

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA17/1202
Description of development:	Alterations to an Existing Building and Construction of New Building for Cold Food Storage with Associated Driveway, Parking and Landscaping Works
Classification of development:	Class 7b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 11 DP 1087962 Lot 12 DP 1087962
Property address:	24 - 27 Lambridge Place, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Ezzy Architects Pty Ltd 201/16 Hunter Street HORNSBY NSW 2077
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DECISION OF CONSENT AUTHORITY

Penrith Council has determined to grant "Deferred commencement" consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. In accordance with Section 81(1) (a) of the Act, the "Deferred commencement" consent is granted subject to the conditions listed in this Notice.

The conditions listed in Schedule 1 are to be complied with prior to the commencement of the consent. On completion of all conditions in Schedule 1 that need to be satisfied before the consent can be commenced, Council will issue an operational consent for the development. If the conditions in Schedule 1 are approved by an accredited certifier, then a copy of the certification relating to the satisfaction of the Schedule 1 condition(s) are to be submitted to Council. [Note: this is to enable Council to issue the operational consent for the development as the accredited certifier cannot issue the operational consent.]

The conditions to be satisfied prior to commencement of the consent will need to be completed within 12 months.

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

Date from which deferred commencement consent operates	8 August 2018
Date the deferred commencement consent expires	8 August 2020
Date of this decision	8 August 2018

POINT OF CONTACT

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

Assessing Officer:	Mahbub Alam
Contact telephone number:	+612 4732 7693

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

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 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

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

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

**SCHEDULE 1: CONDITIONS TO BE COMPLIED WITH PRIOR TO CONSENT
BECOMING OPERATIONAL**

Schedule 1 (Deferred Commencement)

- 1 **Prior to the issue of an operational consent** the following deferred commencement requirements must be satisfied within 12 months from the date of this notice.

A. Remediation Requirements

- A Remedial Action Plan (RAP) is to be prepared considering the recommendations of the Detailed Site Investigation Report prepared by Martens Consulting Engineers, dated May 2018, Reference Number P1706245JR02V01. The RAP must be submitted to and approved by Penrith City Council as part of a separate Development Application with consideration of the requirements of State Environmental Planning Policy No 55 – Remediation of Land. The RAP must be prepared by an appropriately qualified and experienced person in accordance with the relevant NSW Environment Protection Authority Guidelines and National Environment Protection (Assessment of Site Contamination) Measure 2013. The subject site must be remediated and validated as suitable for the intended land use before this consent becomes operational.

B. Water Sensitive Urban Design

A revised Water Sensitive Urban Design (WSUD) Strategy which includes supporting MUSIC stormwater quality modelling shall be submitted to Council for consideration and approval. The WSUD Strategy shall demonstrate compliance with Council's Water Sensitive Urban (WSUD) Policy 2013.

The strategy shall include the following information:

- Supporting information on the Nutrient Retention Rates used on the MUSIC Modelling for the proposed Ecosol Cartridge Filter (Scientific studies – Refer to Section 4.6 of WSUD Technical Guidelines).
- An electronic version of the MUSIC model to be provided in a .sqz format.
- Revised Concept Drainage plans which show the construction details of the proposed approved treatment system.
- Details on water conservation measures as required by Council's WSUD Policy (outlined in Section 3.1 Council's WSUD Policy).

The WSUD Strategy must be prepared by a suitably qualified engineer in accordance with Council's Water Sensitive Urban Design (WSUD) Policy 2013 and associated WSUD Technical Guidelines (Version 3) and shall be supported by MUSIC modelling and include detailed stormwater treatment designs.

A Draft Operation and Maintenance Manual for the proposed stormwater treatment measures must also be submitted to Council for consideration and approval. The manual shall include details on the cleaning / maintenance requirements as well as provide details on the estimated annual and lifecycle costs associated with the proposed treatment measures.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

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

Drawing Title	Drawing Reference	Prepared by	Dated
Proposed Site	A101	Ezzy Architects	19/10/2017
Proposed Ground Floor Plan	A201 (Issue A)	Ezzy Architects	2/3/18
Floor Plan and Travel Distance	A202 (Issue B)	Ezzy Architects	2/3/18
Truck Refuelling Plan	A203 (Issue A)	Ezzy Architects	2/3/18
Truck Turning Circle	A204 (Issue A)	Ezzy Architects	2/3/18
DA Sections	A300 (Issue A)	Ezzy Architects	2/3/18
DA South Elevation & Details Section	A400 (Issue A)	Ezzy Architects	2/3/18
DA Elevations	A401 (Issue A)	Ezzy Architects	2/3/18
Landscape Plan	A500 (Issue A)	Ezzy Architects	2/3/18
Landscape Plan Details	A501 (Issue A)	Ezzy Architects	2/3/18
External Colour Schedule	A502 (Issue A)	Ezzy Architects	2/3/18
Stormwater Concept Plans	Project No. G0170521, Dwg No. D1-D9, Issue C	Acor Consulting	21/03/18
Water Management Plan	Project No. G0170521, Revision 3.0	Acor Consulting	21/03/18
Waste management Plan	-	Ian Ezzy	14/11/2017

- 2 Lot 11 and 12 in Deposit Plan 1087962 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 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-Advertising Signs.
- 5 All materials and goods associated with the use shall be contained within the building at all times.
- 6 **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development

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

- 7 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 8 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 9 Prior to the issue of the Occupation Certificate, a Report shall be submitted confirming all liquid wastes collected within the under canopy forecourt of the fuel bowzers has been directed to the sewer after being treated in accordance with the requirements of Sydney Water.
- 10 Details and location of noise generating plant equipment (chillers/condensers etc.) is to be provided prior to the issue of the construction certificate.
- 11 Fuel bowzers and service areas shall comply with the NSW Environment Protection Authority's (EPA) Environmental Guideline
: *Surface water management on the covered forecourt areas of service stations.*
- 12 The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, particulate matter, waste water, waste products or other impurities which are a nuisance or injurious to health
- 13 Where an intruder alarm is installed on the premises it shall be fitted with a timing device in accordance with the requirements of the Protection of the Environment Operations Act 1997
- 14 In the event of Council receiving a complaint regarding excessive noise, the person(s) in control of the premises shall at their own cost arrange for an acoustic investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of noise emanating from the premises
- 15 A noise compliance report shall be submitted to Council **prior to the issuing of the Occupation Certificate**. The report shall state that the noise reduction measures detailed Acoustic Assessment prepared by Brian Marston from BGMA Pty Ltd Acoustical Consulting dated October 2017, reference BGMA 170709 A have been implemented, and confirm that the noise emissions from the premises complies with Council's noise criteria specified in this consent
- 16 Sufficient supplies of appropriate absorbent materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Absorbent materials used to clean up must be disposed of to an appropriately licensed waste facility.
- 17 Signs shall be displayed adjacent to all stormwater drains on the premises indicating that only rainwater is allowed to enter these drains. Examples of possible signage include: 'Rainwater Only' , 'Rainwater only - NO waste'
- 18 The storage and handling of flammable and combustible liquids shall be in accordance with Australian Standard
AS 1940-2017 The storage and handling of flammable and combustible liquids.

Demolition

- 19 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 20 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Environmental Matters

- 21 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.

- 22 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.

- 23 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.

- 24 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises or the amenity criteria outlined in the NSW EPA's Noise Policy for Industry (which ever is more stringent). The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 25 A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted for approval prior to a **construction certificate being issued**. The approved procedures plan shall be implemented in the event of a spill or emergency.

- 26 The following details are to be submitted to and approved by Penrith City Council before a Construction Certificate can be issued for the development:

- The proposed fuel bowser/s shall be covered with a canopy. All uncontaminated stormwater from the canopy and other roofed areas shall be directed away from the forecourt area under the canopy.
- The covered fuel bowser/s area shall be protected from the entry of external surface waters at the canopy line by either a minimum 2% change in grade, or a combination of a minimum 2% grade changes and a grated drainage system.

- Tanker delivery facilities shall be provided with a spillage collection device, which will collect any spilt fuel
- Drainage and piping to the purceptor, identify what areas are draining to the purceptor and confirm that the purceptor drains to sewer.

A copy of Council's approval of the information submitted for the above matters is to be provided to the Certifying Authority as part of the Construction Certificate application.

- 27 All liquid wastes collected within the under canopy forecourt of the fuel bowsers shall be directed to the sewer after being treated in accordance with the requirements of Sydney Water. Plans and information demonstrating compliance with this condition are required to be submitted **prior to issue of Construction Certificate**.
- 28 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.
- 29 Noise levels from the premises shall not exceed the relevant noise criteria detailed in Acoustic Assessment prepared by Brian Marston from BGMA Pty Ltd Acoustical Consulting dated October 2017, reference BGMA 170709 A. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

BCA Issues

- 30 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.
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- 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.

- 31 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

- 32 The floor of the cold food storage room must be finished with a smooth even surface and graded to the door.
All surfaces in the cold food storage room are to be smooth and impervious to moisture and able to be easily cleaned.
All metal work in the cold food storage room must be treated to resist corrosion.
- 33 Condensation from cold food storage room and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.
- 34 The cold food storage room must be provided with:
- A door which can at all times be opened from inside without a key and
 - An approved alarm device located outside the room, but controlled only from the inside.

Utility Services

- 35 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.

- 36 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

- 37 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.

38 Prior to the commencement of construction works:

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

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

(b) All excavations and 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.

39 Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

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

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

Engineering

40 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

41 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

42 Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) 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

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

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

Note:

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

- 43 Prior to the issue of any Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for provision of an outlet structure within the existing open channel.

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) All works associated with the S68 Local Government Act Approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- 44 The stormwater management system shall be provided generally in accordance with the concept plan/s prepared by ACOR Consultants Pty Ltd, Drawing Number - GO170521, Revision C dated 23 March 2018.

Engineering plans and supporting calculations for the stormwater management systems (including OSD and WSUD) 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.

- 45 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Risk Management within the Water Management Report prepared by ACOR Consultants, reference number GO170521, revision 3.0, dated 21 March 2018.

- 46 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 25.40m AHD (standard flood level + 0.5m freeboard).

- 47 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the structure/s below RL 25.40m AHD (standard flood level + 0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.

- 48 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the structure/s

can withstand the forces of floodwater including debris and buoyancy up to the 1% Annual Exceedence Probability Event in accordance with the requirements of the Building Code of Australia (BCA).

- 49 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all electrical services associated with the proposed building works are adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 25.40 m AHD (standard flood level + 0.5m freeboard).

- 50 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

- 51 Prior to the issued of any Construction Certificate issued for internal works associated with the development the site must be serviced by a legal point of discharge including and required infrastructure drainage works. The drainage works may include inter-allotment drainage construction, upgrades and / or road drainage extensions located on lands owned by others.

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

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

- 53 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.

- 54 Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

55 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.

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

57 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

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

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

59 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 been undertaken have been satisfactorily completed.

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

60 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.

61 Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

62 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.

63 Prior to the Issue of a Construction Certificate, a Flood Emergency Response Plan shall be prepared in consultation with State Emergency Services (SES) for the safe flood access and emergency egress for the proposed development in conjunction with Section 3.5 Flood Planning, C 6b) of Council's Development Control Plan 2014.

64 All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.2- 2—2; AS2890.6-2009 and Council's requirements.

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

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

Landscaping

67 All landscape works are to be constructed in accordance with the stamped approved plan and Section C6 Landscape Design of Penrith Council's 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.

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

69 Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

The report is to be prepared by 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.

- 70 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.
- 71 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.
- 72 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 C6 Landscape Design of the Penrith Development Control Plan 2014.
- 73 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Certification

- 74 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.

- 75 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation.

The 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.

SIGNATURE

Name:	Mahbub Alam
Signature:	

For the Development Services Manager