaan Architects	30/08/21

Reception Building	JA1120 - S4.55 v04-65 (Issue D)	Jakaan Architects	30/08/21
Amenities Building	JA1120 - S4.55 v04-66 (Issue D)	Jakaan Architects	30/08/21
Wastewater Treatment Plant	JA1120 - S4.55 v04-67 (Issue D)	Jakaan Architects	30/08/21
Cultural Gate	JA1120 - S4.55 v04-70 (Issue D)	Jakaan Architects	30/08/21
Signage Panel	JA1120 - S4.55 v04-75 (Issue D)	Jakaan Architects	30/08/21
Section Reference Plan	JA1120 - S4.55 v04-100 (Issue D)	Jakaan Architects	30/08/21
Cross Sections	JA1120 - S4.55 v04-101 (Issue D)	Jakaan Architects	30/08/21
Cross Sections	JA1120 - S4.55 v04-102 (Issue D)	Jakaan Architects	30/08/21
Cross Sections	JA1120 - S4.55 v04-103 (Issue D)	Jakaan Architects	30/08/21
Cross Sections	JA1120 - S4.55 v04-104 (Issue D)	Jakaan Architects	30/08/21
Perimeter Road Grades - Landscape Zones	JA1120 - S4.55 v04-105 (Issue D)	Jakaan Architects	30/08/21
Perimeter Road Grades - Central Facilities and Carpark Zone	JA1120 - S4.55 v04-106 (Issue D)	Jakaan Architects	30/08/21
Perimeter Road Road Grades - Mandir & Upper Sub Soil Irrigation Zone	JA1120 - S4.55 v04-107 (Issue D)	Jakaan Architects	30/08/21
Wall Cladding Tiles	-	-	-
GRC Elements Sheets 1 and 2	-	-	-
Civil Plans			
Combined Services Plans	CI-080-101-106 (Revisions 3 & 2)	Stantec	29/06/21 and 25/06/21
Retaining Wall Plans	CI-200-001-106 (Revisions 3 & 2)	Stantec	29/06/21 and 25/06/21
Retaining Wall Long Sections	CI-202-001-004 (Revision 2)	Stantec	25/06/21
Stormwater Drainage and Catchment Plans	CI-500-001-011 (Revision 3 & A)	Stantec	29/06/21 and 05/11/21
Stormwater Drainage Plans	CI-520-001-107 (Revisions 5, 7, 6 and 4)	Stantec	18/10/21 and 17/01/22
Stormwater Drainage Swale General Arrangement	CI-521-101 (Revision 5)	Stantec	24/09/21
Stormwater Drainage Long Sections	CI-522-001- 101 (Revisions 5, 7, 4, 6 and 1)	Stantec	17/01/22, 18/10/21 and 24/09/21
Stormwater Drainage Swale Cross Section	CI-523-101-103 (Revisions 5)	Stantec	24/09/21
Stormwater Drainage Schedules	CI-525-001-2 (Revisions 7 & 5)	Stantec	17/01/22
Stormwater Drainage Typical Details	CI-526-001-021 (Revisions 6, 3 and 4)	Stantec	17/01/22, 09/07/21 and 02/07/21
Landscape Plans			
Landscape Plan	L.1 - L.23 (Rev G/I)	Nicholas Bray Landscapes	06/08/20 15/02/21
Waste Management Plan			
Waste Management Plan	Revision 1	Dickens Solutions	December 2019

As amended on 10 November 2020, 2 March 2021, 11 June 2021 and 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

2 **A005 - APPROVED BODY'S CONSENT (FOR INTEGRATED DAS)**

A copy of the General Terms of Approval (dated 21 February 2018) issued by the NSW Natural Resource Access Regulator 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 **A012 - Food Shop**

The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.

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

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

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

5 **A021 - BUSINESS REGISTRATION**

The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council **prior to the commencement of the business.**

6 **A026 - Advertising sign (not for residential)**

A separate development approval for the erection of a sign or advertising structure, other than an advertisement listed as exempt development or approved by this consent, is to be obtained, complying with the requirements of Chapter C9 Advertising and Signage of Penrith Development Control Plan 2014.

As amended on 11 June 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

7 **A038 - LIGHTING LOCATIONS**

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

8 **A039 - Graffiti**

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

9 **A044 - Compliance with NSW Rural Fire Service conditions of consent**

All requirements of the Rural Fire Service's General Terms of Approval (dated 1 August 2019) shall be satisfied **prior to the issue of a Construction Certificate and/or a Occupation Certificate**, as relevant.

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

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

11 **A Special (Accessibility)**

Prior to the issue of a Construction Certificate, the design recommendations of the Access Report, prepared by Morris Goding Accessibility Consulting and dated 27 November 2017 shall be incorporated into the Construction Certificate plans. The works shall be certified accordingly by a suitably qualified access consultant **prior to the issue of an Occupational Certificate.**

12 **A Special (BLANK)**

Prior to the issue of a Construction Certificate, a detailed external colour schedule is to be submitted to and approved by the Development Services Manager of Penrith City Council.

13 **A Special (BLANK)**

[DELETED]

As amended on 11 June 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.

14 **A Special (BLANK)**

The development is to be carried out in 2 stages as per approved Drawing No. 16079-DA-04 (Staging Plan) and anything in this consent making reference to a Construction Certificate or Occupation Certificate is to be read as applying to the relevant Construction Certificate or relevant Occupation Certificate for the relevant stage. For the avoidance of doubt, this consent permits the issue of early works Construction Certificates, or staged Construction Certificates within the relevant Stage of the development and any conditions referring to the relevant stage are to be read as applying to the relevant Construction Certificate for the relevant stage.

15 **A Special (BLANK)**

The endorsed Plan of Management (Version 1.3) must be complied with at all times. In this regard, the maximum number of people permitted on site in association with the operation of the Central Facilities Building is limited to 800 people at any time.

16 **A Special (BLANK)**

All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

Demolition

17 **B001 - Demolition of existing structures**

The dwelling and associated structures are to be demolished as part of the approved work.

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

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "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. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

19 **B003 - ASBESTOS**

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

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

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

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

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

20 **B006 - Hours of work**

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.

Environmental Matters

21 **D002 - Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

22 **D004 - Dust**

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

23 **D005 - Mud/Soil**

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

24 **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.

25 **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.

26 **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.

27 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the 'Acoustic Assessment' (20171171.1/1001A/R2/TT) for BAPS Hindu Temple at 230-242 Aldington Road, Kemps Creek prepared by Acoustic Logic dated 5/3/2019 and 'Further Response to Council Queries Letter for 230-242 Aldington Road, Kemps Creek' prepared by Acoustic Logic dated 12/6/2019. The recommendations provided in the above-mentioned acoustic report/letter and the 'Plan of Management for BAPS Hindu Mandir' at 230-242 Aldington Road, Kemps Creek prepared by Acoustic Logic shall be implemented and incorporated into the design, construction and operation of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

28 **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.

29 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to the PCA. 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,
- 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 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 be carried out prior to any further approved works.

{Note: Penrith Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils 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."}

30 **D Acoustic Assessment after Operation**

An acoustic assessment is to be undertaken by an appropriately qualified environmental consultant within 60 days of occupying the site in accordance with the Noise Policy for Industry and the Noise Guide for Local Government. The assessment must be submitted to Council for review and approval. Should the assessment find that noise from the premises exceeds 5dB(A) above the background, appropriate measures must be recommended and employed to rectify excessive noise.

31 **D Dam Dewatering Management Plan**

Prior to the issue of a Construction Certificate, a Dam Dewatering Management Plan is to be prepared by an appropriately qualified environmental consultant and submitted to Council for review and approval. Subject to Council approval, the Dam Dewatering Management Plan is to be implemented for the decommissioning of the dams at the site.

32 **D Special (BLANK)**

Prior to the issue of a Construction Certificate, a Sustainability Management Plan outlining the specific sustainability measures to be installed in the central facilities building shall be submitted to and approved by Penrith City Council. The plan must:

- (i) confirm the total greenhouse gas savings achieved in comparison to a base case development (i.e. a development constructed in accordance with the minimum requirements of Section J of the BCA);
- (ii) include a calculation of water requirements and measures incorporated to reduce water use;
- (iii) include a program to monitor and report annually on the efficiency of the measures implemented; and
- (iv) provide for the inclusion of solar panels on the roof.

The sustainability measures outlined in the approved Sustainability Management Plan in the Construction Certificate drawings **prior to the issue of any Occupation Certificate**

33 **D Special BLANK**

The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- The waste collection rooms (Sabha Hall Building & Kitchen/Dining/Classroom Building) to provide waste collection rooms large enough to accommodate the full bin allocation in accordance with 3.4.1 of the 'industrial, commercial and mixed-use waste management guideline' document. Amended architectural's to illustrate the full bin allocation (1100L and 240L bins) stored within the on-site collection infrastructure.
- The waste collection rooms (Sabha Hall Building & Kitchen/Dining/Classroom Building) to include dual, outwards opening, sealed, self-closing, 1.8m wide doors for all access points to permit the movement of 1100L bins within the development.
- All on-site waste infrastructure to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
- All on-site waste infrastructure to provide adequate light and ventilation in accordance with the Building Code of Australia.

34 **D Special BLANK**

Prior to the issue of an Occupation Certificate the following is to be submitted to and approved by Penrith City Council:

- Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure to permit a safe and efficient waste collection service.

35 **D Unexpected Finds Protocol**

Prior to the issue of a construction certificate, an Unexpected Finds Protocol (UFP) is to be developed by an appropriately qualified environmental consultant and submitted to Council for approval. The UFP is to address, at a minimum, the management of any contamination found on the site during the excavation and construction phases of the development for contaminated soils, groundwater, buried building materials, asbestos, odours and staining etc. The approved UFP is to be complied with at all times during the excavation and construction phases of the development.

BCA Issues

36 **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.

Health Matters and OSSM installations

37 **F001 - Food shop construction & plans**

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.

38 **F Special (BLANK)**

Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.

39 **F Special (BLANK)**

All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.

40 **F Special (BLANK)**

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.

b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.

c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

NOTE: False bottoms under fittings are not permitted (AS4674-2004 – Section 4.2 and 4.3).

41 **F Special (BLANK)**

The cleaners sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.

42 **F Sspecial (BLANK)**

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard 1668, Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilated and extend at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000mm above floor level.

Prior to the issue of an Occupation Certificate and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard 1668, Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

43 **F Sspecial (BLANK)**

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.

44 **F Sspecial (BLANK)**

Hand basins in the kitchen and staff toilets must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

45 **F Sspecial (BLANK)**

The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.

46 **F Sspecial (BLANK)**

The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

47 **F Sspecial (BLANK)**

The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

48 **F Sspecial (BLANK)**

The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

49 **F Sspecial (BLANK)**

Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

50 **F Sspecial (BLANK)**

Appliances used to store potentially hazardous food must have a capacity to keep foods hotter than 60°C, refrigerated foods less than 5°C, and frozen foods less than 18°C and be provided with a digital thermometer, accurate to 1°C that can be easily observed from outside the appliance.

51 **F Sspecial (BLANK)**

Details of the dishwashing/glass washing machines must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

52 **F Sspecial (BLANK)**

All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54 °C for washing.

Utility Services

53 **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.

54 **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.

55 **G Special (Sydney Water)**

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

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

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

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

Sydney Water's Tap in™ online service is available at:

<http://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Construction

56 **H01F - Stamped plans and erection of site notice 2**

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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

57 **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

58 **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.

59 **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.

60 **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) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- c) Road occupancy or road closures
- d) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- e) 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) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

61 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by **Stantec and referenced in Condition 1 of this consent and commitments made in the Water Sensitive Urban Design Report prepared by Stantec, reference number 201249301, revision 002 dated 17 January 2022.**

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

The new buildings (security, toilet, reception and wastewater treatment buildings) shall drain to the approved stormwater system on-site.

Additional access points above the filter chamber shall be incorporated into the design prior to the issue of a Construction Certificate to ensure that safe access can be made to clean the 60 x 690mm Stormfilters.

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policies.

As amended on 10 November 2020, 11 June 2021 and 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

62 **K213 - Flooding - Flood Report Recommendations**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by (Wood & Grieve Engineers), Project number (33696), dated (6/11/2017).

The Certifying Authority shall ensure that the size of proposed culvert is able to convey the 100 year flows. Evacuation route via internal access road shall be flood free up to 100 year storm event. An emergency evacuation plan shall be prepared by a suitable qualified person for Probable Maximum Flood.

63 **K220 - Overland Flow Report Recommendations**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Overland Flow Flood Report prepared by (Wood & Grieve Engineers), Project number (33696), dated (6/11/2017).

Certifying Authority shall ensure that the size of proposed culvert is able to convey the 100 year flows. An emergency evacuation plan shall be prepared by a suitable qualified person.

64 **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, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

65 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

66 **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.

67 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

68 **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.

69 **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 Specification 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.

The works-as-executed drawings shall also include levels of the top and bottom of any retaining walls along with the finished surface levels and contours of the land between the eastern property boundary and the internal road. The works-as-executed drawings shall detail all civil works including the pipeline locations, pipe sizes, pipe grades, pit invert levels and pit finished surface levels.

As amended on 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

70 **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 been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

71 **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)
- b) Overland flowpath works

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.

72 **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.

73 **K Special (BLANK)**

All car parking and manoeuvring must be in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Council's requirements.

74 **K Special (BLANK)**

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

Prior to the issue of any Occupation Certificate, the Certifying Authority shall ensure that the direction of vehicular circulation, bus and car parking, waste and service vehicle areas are clearly indicated by signs and pavement arrows at the driveways, internal aisles, bus parking, car parking, waste and service vehicle areas. This shall include the internal loop vehicle connection in the two way aisle to allow drivers to return to the "in" driveway without exiting the site if required.

As amended on 10 November 2020 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

75 **K Special Condition (BLANK)**

Monitoring of the proprietary treatment device

a) The owner of the development must engage a suitably qualified independent consultant to develop and implement a stormwater monitoring program to determine the performance of the proprietary stormwater treatment devices adopted in the approved stormwater management plan for a minimum of two years, at no cost to Council.

The monitoring program shall demonstrate the performance of the stormwater treatment systems ability to meet the pollutant retention criteria outlined in Council's WSUD Policy.

An annual report of the monitoring and results must be prepared by a suitably qualified professional specialised in stormwater and must be submitted to Council for consideration.

b) Alternatively, the proponent must submit to Council for approval, further certification confirming performance of the treatment system from an independent stormwater treatment expert and supporting results based on the testing from a local field test site in Australian conditions.

Landscaping

76 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan and Penrith Development Control Plan 2014.

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.

77 **L002 - Landscape construction**

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

78 **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 suitably qualified and experienced landscape 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.

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.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

79 **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.

80 **L008 - Tree Preservation Order**

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.

81 **L Special (BLANK)**

Prior to the issue of a Construction Certificate, the principal certifier shall ensure the play grounds will be to the relevant Australian Standards and best practice (i.e. shade, soft fall).

82 **L Special (BLANK)**

A two year plant establishment period is to be undertaken by the landscape contractor.

Certification

83 **Q004 - Occupation Certificate (Staged DA)**

An Occupation Certificate shall be sought from the Principal Certifying Authority prior to occupation of or commencement of use of each stage of the development. Before the Occupation Certificate can be issued for each stage of the development, a Compliance Certificate or other documentation suitable to the Principal Certifying Authority shall be sought indicating that all conditions of this development notice, but not those conditions relating to the operations of the development, commensurate with that stage of the development have been satisfied or met prior to the occupation or use of that stage of the development.

A copy of the Compliance Certificate or other documentation shall be submitted to Penrith City Council if obtained from an accredited certifier. A copy of the Occupation Certificate is also to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Operation of OSSM

84 R101 - Operational Approval prior to use

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

- the "Environmental and Health Protection Guidelines - On Site Sewage Management for Single Households",
- Australian Standard AS 1547:2012,
- the intent of Australian Standard AS 1546,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the 'Soil and Site Assessment for Onsite Wastewater Disposal' at 230-242 Aldington Road, Kemps Creek (2383WW V3.0) prepared by Harris Environmental Consulting dated 1/3/2019,
- **the 'Wastewater Management Plan - Site Detail' (2812WW) (DWG#1 - 3 Issue F) prepared by Harris Environmental Consulting dated 05/02/2021,**
- 'Aquacell Recycling System Proposal - Aquacell Water Recycling' (19-3003-1) for BAPS Hindu Temple at Kemps Creek prepared by Aquacell Pty Ltd dated 22/2/2019, and
- the conditions of this consent.

Prior to the issue of the 'Approval to Operate', a Commissioning Certificate for the OSSM system shall be provided to Penrith City Council for approval. This Certificate shall certify that the wastewater treatment system has been installed and is operating in accordance with the requirements of the manufacturer and the above guidelines, standards and reports.

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

As amended on 11 June 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

85 R102 - OSSM System Type and Disposal Area (all systems)

All wastewater generated on the site is to be diverted to an Aquacell Wastewater Treatment System and be disposed of by way of subsurface irrigation in the approved effluent management area. The effluent management area is to be located in accordance with the stamped approved 'Wastewater Management Plan - Site Detail' (2812WW) (DWG#1 - 3 Issue F) prepared by Harris Environmental Consulting dated 05/02/2021 and have a minimum primary area of 8423m² with a reserve area of 5035m².

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

- the "Environmental and Health Protection Guidelines - On Site Sewage Management for Single Households",
- Australian Standard AS 1547:2012,
- the intent of Australian Standard AS 1546,
- Council's On-Site Sewage Management and Greywater Reuse Policy,
- current (at the time of installation) NSW Health Accreditation documentation,
- the 'Soil and Site Assessment for Onsite Wastewater Disposal' at 230-242 Aldington Road, Kemps Creek (2383WW V3.0) prepared by Harris Environmental Consulting dated 1/3/2019,
- **the 'Wastewater Management Plan - Site Detail' (2812WW) (DWG#1 - 3 Issue F) prepared by Harris Environmental Consulting dated 05/02/2021,**
- 'Aquacell Recycling System Proposal - Aquacell Water Recycling' (19-3003-1) for BAPS Hindu Temple at Kemps Creek prepared by Aquacell Pty Ltd dated 22/2/2019, and
- the conditions of this consent.

As amended on 11 June 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

86 **R103 - Council inspections for Installation**

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

In this regard, the Aquacell Wastewater Treatment System including all tanks and subsurface effluent management areas will need to be inspected on completion of the system's installation (before backfilling occurs) and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.

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

87 **R104 - No alterations without approval**

The onsite sewage management system and effluent management area shall not be altered without the prior approval of Council. In addition, the wastewater tanks shall not be covered. Structures are not to be constructed over the wastewater tanks which will prevent access. In the event structures are to be constructed over the wastewater tanks, a structural engineer must design all aspects of the proposed structure to ensure the safety of persons and so as the integrity of the wastewater tanks is not compromised.

88 **R105 - Plumbing Code of Australia**

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

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

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

- The distribution line is to be buried from the treatment system to the designated effluent management area.
- The subsurface irrigation within the effluent management area cannot exceed the designated boundaries.
- The treated wastewater can be evenly irrigated across the entire designated effluent management area, avoiding the drip line of native trees.
- Sited so as not to contaminate the natural watercourse that traverses the subject property.

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

All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:

- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
- standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,

Sub surface -

- subsurface drip irrigation lines are also to be installed in accordance with AS 1547:2012 and are to evenly distribute treated effluent over the designated disposal area, and
- all subsurface drip irrigation is to be buried within a minimum of 250mm of topsoil in accordance with AS 1547:2012. Mulch is not to be used as part of the minimum top soil requirement.

91 **R109 - No effluent runoff**

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

92 **R110 - EMA Signage**

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

93 **R111 - AWTS Servicing**

The owner/occupier shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the Aquacell Wastewater Treatment System every three (3) months (or more frequently if required by manufacturer) from the date of commissioning in the following manner:

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

- the chlorinator,
- replenishment of the disinfectant,
- the UV disinfection unit,
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area and sub-surface irrigation lines and filters,
- the slime growth on the filter media, and
- the operation of the sludge returns system
- all other componentry as required by Aquacell Water Recycling.

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

- free residual chlorine using DPD colorimetric or photometric method,
- pH from a sample taken from the irrigation chamber,
- dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.
- all other tests as required by Aquacell Water Recycling.

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

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

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

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

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

All servicing, maintenance and repairs to the Aquacell Wastewater Treatment System are to be undertaken by an appropriately qualified service technician with demonstrated experience with this system type.

94 **R113 - Decommission old system**

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

95 **R114 - EMA Turfed**

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

96 **R115 - No structures or access on EMA**

No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area. The effluent management areas are to be fenced so as to restrict access to the public and visitors and are only to be accessed by authorised persons. Access is to be restricted to the Aquacell Wastewater Treatment System including all tanks.

97 **R116 - Diversion of stormwater**

All stormwater and seepage shall be diverted away from the wastewater treatment system and the effluent management area by using an agricultural drain or earthen bund and dish drain.

98 **R117 - No plants for human consumption within EMA**

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

99 **R119 - Wastewater and Native Trees**

No wastewater associated with the onsite sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area.

It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.

100 **R124 - Operational Wastewater Management Plan**

Prior to the issue of the Occupation Certificate, an Operational Wastewater Management Plan (OWMP) for the system is to be provided to Penrith City Council for consideration and approval. The OWMP shall be prepared by an appropriately qualified consultant in consultation with Council, and may need to be amended to include the comments provided by Council. The OWMP is to address:

- All environmental aspects of the operation of the on-site sewage management system
- All systems and controls to be implemented to minimise the potential for any adverse environmental impacts
- A program for ongoing monitoring and review to ensure that the OWMP remains contemporary with relevant environmental standards. Council is to be consulted prior to any amendments of the OWMP. Council may request a review of the OWMP or any proposed amendments.

The OWMP should include but is not limited to the following:

- System information (including specifications and site plans)
- Monitoring and testing
- Maintenance and servicing program (treatment system and irrigation system)
- System performance
- System failure contingency
- Odour management
- Landscape and disposal area management
- Health and safety
- Copy of the site and system specific Operation and Maintenance Manual

The on-site sewage management system is to be operated in accordance with the requirements of this Plan.

101 **R125 - Annual Environmental Performance Report**

Council is to be provided with an Annual Environmental Performance Report detailing the performance of the system including but not limited to the following information:

- Details and records of maintenance checks of disposal areas.
- Copies of maintenance report sheets.
- Results of effluent output testing.

The first Annual Environmental Performance Report is to be provided to Council 12 months after the system is commissioned.

102 **R126 - Testing of effluent output**

Annual testing of effluent output is to occur for the following parameters:

- Total Nitrogen
- Total Phosphorus
- Faecal Coliforms
- Biochemical Oxygen Demand
- Total Suspended Solids

Effluent is to be sampled by an appropriately qualified person and tested at a NATA accredited laboratory. The test results are to be provided to Council within 21 days of their receipt by the owner/operator. Testing is to occur at the stage of commissioning the system and every 12 months thereafter from the date of commissioning.

103 **R129 - Reserve area with plan**

The reserve effluent management areas, as marked on the **'Wastewater Management Plan - Site Detail' (2812WW) (DWG#1 - 3 Issue F) prepared by Harris Environmental Consulting dated 05/02/2021** are to be established with turf and are not to be used for any ancillary purpose. No materials are to be stored in the reserve areas, and the reserve areas are not to be developed. In the event that the primary effluent disposal area is to fail the reserve areas are to be used. Written approval is to be obtained from Penrith City Council prior to any works being undertaken.

As amended on 11 June 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

104 **R130**

The Aquacell Wastewater Treatment System and subsurface effluent management irrigation area are to be installed by appropriately qualified persons with demonstrated training, experience and knowledge in the installation of these systems. Written confirmation of the installers is to be provided to Council prior to the issuing of an Occupation Certificate.

As amended on 28 February 2020. Deferred commencement conditions satisfied.

105 **R131**

The external finishes and colours of the approved new buildings (security buildings, signage panels, reception, toilet and wastewater treatment buildings, cultural welcome gate and cultural features along central walkway) shall complement the existing approved buildings on-site.

Inserted on 11 June 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

106 **R132**

Prior to the construction/installation of the signage panels, signage plans are to be provided to Council for approval detailing the colour, text, type and materials of the signage.

Inserted on 11 June 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

107 **R133**

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

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

Inserted on 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

108 **R134**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the filling and regrading of land at the rear of the property, adjoining the eastern site boundary, does not have any adverse stormwater impact upon adjoining properties through the damming, diversion or concentration of existing stormwater sheet flows. Full details of proposed finished surface levels and gradients of the land are to be included on plans submitted with the application for a Construction Certificate.

Inserted on 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure the discharge from the stormwater channel at the southern boundary has no adverse impacts upon adjoining properties through the concentration and scouring of stormwater flows. All civil works shall be undertaken upon the development lot and shall not extend into adjoining properties.

Inserted on 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

The development is to be serviced by a temporary pump out sewage management system until Sydney Water provide a connection for mains sewer at the site. Once a mains sewer connection is available, the development must connect to this service and decommission the pump out sewage management system. This condition supersedes all other operational on-site sewage management system conditions in this consent (Conditions 84-104) and compliance with those conditions is not required (unless the circumstances outlined in the final dot point of this condition arise), provided this condition and the below points are complied with and adhered to in full:

- The approval is for a temporary pump out sewage management system. The pump out sewage management system is to be installed and managed in accordance with the 'Pump-Out for Onsite Wastewater Management' report (4584 WW Ver1.1) for 230-242 Aldington Road, Kemps Creek prepared by Harris Environmental Consulting, dated 13/1/2022 and located in accordance with the 'Stormwater Drainage Plan - Construction Issue Civil' (DWG # CI-520-102 Ver 6) prepared by Stantec, dated 17/1/2022. Once a connection to mains sewer is available at the site, all sewage generated at the premises is to be disposed of via mains sewer and the temporary pump out sewage management system is to be decommissioned.
- The temporary pump out sewage management system is required to be inspected by Council's Environmental Health Team following installation of the septic tank, collection well and pump out points. A Commissioning Certificate, details of sealant used between tanks and lids, proof of pump out test by contractor and 'As Built' drawings are to be submitted to Council confirming and demonstrating that the pump out sewage management system complies with the intent of AS 1546 and is suitable for operation. Upon the satisfaction of these matters and the below point, the Approval to Operate can be issued by Council.
- **Prior to the issue of an Occupation Certificate**, an Operation Manual for the management of the temporary pump out sewage management system is to be submitted to Council for approval. The manual must be prepared in accordance with the requirements of the 'Pump-Out for Onsite Wastewater Management' report (4584 WW Ver1.1) for 230-242 Aldington Road, Kemps Creek prepared by Harris Environmental Consulting, dated 13/1/2022 and include person/s responsible for managing the pump out system, their contact details, all operational facets of the pump out system and all details surrounding the scheduling of pump outs according to required alarms as per the above report so that there are no environmental or public health incidents.
- An Occupation Certificate must not be issued without a valid and current Approval to Operate for the site.
- Upon connection of the site to mains sewer, the Environmental Health Team of Council is to be advised in writing.
- Council reserves the right to abrogate the temporary pump out sewage management system at any time and require the installation of the approved on site wastewater treatment system and effluent management areas as per all other on site sewage management conditions in this consent should, in the opinion of Council, an environmental or public health matter arise or in the event that mains sewer is not made available to the site.

Inserted on 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

111 [R137](#)

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.

In addition, approvals under the National Parks and Wildlife Act 1974, may be required in relation to Aboriginal heritage impacts.

Inserted on 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

112 [R138](#)

Prior to the issue of a Construction Certificate, the approved landscape plans shall be amended to reflect the final approved development plans.

Inserted on 21 March 2022 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

Mamre West Precinct 2016

Mamre Road Precinct Development Control Plan (DCP)

The modified proposal has been considered against the provisions and planning outcomes of this DCP, however, the legacy approval needs to be considered noting it was assessed against previously applicable controls.

Water Sensitive Urban Design (WSUD)

The approved development included bio-retention systems which have been replaced by stormwater filters and Ocean protect pits. These new methods along with the rainwater tanks used for re-use on-site are capable of achieving similar WSUD targets to those previously approved.

Council's Waterways Team have reviewed the new WSUD approach and have raised no issues subject to a recommended condition addition. In this regard, WSUD is considered acceptable.

Aboriginal heritage

The modified proposal retains some approved earthworks at the rear of the site which is identified as sites of known Aboriginal heritage and areas of high and moderate-high Aboriginal Potential. It is noted that works have already been approved and commenced in this area. In this regard, a condition will be added requiring ceasing work until consulting with relevant authorities if a relic is found.

Building height

As discussed previously in this report, building heights have been appropriately considered and buildings are setback from sensitive nearby residential receivers.

Building setbacks

The modified proposal does not alter previously approved front building setbacks.

Earthworks and retaining walls

As previously discussed, the modified proposal seeks to balance cut/fill on-site resulting in amended retaining wall heights.

The walls are within the site and maintain the 6m perimeter buffer. The earthworks across the site are in accordance with that previously approved as the site steps up to the east and in this regard, a geotechnical report is not considered to be required. The retaining wall materials match the cultural features on-site.

Parking

It is noted that the modified proposal shuffles parking locations. However, the approved 310 parking spaces on-site have increased by 6 spaces. This is satisfactory considering increased capacity is not pursued.

The amended parking layout surrounding the Mandir provides suitable footpath connection to the Mandir.