

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DEVELOPMENT APPLICATION DETAILS

Application number:	DA21/0538
Description of development:	Conversion of a Dwelling to Health Care Consulting Rooms & Construction of Car Parking
Classification of development:	Class 5
Name of Applicant:	Louise Gibson

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1142 DP 259309
Property address:	194 Bennett Road, ST CLAIR NSW 2759

### DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

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

Decision	Approve
Date from which consent operates	28 January 2022
Date the consent expires	28 January 2027
Date of this decision	25 January 2022

### POINT OF CONTACT

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

Assessing Officer:	Donna Clarke
Contact telephone number:	(02) 4732 7991

## NOTES

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### **Reasons**

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

### **Conditions**

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

### **Certification and advisory notes**

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

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

### **Review of determination**

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

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

### **Appeals in the Land and Environment Court**

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

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

### **Designated development**

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### **Sydney Western City Planning Panels**

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

# ATTACHMENT 1: CONDITIONS OF CONSENT

## General

- 1 The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:-

Plan No.	Plan Title	Prepared By	Revision	Date
A0.1	Cover Sheet, Notes & Abbreviations	Lara's Design	D	7/6/21
A1.1	Existing Site / Demolition Plan	Lara's Design	D	7/6/21
A1.2	Proposed Site / Landscape Plan	Lara's Design	E	8/7/21
A2.1	Existing / Demolition Floor Plan	Lara's Design	D	7/6/21
A2.2	Proposed Floor Plan / Street Elevation & Sign	Lara's Design	E	8/7/21
210431	Stormwater Plans	Engineering Studio	B	16/6/21
Report / Document Title		Prepared By		Date
Design Compliance Report		BCA Vision		1/6/21
Waste Management Plan		L. Gibson		20/7/21

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

- 3 The health services facility shall be restricted to the following signage:

- 1 x doctor's cube,
- 2 x Business identification signs both 610mm x 910mm on the windows either side of the entrance door;
- 1 x sign (maximum dimensions 1.2m x 0.6m) in the front yard facing Bennett Road directing access and parking at the rear,
- 1 x sign (maximum dimensions 1.2m x 0.6m) to be erected on the fence facing McLaren Grove directing access and parking at the rear.

With regard to points 3 and 4 above, the applicant shall submit details of the location, height and the following wording "Access and parking only at the rear" to Penrith City Council for approval prior to the installation of the signs.

Signage in accordance with this condition shall be erected prior to the commencement of operation of the health services facility.

No other signs, other than signage prescribed by this condition, are to be displayed on the property.

- 4 The operating hours are from 8am to 6pm Mondays to Fridays and 8am to 12pm Saturdays.

Delivery and service vehicles generated by the development are limited to the hours stated above.

- 5 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 6 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 7 Prior to the issue of the Construction Certificate the requirements of Clause 143 of the Environmental Planning and Assessment Regulation 2000 are to be addressed.
- 8 The site and verges are to be kept tidy and free of litter or waste at all times.
- 9 A parking management strategy for the development is to be prepared and submitted to Council for approval.

The strategy is to be approved prior to the issue of a Construction Certificate for the development. The strategy is to show the measures that the applicant/operators of the health care consulting rooms will employ to actively ensure that patients, visitors and staff of the health care consulting room are, in most circumstances, parking in accordance with the development consent.

The number of outpatients booked/visiting the site is to be limited, and subject to an appointment system so as to ensure that vehicles associated with the health care consulting room can be predominantly parked on the site.

The approved parking management strategy shall be implemented on commencement of operation of the health care consulting room.

- 10 The health services facility shall not:
  - involve use of the premises by more than two health care professionals,
  - contain more than two consulting rooms,
  - provide health care services to persons other than outpatients of the health care consulting room,
  - employ more than a total of three employees (two health care professionals and one receptionist) in connection with the health care services provided by the health services facility,
  - involve procedures such as x-rays, ultrasounds, cat scan, radiography, pathology tests or the like.
- 11 To ensure no obstruction for vehicles and safety of the site:
  - The brick wall facing McLaren Grove, with the exception of the 2.5m return (subject to structural integrity or replacement), shall be demolished and replaced with 1.2m high open style fencing (eg. pool fencing) and associated landscaping to ensure that the car park area is visible from McLaren Grove at the same time as providing security to the site.
  - A gate that does not open out onto the road reserve and in line with the fencing shall also be provided across the driveway (off McLaren Grove) to provide security to the site outside the approved operating hours. This gate is to remain open only during the approved operating hours.
  - The type of trees and their location on the corner of Bennet Road and McLaren Grove are to ensure they do not introduce any intrusion into the motor vehicle drivers' sightlines.
  - Landscaping adjacent to the Bennett Road driveway is to be maintained to a maximum height of 1.0m that allows for unimpeded sight lines for motorists and pedestrians.

Details of the replacement fencing, gate and landscaping are to be submitted to Penrith City Council for approval prior to the issue of the Construction Certificate. Prior to the preparation of the drawings, the

applicant shall liaise with Council in respect to the appropriate planting species and pot sizes to ensure that the aim of this condition is achieved.

- 12 **Prior to the issue of a Construction Certificate**, a structural engineer's certificate certifying to the structural adequacy of the existing brick fence, for its full length and on all boundaries is to be submitted and any identified deficiencies in the wall corrected.

Alternatively, details are to be submitted Prior to the issue of a Construction Certificate of the new replacement boundary fencing, as agreed with the adjoining landowners for the two portions along common boundaries and having a minimum height of 1.8m.

**Prior to the issue of an occupation certificate**, boundary fencing work to satisfy the above requirements, are to be completed by the applicant at the applicants expense.

- 13 To prevent crime, the operation of the premises is to incorporate security systems, such as alarms and CCTV, and appropriate signage is provided that indicates cash and medicine is not stored on the premises. A gate is to be provided to the visitor car parking area and is to remain closed when the facility is not in operation.

Details of the security measures are to be included on the Construction Certificate plans.

- 14 The existing pergola in the northern corner of the site is to be removed and replaced with landscaping, as per the stamped approved plans. This area is to remain uncovered at all times.

## Demolition

- 15 In accordance with the Environmental Planning and Assessment Regulation 2000 Clause 94 the building is to be upgraded to comply with Parts C, D, and E of the Building Code of Australia. Details are to be provided with the Construction Certificate application.

- 16 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**.

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

## Environmental Matters

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

{Note: Visit [www.urbangrowth.nsw.gov.au](http://www.urbangrowth.nsw.gov.au) to obtain a copy of the publication.}

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

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

- 19 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 20 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.

## BCA Issues

- 21 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

- 22 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
  - (b) formulating an alternative solution which:
    - complies with the performance requirements, or
    - is shown to be at least equivalent to the deemed to satisfy provision, or
  - (c) a combination of (a) and (b).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

## Health Matters and OSSM installations

- 23 The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.
- 24 The walls and floor of the treatment room/s are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.
- 25 A hand wash basin in the treatment room/s is to be provided where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).
- 26 Provide a designated sink (separate to the hand wash basin) that has a supply of clean, warm water provided through a single spout for the cleaning of equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises).
- 27 Any equipment used to penetrate the skin or which is capable of penetrating the skin, must be sterilised in a Therapeutic Goods Administration (TGA) approved autoclave prior to reuse. If reusable articles are sterilised at the premises, a bench top autoclave is to be supplied and operated in accordance with Australian Standard "AS/NZS 4815:2006 *Office-based health care facilities - Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment*"
- 28 Adequate sterilization records, including the time and date the item was sterilized, the length of time the equipment was sterilised and the temperature and pressure of the autoclave must be kept on the premises. These records must be kept for at least 12 months.
- 29 All needles and sharps that penetrate the skin are to be sterile.
- 30 An appropriate sharps container must be provided at the premises that complies with either AS/NZS 4261:1994 "*Reusable containers for the collection of sharps items used in human and animal medical applications*", if reusable sharps are used; or that complies with AS 4031:1992 "*Non-reusable containers for the collection of sharp medical items used in health care areas*", if non-reusable sharps are used.

- 31 All sharps generated from the operation of the business must be disposed of at a licensed waste facility. Receipts for disposal must be kept at the premises and available for inspection by an authorised officer upon request. Details of how sharps will be disposed (e.g. details of waste contractor, frequency of disposal etc) must be provided to Council prior to the issuing of the occupation certificate and commencement of the business.
- 32 Staff belongings and other items not associated with the business shall be kept completely separate from skin penetration activities and equipment and maintained in a clean condition.
- 33 Public waiting areas and toilets in the premises shall be maintained in a clean and hygienic condition free from a build up of waste at all times

## **Utility Services**

- 34 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](http://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 a Subdivision Certificate.

- 35 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.



## Construction

36 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

37 Prior to the commencement of construction works:

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

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

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

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

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

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

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

38 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

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

40 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. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

41 The development is required to provide a continuation of the existing footpath along the McLaren Road frontage of the site.

**Prior to the issue of any Construction Certificate**, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

These works must include the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths to both road frontages
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures where required (including temporary construction work zones and tower crane operation)

These works may also include:-

- i) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- ii) Temporary construction access
- iii) Temporary ground anchors (for basement construction)

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

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

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above

works may be issued concurrently with the Construction Certificate.

- Separate approval may be required from Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

- 42 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Engineering Studio , reference number 210431, revision B, dated 16/06/2021.

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

**Prior to the issue of 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 Policy.**

- 43 The stormwater management system shall be consistent with the plan/s lodged for development approval, prepared by Engineering Studio, reference number 210431, revision B, dated 16/06/2021.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy.

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.

- 44 Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, and AS2890.6.

**Note:** The above requirement excludes staff parking as accessed from Bennett Road which is to be provided as per that approved on the stamped plans detailed within Condition 1.

All parking spaces must be appropriately sealed.

A bike rack is to be provided within the car parking area (to accommodate two bikes) and be in accordance with AS 2890.3.

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

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

- 46 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 47 Prior to the issue of any Occupation Certificate, the Principal Certifier 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.
- 48 Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

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

- 49 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
  - Have met the design intent with regard to any construction variations to the approved design.
  - Any remedial works required to be undertaken have been satisfactorily completed.

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

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

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 Penrith City Council is not the Principal Certifier.

- 51 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) 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 Drainage Specification for Building Development – Appendix F

52 Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the stormwater management systems (including 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, and;
- Any remedial works required to be undertaken have been satisfactorily completed.

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

53 Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the stormwater management systems (including water sensitive urban design) shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

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

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

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

56 Vehicles (excluding those entering the site from Bennett Road) must enter and exit the site in a forward direction without the need to conduct more than a three point turn.

57 Sight distance requirements at driveways are to be in accordance with AS 2890.2 Figure 3.2 and Figure 3.3

## Landscaping

58 All landscape works are to be constructed in accordance with the stamped approved plan, Sections F5 “Planting Techniques”, F8 “Quality Assurance Standards” and F9 “Site Management Plan” of Penrith Council’s Landscape Development Control Plan.

Landscaping shall be maintained:

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

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

59 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 2 landscape works.

### i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 2 landscape works.

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.

This report is to be prepared by a landscape professional listed in Council’s Approved Landscape Consultants Register as suitable to design category 2 landscape works.

60 All plant material associated with the construction of approved landscaping is to be planted in accordance with Penrith Development Control Plan 2014 - Appendix F4 – Technical Information.

61 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.

## Section 94

62 In the event of Council receiving a complaint regarding excessive noise, the person(s) in control of the premises from where the noise is emanating may be directed by Council to, at their own cost, arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying any need for proposed methods for the control of noise emanating from the premises.

## Certification

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

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

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

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

### Information to accompany the Notice of Commencement

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

## SIGNATURE

Name:	Donna Clarke
Signature:	

For the Development Services Manager