

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0886
Description of development:	Construction of Single Storey Child Care Centre for 96 Children, At-Grade Parking for 30 Vehicles, Remediation Works & On-Site Sewage Management System
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 4 DP 865818
Property address:	110 - 112 Mt Vernon Road, MOUNT VERNON NSW 2178

DETAILS OF THE APPLICANT

Name & Address:	M Toma 9 Greystanes Way CARNES HILL NSW 2171
-----------------	--

DECISION OF CONSENT AUTHORITY

In accordance with Section 2.17 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation in attachment 1.

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

Date from which consent operates	1 February 2021
Date the consent expires	1 February 2026
Date of this decision	21 January 2021

POINT OF CONTACT

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

Assessing Officer:	Lauren Van Etten
Contact telephone number:	+612 4732 8222

NOTES

Reasons

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

Conditions

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

Certification and advisory notes

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

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

Review of determination

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

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

Appeals in the Land and Environment Court

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

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

Designated development

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

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

Sydney Western City Planning Panels

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

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

Drawing Title	Drawing No	Revision	Prepared By	Dated
External Finishes	DA00, 18307	A	Project Works Design Pty Ltd	25/03/20
Site Plan	DA01, 18307	C	Project Works Design Pty Ltd	10/12/20
Floor Plan	DA03, 18307	B	Project Works Design Pty Ltd	01/09/20
Elevations & Sections	DA04, 18307	A	Project Works Design Pty Ltd	01/09/20
Roof Plan	DA05, 18307	B	Project Works Design Pty Ltd	01/09/20
Notes and Acoustic Fence Detail	DA07, 18307	A	Project Works Design Pty Ltd	25/03/20
Stormwater Concept Plans, <i>as amended by the architectural plans</i>	171195, Drawing 101 - 105	G	Australian Consulting Engineers	04/11/20
Landscape Concept Plan	1/5, 2/5 and 4/5	6	Tessa Rose Playspace and Landscape Design	02/12/20

Supporting Documentation:

- Waste Management Plan dated 30/04/19
- Access Report prepared by Lindsay Perry Associates, dated 16 October, 2019, Revision 2
- Geotechnical Investigation Report written by Greywack Geotechnics, COCD0206 - GEO AA, Revision 01 dated March 2019
- Operational Plan of Management
- DA Acoustic Assessment (Revision 6) prepared by Acoustic Logic and dated 08/09/2020
- 'Detailed Site Investigation' prepared by Envirotech and dated 17 March 2020 (REP-19-7579-A1)
- Remedial Action Plan prepared by Envirotech and dated 17 March 2020 (REF-19-7963-A1)
- 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_001) prepared by Roberts Resources and dated 3 September 2020
- Traffic Volume Environmental Capacity report prepared by GTK Consulting, dated October 2020
- Emergency Management and Evacuation Plan

- 2 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.

- 3 **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 an 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.

- 4 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 issue of an Occupation Certificate and operation of the business.
- 5 A separate development approval for the erection of a sign or advertising structure, other than an advertisement listed as exempt development or otherwise approved by this consent, is to be obtained.
- 6 The approved operating hours are from 7am to 6pm, Mondays to Fridays. Delivery and service vehicles generated by the development are limited to:
 - Mondays to Fridays, 7am to 6pm,
 - Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm, and
 - No delivery is permitted on Sundays and Public Holidays.
- 7 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). Only downlights are permitted for the car parking area.
- 8 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 9 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 10 The elevation and section drawings shall be amended to include a ridge RL, which is no higher than 6.2m above existing ground level. These plans are to be included in the application for a Construction Certificate to the satisfaction of the Certifying Authority
- 11 The Child Care Centre is to comply with the requirements of the Education and Care Services National Regulation under the Education and Care Services National Law at all times.
- 12 The child care centre operator is required to obtain an operating licence from the NSW Department of Education and Communities prior to operation of the child care centre.
- 13 The external walls of the building shall be dark brown in order to contrast with the light roof and better blend and integrate with the surrounding area and its earthy tones. Details in this regard shall be shown on the Construction Certificate plans.
- 14 **Prior to the issue of a Construction Certificate**, the Access Report prepared by Lindsay Perry Associates, dated 16/10/19, shall be updated to reflect the stamped approved plans. All recommendations of the updated Access Report shall be reflected on the Construction Certificate plans.
- 15 **Prior to the issue of a Construction Certificate**, plans and details shall be submitted to Council, and approved, detailing the proposed fascia signage to ensure the detail integrates with the style, character and function of the building and reflects the area's rural/landscape character. The proposed wall signs shall be deleted from the plans prior to the issue of a Construction Certificate.
- 16 Childproof fencing shall be provided to all outdoor play areas, and to the entrance of the child care centre.

Details in this regard shall be shown on the Construction Certificate plans.

- 17 The centre shall provide and make available during operation, a bus which has capacity for at least 22 children (plus 1 x driver and a minimum 1 x adult supervisor) and which is made available for morning pickup and afternoon drop off of children. This bus shall include mechanisms to allow use by children with a disability.
- 18 A maximum of 16 children aged 0-2, 20 children aged 2-3 and 60 children aged 3-6 are to be enrolled to attend the premises at any one time.
- 19 Prior to the issue of a Construction Certificate, documentation is to be submitted to Council, and approved, demonstrating compliance with Section 3.1 of Council's WSUD Policy to ensure the development will achieve a 80% non-potable water reuse. An amended MUSIC model and stormwater concept plan demonstrating compliance with Section 3.1 of Council's WSUD Policy shall be submitted in this regard.

Heritage/Archaeological relics

- 20 If any archaeological relics are uncovered during the course of the work, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 21 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** (including approved site investigation and remediation works and the 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.

The approved sediment and erosion control measures are to be maintained throughout the construction phase of the development until the development has been completed, including landscaping, driveway and on-site parking works. 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.

Dust suppression techniques are to be employed during site remediation and construction works to reduce any potential nuisance to surrounding properties.

- 22 All excavated material and other construction 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.

All asbestos laden waste must be disposed of at a waste management facility licensed by the NSW Environment Protection Authority to receive asbestos waste.

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.

- 23 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the acoustic report titled 'DA Acoustic Assessment' (Revision 7) prepared by Acoustic Logic and dated 08/09/2020. The recommendations provided in Section 8.1 of the acoustic report shall be implemented and incorporated into the design and construction of the development (including acoustic fencing), and shall be shown on plans accompanying the Construction Certificate application. The recommendations and management controls provided in Section 8.2 of the acoustic report shall be implemented during the operation of the development.

A certificate is to be obtained from a suitably qualified acoustic consultant certifying that the building and associated acoustic fencing 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 and Penrith City Council prior to the issue of an Occupation Certificate and approval of the certificate obtained from Penrith City Council 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.

- 24 All mechanical plant and equipment is to comply with the noise criteria outlined in the approved acoustic report titled 'DA Acoustic Assessment' (Revision 7) prepared by Acoustic Logic and dated 08/09/2020.

Prior to the issue of a Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development it is to be provided to Penrith City Council for consideration and approval. Suitable data and information assessed by a suitably qualified acoustic consultant on the noise impacts associated with this plant and equipment is to be supplied to demonstrate compliance with the established noise criteria.

Prior to the issue of an Occupation Certificate, a Compliance Certificate, prepared by a suitably qualified acoustic consultant, is to be submitted to and approved by Penrith City Council. The certificate is to demonstrate that all plant and equipment has been installed to comply with the established noise criteria.

- 25 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 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 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, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

26 Construction works, including site investigation and remediation works, shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the construction work relates to work inside the building and does not involve external walls or the roof, and does not involve the use of equipment that emits noise, then the 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.

27 Prior to works being undertaken, any resident fauna within the development footprint is to be excluded from the site, without harm and in accordance with legislation, policy and guidelines for the safe handling and protection of native wildlife.

28 No clearing of native vegetation within the rear portion of the site is permitted without the prior consent of Penrith City Council. Prior to any works commencing, fencing is to be erected to protect the vegetation at the rear of the property, as indicated in red on the stamped approved plans.

29 Site investigation, remediation and validation works shall be carried out generally in accordance with the 'Detailed Site Investigation' prepared by Envirotech and dated 17 March 2020 (REP-19-7579-A1), the Remedial Action Plan prepared by Envirotech and dated 17 March 2020 (REF-19-7963-A1), as well as

the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPM 2013], Penrith Development Control Plan, the ANZECC and NHMRC Guidelines (1992), applicable NSW Environment Protection Authority Guidelines, applicable Australian Standards and State Environmental Planning Policy No. 55 - Remediation of Land.

An appropriately qualified person/s shall:

- (a). Supervise the remediation works.
- (b). Supply Penrith City Council with a copy of any relevant documentation for further testing carried out during the investigation, remediation and validation works.
- (c). After completion of works, certify by way of a Validation Report (including, where required, other written documentation such as asbestos clearance certificates) that remediation works have been carried out in accordance with all conditions of this consent and that the site is suitable for the proposed use. A copy of the Validation Report is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA within 30 days of the said works having been completed and prior to the commencement of building works. **Approval of the Validation Report is to be obtained from Penrith City Council prior to any works commencing on site** (other than works associated with site contamination investigation, remediation and validation).

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

{Note: For the purpose of this condition an appropriately qualified person is defined as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

- 30 Should contamination be found during development works (outside the scope of the Council approved Remedial Action Plan), and should remediation be required, Penrith City Council is required to be notified and consulted before the remediation works commence.
- 31 Due to noise requirements, restrictions apply to the maximum number of children allowed in the outdoor play areas at any one time. A maximum of:
 - 5 children aged 0-2 years are permitted to play in the western outdoor babies play area at any one time, and
 - 30 children aged 2-5 years are permitted to play in the northern outdoor play area at any one time.
- 32 Appropriate signage is to be installed in the car park and entrance of the centre requesting patrons to minimise noise and protect the amenity of the surrounding neighbourhood. **Prior to the issue of an Occupation Certificate**, a suitable signage plan is to be submitted to Council for approval.

The signage plan is to provide details on the location, sizing and wording of the proposed signs. **The signs are to be installed prior to the issue of an Occupation Certificate.**

A public contact number is to be displayed on the child care centre signage and this phone line must be operational during business hours.
- 33 A complaint register is to be maintained and must include complaint details and any actions taken to address those complaints. A copy of the complaint register is to be provided to Council on request.

In the event of ongoing noise complaints relating to the development being received by Penrith City Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community. The noise impact assessment report is to be prepared and provided to Council for approval within 45 days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

34 Prior to commencing the keeping of chickens/poultry on site, details of the proposed keeping of chickens/poultry are to be submitted to Penrith City Council for approval. Information that is to be submitted to Council for consideration and approval includes (but is not limited to):

- Proposed maximum number of hens. Roosters are not permitted to be kept on site.
- Proposed accommodation (shelter and outdoor yard area) including proposed location (distances to buildings and boundaries and the like), sizing and construction.
- Plan of Management for the keeping of chickens/poultry (including food storage and feeding method; water provision; cleaning and maintenance schedule; waste collection, storage and disposal including manure, litter and bedding).

The keeping of chickens/poultry must be in accordance with Penrith City Council's *Keeping of Animals Local Orders Policy 2016* and is to be carried out to ensure no odour, noise, fly, vermin or other environmental nuisance to surrounding properties and receivers.

35 All contaminated soil is to be lawfully transported and disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful transportation and disposal of contaminated soil. No contaminated soil is to be retained on site. This information may be included in the Validation Report.

36 Prior to the issue of a Construction Certificate, the applicant is to submit to Council for approval a Vegetation Management Plan (VMP) for the whole property that:

- is prepared by a suitably qualified (minimum 5 years experience) bushland regenerator, with a minimum qualification of Certificate IV in Conservation and Land Management
- is prepared in accordance with the Cumberland Plain Recovery Plan
- is targeted at restoration of the associated plant community type as identified within the BDAR PCT850 Cumberland Shale Hills Woodland (see Figure 5, AEP BDAR)
- extends for an initial period of 5 years, with evaluation and review at the end of that period, with the potential for extension of another term subject to achieving the defined objectives
- prescribes clearly defined objectives that are aimed at the establishment and persistence of the PCT
- is cost effective and sustainable to ensure the ongoing implementation by the owner
- allows for continuation of species movement through the property, as such fencing recommendations must allow for species movement and exclusion of pests
- restores the connectivity values of the property
- ensures that the approved landscape plans are amended to be consistent with the Vegetation Management Plan, including compliance with Recommended Condition No. 95
- incorporates removal of exotic species
- incorporates replacement planting
- includes initial treatment by the bushland regenerator, to be completed prior to the issue of an Occupation Certificate
- 2nd year treatment to be conducted in association with education of site management
- 3rd-5th year treatments either to be undertaken by the bushland regenerator or site management, but subject to the approval of the bushland regenerator of the defined objectives being met, with annual reporting to Council

- the final year treatment to include an evaluation report for submission to Council, with recommendations for either an additional 5 year continuation plan or ongoing maintenance by site management
- the plan will need to take OSSM and APZ requirements into consideration and seek to integrate these requirements potentially by applying core and buffer zones, relative to achieving ecological objectives within the VMP area

Prior to the issue of an Occupation Certificate, the VMP for the property shall be registered against the land title of the property via a suitable positive covenant.

BCA Issues

- 37 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.
- 38 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

- 39 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*.

- 40 The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.
- 41 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 extended 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.

- 42 Hand basins 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.
- 43 A hand basin located within the toilet cubicle 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 used 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.
- 44 Hot water services must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be sized to meet the demands of the food business during peak operating and cleaning periods and be able to provide sufficient hot water throughout the working day. Discharge from the hot water system must enter the sewer through a tongue dish in accordance with Sydney Water's requirements.
- 45 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 Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.
- 47 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.

- 48 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.
- 49 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.
- 50 Service pipes, electrical conduits and 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 25mm clearance from the adjacent wall and 100mm 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.
- 51 Any window sill within a food preparation area, service or scullery area must be located 450mm above the top of any bench/sink and tiled at a splayed angle of 45 degrees.
- 52 Flyscreens or other approved means of excluding flies must be provided to all windows in the kitchen
- 53 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.

If a dishwasher is not being installed a double bowl sink is required for washing and sanitising food equipment. The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall. Wash sinks must be supplied with water at a temperature of not less than 54°C for washing.

- 54 The cleaner's 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.
- 55 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 200mm.

NOTE: False bottoms under fittings are not permitted (AS 4674-2004 – Sections 4.2 and 4.3).

- 56 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.

- 57 Condensation from coolrooms and refrigeration motors must discharge to the sewer via a tundish with air gap separation in accordance with Sydney Water requirements.
- 58 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.
- 59 The grease arrestor shall be installed in accordance with Sydney Water's requirements.

Utility Services

- 60 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.

- 61 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.

- 62 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
 - The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

63 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.

64 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.

65 The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.

- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

- 66 The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:
- roof catchment areas must be kept clear of overhanging vegetation,
 - gutters must have sufficient fall to downpipes to prevent pooling of water,
 - overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
 - for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
 - appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.
- 67 The rainwater tank supply must not be connected to drinking and bathing water tap outlets.
- 68 The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

Engineering

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

70 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 City Works Department on 4732 7777 or visit Penrith City Council's website for more information.

71 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 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, waster skips, signs etc. in the road reserve
- f) Temporary construction access
- g) 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 City Assets Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- 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.
- Separate approvals may also be required from the Roads and Maritime Service 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.

72 Stormwater drainage from the site shall be discharged to a level spreader system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

73 The stormwater management system shall be consistent with plan/s lodged for development approval,

prepared by Australian Consulting Engineers, reference number 171195, revision G, dated 04.11.2020.

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 any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policies.

- 74 Prior to the issue of any Construction Certificate or Subdivision Works 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 Development Control Plan.
- 75 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, a Construction Traffic Management Plan (CTMP) shall be submitted to Council's City Assets Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Service (RMS). The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application form.
- 76 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 Certifying Authority.

- 77 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.
- 78 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.
- 79 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.

- 80 Prior to the issue of any 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 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.

81 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)

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.

82 Prior to the issue of any Occupation Certificate, signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the western vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The eastern vehicular access is to be used for egress purposes only and appropriately signposted "No Entry".

83 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.

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

85 All visitor parking spaces must be designed to accommodate User Class 3 (i.e. minimum 2.6m wide) in accordance with Table 1.1 and Figure 2.2 of AS 2890.1 and staff parking spaces must be a minimum of 2.4m wide.

86 Appropriate signage and pavement markings are required to reinforce the direction of vehicle circulation and the locations of staff/visitor parking spaces.

87 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage and sight distances are to be in accordance with Australian Standard 2890:1: 2004.

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

Landscaping

89 All landscape works are to be constructed in accordance with the stamped approved Landscape Concept Plan, Sheets 1, 2 and 4 of 5, Revision 6, prepared by Tessa Rose Playspace and Landscape Design and dated 02/12/20 as amended to be consistent with the Vegetation Management Plan, Condition 95, and any other condition of this consent.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

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

91 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. This report shall be prepared by a suitably qualified and experienced landscape professional.

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.

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

93 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.

94 No trees are to be removed, ringbarked, cut, topped or lopped or willfully 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.

95 **Prior to the issue of a Construction Certificate**, an amended landscape plan consistent with the Vegetation Management Plan shall be submitted to and approved by Council providing landscape screening along the northern side of the northern acoustic fence and including species that will provide greater screening within the western side setback and canopy trees in the southern portion of the site.

Section 94

96 This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Non-Residential Development. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$33,461.00 is to be paid to Penrith City Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 plan.

The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule. Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.12 invoice accompanying this consent should accompany the contribution payment. The Section 7.12 Contributions Plan for Non-Residential Development may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Payment of Fees

97 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

98 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

99 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.

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.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

- 100 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.

Operation of OSSM

- 101 The on-site sewage management (OSSM) system and ETA bed shall be designed, installed and operated in accordance with:
- Penrith City Council's On-Site Sewage Management and Greywater Reuse Policy,
 - the Council approved amended Wastewater Report that is required further to the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020 and that is to address total staff numbers of 19 persons and amended reserve areas for potential future land application,
 - the Council approved Hydraulic Engineers Report required to be submitted to and approved by Penrith City Council prior to the installation of the OSSM system/wastewater treatment plant (Econocycle Maxi 35) and any external drainage, 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 and ETA bed (including associated infrastructure) has been installed, and will operate in compliance with, the requirements above.

Prior to the issue of an 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.

- 102 The on-site sewage management (OSSM) system, including all associated infrastructure, including drainage lines, distribution pipes and effluent management areas, shall not be altered without the prior approval of Penrith City Council.
- 103 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.
- 104 There shall be no effluent runoff from the subject property to adjoining properties, public places or reserves.
- 105 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 aerated septic tank(s) every three (3) months from the date of commissioning in accordance with:

- the manufacturers specifications and recommendations
- the council approved amended Wastewater Report
- the Council approved Hydraulic Report

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

- the chlorinator, replenishment of the disinfectant, the UV disinfection unit, as appropriate
- all pumps and switches,
- the air blower, fan or air venturi,
- the alarm system,
- the effluent disposal area
- the slime growth on the filter media, and
- the operation of the sludge returns system.

ii. In addition to the above, 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.

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.

106 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area or the reserve areas.

107 **Prior to the installation of the on-site sewage management (OSSM) system/wastewater treatment plant (Econocycle Maxi 35) and any external sanitary drainage**, a Hydraulic Report, prepared by a suitably qualified and experienced Hydraulic Engineer, is to be submitted to Penrith City Council for approval. The Hydraulic Report is to provide hydraulic engineer certified design and details for the OSSM system, including all associated infrastructure and components, in accordance with the Council approved

amended wastewater report that is required to be submitted and approved by Council further to the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020.

The Hydraulic Report is to include a site plan showing the location of all infrastructure required and is to be in accordance with the Council approved amended wastewater report that is required to be submitted and approved by Council further to the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020 and that addresses the hydraulic loading for 96 children and 19 staff. The size, specifications and design details and requirements for all aspects of the OSSM system are to be clearly included in the Hydraulic Report, including but not limited to:

- final tank/holding tank details, sizing and specification for ensuring dosing in accordance with the 'On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020
- required pump, including specification details and demonstrating that it is satisfactorily hydraulically sized taking into account the head needed, pressure dosing requirements and flow rate, including pressure loss in the pipes and the desired flow pressure needed from the laterals to evenly distribute effluent throughout the bed
- filter specifications
- matters listed in Table 5 of the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020

The Hydraulic Engineer's Certification is to demonstrate the even distribution of effluent across the ETA bed.

Prior to the issue of an Occupation Certificate, the Hydraulic Engineer is to certify that the OSSM system has been installed in accordance with the Council approved Hydraulic Report. This certification is to be submitted to Council for approval, prior to issue of an Occupation Certificate.

108 **Prior to the issue of an Occupation Certificate**, an Operational Wastewater Management Plan (OWMP) for the on-site sewage management (OSSM) system is to be provided to Penrith City Council for consideration and approval. The OWMP shall be prepared by a suitably 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 is to include but not be limited to the following:

- System information (including specifications and site plans)
- Monitoring and testing
- Maintenance and servicing program (for the whole system including treatment and disposal system and all associated infrastructure)
- System performance
- System failure contingency

- Odour management
- Landscape and disposal area management
- Health and safety

The OSSM system is to be operated in accordance with the requirements of the Council approved OWMP.

109 The Council approved reserve areas, once approved by Council in the amended wastewater report (that is required further to the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020 and that is to address total staff numbers of 19 persons and amended reserve areas for potential future land application) are not to be used for any ancillary purpose. 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.

110 **Prior to the installation of the on-site sewage management (OSSM) system/wastewater treatment plant (Econocycle Maxi 35) and any external sanitary drainage**, an amended wastewater report, further to the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020, is to be submitted to Penrith City Council for approval. The amended report is to be prepared by a suitably qualified and experienced consultant and is to:

- include provision for the proposed staff number of 19
- relocate reserve area 2 to the north of the internal fence that is located to the north of the outdoor play area, and in accordance with *Penrith City Council's On-Site Sewage Management and Greywater Reuse Policy 2014*. Buffer distances are to be provided in accordance with Council's Policy.

Reserve area 2 is not approved in the location shown in the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020. The amended wastewater report is to include an amended Land Application Area and Site Design Plan showing reserve area 2 located to the north of the internal fence that is north of the outdoor play area, and in accordance with *Penrith City Council's On-Site Sewage Management and Greywater Reuse Policy 2014*.

111 The ETA bed and upslope diversion drains (including to the treatment tanks) are to be constructed in accordance with Sections 4.2 and 4.3, Table 5 and Figure 10 of the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020. The Wastewater Consultant or Hydraulic Engineer is to supervise the construction of the ETA bed.

Prior to the issue of an Occupation Certificate, certification is to be provided to Penrith City Council, certifying that the construction of the ETA bed is in accordance with the above. This certification is to be provided by the Wastewater Consultant or Hydraulic Engineer.

Note:

- This condition refers to the construction of the ETA bed. The sizing of the ETA bed is to be in accordance with the Council approved amended wastewater report that is required to be submitted to and approved by Council, further to the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSSSE_002) prepared by Roberts Resources and dated 3 September 2020.
- The requirements of this condition regarding certification for the construction of ETA bed also applies

to the construction of any future ETA bed/s within the reserve areas, if required in the future.

112 All plumbing fixtures used within the child care centre are to have a minimum water efficiency rating of three-stars.

113 **Prior to the issue of an Occupation Certificate**, a Commissioning Certificate, prepared by the Wastewater Consultant or Hydraulic Engineer, is to be submitted to and be approved by Penrith City Council. The Commissioning Certificate is to demonstrate that satisfactory pre-commissioning checks have been completed with the entire system water and pressure tested. The Commissioning Certificate is to certify that the OSSM system is installed and shall operate in compliance with:

- Penrith City Council On-Site Sewage Management and Greywater Reuse Policy,
- the Council approved amended Wastewater Report that is required to be submitted to and approved by Council, further to the 'Site and Soil Assessment for On-Site Wastewater Management Commercial System' (Report Reference: SJDSE_002) prepared by Roberts Resources and dated 3 September 2020 and that is to address total staff numbers of 19 persons and amended reserve areas for potential future land application,
- the Council approved Hydraulic Engineers Report required to be submitted to and approved by Penrith City Council prior to issue of a Construction Certificate, and
- the conditions of this consent.

114 Warning signs are to be erected around and across the ETA bed area in order to keep pedestrian traffic off the bed. A signage plan is to be submitted to Penrith City Council for approval prior to the issue of an Occupation Certificate. This information may be submitted as part of the OWMP that is required to be submitted to and approved by Council prior to the issue of an Occupation Certificate.

115 The on-site sewage management (OSSM) system/wastewater treatment plant (Econocycle Maxi 35) is approved for the hydraulic loading associated with 96 children and 19 staff in attendance at the child care centre. Any proposed increase to this load based on population or any additional development on the site, may require a new wastewater report for Council's consideration and approval, and may be subject to separate application and approval requirements.

SIGNATURE

Name:	Lauren Van Etten
Signature:	

For the Development Services Manager