

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/1217.01
Proposed development:	Modifications to Approved Data Centre
Property address:	15 Templar Road, ERSKINE PARK NSW 2759
Property description:	Lot 3 DP 1160603
Date received:	20 September 2017
Assessing officer	Lauren Van Etten
Zoning:	SEPP - (WSEA) 2009 - ZONE IN1
Class of building:	Class 7b , Class 5
Recommendations:	Approve

Executive Summary

Council is in receipt of a Section 96 application for modifications to an approved data centre at 13-23 Templar Rd, Erskine Park.

The subject site is zoned IN1 General Industrial under the provisions of State Environmental Planning Policy (Western Sydney Employment Area) 2009. The proposed development is permissible in the IN1 zone under the definition of a 'warehouse or distribution centre' as the use will involve the storage of data and its sale to prospective clients.

An assessment under Section 4.15 and Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval subject to modified conditions of consent

Site & Surrounds

The subject site is located south of the corner of Lenore Drive and Templar Road, Erskine Park. The site is currently vacant with a total area of 1.65 hectares.

The site is regular (almost square) in shape and essentially flat, with a front and rear boundary length of approximately 128 metres.

Surrounding development is mainly industrial in nature. The nearest residential area is located approximately 600m north of the site.

To the north of the site is an existing data centre operated by Digital Realty. The land to the south of the subject site contains an industrial development operated by Blue Scope Steel, while further industrial uses including Darley Aluminium are located to the west.

Proposal

The applicant seeks approval for the following modifications to the originally approved development:

- Reconfiguration of office floor plan;
- Increase in the upper office floor level by 1.2m to align with the upper floor level of the data hall;
- Simplification of main entry façade shape;
- Modification of external finishes;
- Reduction in the number of electrical rooms and in the capacity of one of the fuel generators and an increase in storage area in place thereof;
- Modified roof screening;
- Addition of temporary roller shutter doors to the southern façade of the electrical rooms. These will be demolished after equipment installation. The openings will be blocked and rendered to match the pre-cast finish of the remainder of the building.

Plans that apply

- Development Control Plan 2014
- State Environmental Planning Policy (Western Sydney Employment Area) 2009

Planning Assessment

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

The proposed modifications have been assessed in accordance with the matters for consideration under Section 96(1A) and Section 79C of the *Environmental Planning and Assessment Act 1979*. The proposed modification will have minimal environmental impact and represent substantially the same development as that originally granted development consent, noting the overall height of the building remains the same and the overall energy capacity has been reduced. Therefore, the proposed modifications satisfy the relevant provisions of the Act.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy (Western Sydney Employment Area) 2009

The modified proposal remains compliant with the relevant provisions of the WSEA SEPP 2009.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E6 Erskine Business Park controls	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iv) The provisions of the regulations

Subject to compliance with the relevant conditions of consent, the modified development will comply with the relevant requirements of the Regulations.

Section 4.15(1)(b) The likely impacts of the development

The modified proposal does not substantially alter the likely impacts of the development as identified during the assessment of the original proposal.

Section 4.15(1)(c) The suitability of the site for the development

The site remains suitable for the proposed development in consideration of the proposed modifications.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of *Penrith Development Control Plan 2014*, notification of the modified development proposal was not required.

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
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 4.15(1)(e)The public interest

Given the nature and scale of the modified development, in addition to the proposal being compliant with the applicable development controls, the modified development will not generate any significant issues of public interest.

Conclusion

Consideration of all relevant matters has identified that the modified development is suitable for the site. After detailed consideration of all matters under Section 79C and Section 96(1A) of the Environmental Planning and Assessment Act 1979, it is recommended that the application be granted consent subject to an amendment to Condition 1(approved plans) of the original consent.

Recommendation

That DA16/1217.01 for modifications to an approved Data Centre at 13 - 23 Templar Road, Erskine Park be approved subject to the following condition amendments:

Condition 1:

The development must be implemented substantially in accordance with the following plans numbered approved 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	Issue	Prepared by	Dated
Site Plan	DA001	11	Greenbox Architecture	19/09/17
Ground Floor Plan	DA100	10	Greenbox Architecture	08/09/17
First Floor Plan	DA110	10	Greenbox Architecture	08/09/17
Roof Plan	DA120	11	Greenbox Architecture	19/09/17
Soil and Water Management Plan	DA410	2	Greenbox Architecture	15/02/17
Soil and Water Management Details	DA411	2	Greenbox Architecture	15/02/17
Elevations	DA150	12	Greenbox Architecture	19/09/17
3D Views	DA300	10	Greenbox Architecture	08/09/17
Sections	DA200	11	Greenbox Architecture	19/09/17
Staging Plan	DA010	8	Greenbox Architecture	08/09/17
Stormwater Plan	DA450	3	Greenbox Architecture	15/02/17

Landscape Plan	87.17(16)/062	-	iScape Landscape Architecture	15/02/17
Waste Management Plan	-	-	Daniel Howard	16/11/16

As amended on 8 November 2017 under Section 96(1A) of the Environmental Planning and Assessment Act 1979.

Condition 30:

The stormwater management system shall be provided generally in accordance with the following concept plan/s lodged for development approval, prepared by ARUP Engineers Pty Ltd, Project Number 249780:

Drawing Number	Revision	Date
DA410	2	15/02/17
DA450	3	15/02/2017
DA470	1	29/02/2017

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 Policy and Water Sensitive Urban Design Policy.

As amended on 8 November 2017 under Section 96(1A) of the Environmental Planning and Assessment Act 1979.

General

1 A001

The development must be implemented substantially in accordance with the following plans numbered approved 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	Issue	Prepared by	Dated
Site Plan	DA001	11	Greenbox Architecture	19/09/17
Ground Floor Plan	DA100	10	Greenbox Architecture	08/09/17
First Floor Plan	DA110	10	Greenbox Architecture	08/09/17
Roof Plan	DA120	11	Greenbox Architecture	19/09/17
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Sections	DA200	11	Greenbox Architecture	19/09/17
Staging Plan	DA010	8	Greenbox Architecture	08/09/17
Stormwater Plan	DA450	3	Greenbox Architecture	15/02/17
Landscape Plan	87.17(16)/062	-	iScape Landscape Architecture	15/02/17
Waste Management Plan	-	-	Daniel Howard	16/11/16

As amended on 8 November 2017 under Section 96(1A) of the Environmental Planning and Assessment Act 1979.

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.

4 A029 - HOURS OF OPERATION AND DELIVERY TIMES

The development is permitted to operate on a 24 hour basis, seven (7) days a week. Acoustic impacts shall be minimised to the surrounding area, consistent with the submitted Acoustical Assessment Report and further conditions in this consent.

5 A032 - Goods in buildings

All materials and goods associated with the use shall be contained within the building at all times.

6 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 land uses. 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).

7 A039 - Graffiti

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

8 A046 - Obtain Construction Certificate before commencement of works

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

9 **A Special (BLANK)**

In order to complement the surrounding landscape design and streetscape quality, security fencing shall generally be of an "open" nature and of a dark colour, such as green or black plastic coated mesh fencing. Any publicly visible fencing shall be of a decorative style.

Environmental Matters

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

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

11 **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.

12 **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.

13 **D019 - Bunding-fuel tanks**

Above ground fuel storage tanks shall be installed on a concrete surface and protected by a grated drainage system to a dead-end sump or by a bund. The storage capacity of the bund or sump shall be equal to 110% of the volume of the tank.

14 **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 Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

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

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

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

{Note: Penrith Development Control Plan 2014 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."}

15 **D131 - Approved noise level 2**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the acoustic report prepared by Digital Reality Trust dated 14 November 2016, Job Number 249780-00. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

16 **D Special (BLANK)**

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

17 **D Special (BLANK)**

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

18 **D Special BLANK**

The operational capacity of the condenser units is to be limited to 80% between 6:00pm and 7:00am, as recommended in the submitted acoustic report.

BCA Issues

19 **E006 - Disabled access and facilities**

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.

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

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

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

(b) be given:

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

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

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

21 **E01A - BCA compliance for Class 2-9**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

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

Utility Services

22 **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.

23 **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.

Construction

24 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

25 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

26 [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 that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

Engineering

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

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

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

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of a stormwater grated surface inlet pit in Templar Road.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

Note:

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

30 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the following concept plan/s lodged for development approval, prepared by ARUP Engineers Pty Ltd, Project Number 249780:

Drawing Number	Revision	Date
DA410	2	15/02/17
DA450	3	15/02/2017
DA470	1	29/02/2017

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 Policy and Water Sensitive Urban Design Policy.

As amended on 8 November 2017 under Section 96(1A) of the Environmental Planning and Assessment Act 1979.

31 **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 and 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.

32 **K301 - Sediment & Erosion Control**

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

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

33 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

34 **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 Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

35 **K503 - Stormwater Compliance**

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

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

- Has been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Has 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 shall be provided as part of the works-as-executed drawings.

36 **K503 - Works as executed – General and Compliance Documentation**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments Policy.

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 Certifying Authority.

37 **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 system including on-site detention and water sensitive urban design

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

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

The stormwater management system 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 any treatment measure/s.

39 **K Special (BLANK)**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage. This includes AS 2890.2, Figure 3.2 Sight distance requirements at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety.

40 **K Special (BLANK)**

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

41 **K Special (BLANK)**

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

42 **K Special (BLANK)**

Signage indicating driveway access arrangements and the location of staff and visitor parking is required at the driveway entrance **prior to the issue of an Occupation Certificate.**

Landscaping

43 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved plan numbered 87.17 (16)/062, dated February 2017, drawn by iScape Landscape Architecture and Sections C6 Landscape Design of 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.

44 [L002 - Landscape construction](#)

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

45 [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.

46 [L005 - Planting of plant](#)

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

47 [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.

48 [L007 - Tree protection measures—no TMP with DA](#)

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section F5 of Penrith Development Control Plan 2014.

49 [L008 - Tree Preservation Order](#)

All existing street trees (6) are to be retained and duly protected during the construction of the development. Tree protection measures shall:

- be installed before any works can commence on site including the clearing of site vegetation, and
- be determined by a suitably qualified and experienced arborist, and
- be certified by a suitably qualified and experienced arborist before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the arborist's recommendations. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".

Street trees are to be shown on the Construction Certificate documentation together with tree protection measures and details. The street trees are to be retained in perpetuity.

Certification

50 Q006 - Occupation Certificate (Class 2 - 9)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building 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/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

51 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

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

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

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

Information to accompany the Notice of Commencement

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

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

E6 Erskine Business Park

The modified proposal remains compliant with the provisions of Development Control Plan 2014.