

# PENRITH

# CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0054
Description of development:	Redevelopment of an Existing Service Station & Associated Remediation Works
Classification of development:	Class 6

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 537513 Lot 2 DP 1179316
Property address:	523 Londonderry Road, LONDONDERRY NSW 2753 370 - 372 Carrington Road, LONDONDERRY NSW 2753

### DETAILS OF THE APPLICANT

Name & Address:	Maria Galis C/- R J Sinclair Pty Ltd PO Box 503 ROUND CORNER NSW 2158
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### DECISION OF CONSENT AUTHORITY

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

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

Date from which consent operates	9 January 2020
Date the consent expires	9 January 2025
Date of this decision	8 January 2020

## POINT OF CONTACT

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

Assessing Officer:	Kathryn Sprang
Contact telephone number:	+612 4732 7834

## **NOTES**

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### **Reasons**

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

### **Conditions**

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

### **Certification and advisory notes**

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

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

### **Review of determination**

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six 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 six 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 28 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 28 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.

## OTHER APPROVALS

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### APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Roads & Maritime Services	18/09/2019	SYD19/00237/04	2	Section 138 of the Roads Act, 1993

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

## 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 No.	Prepared By	Dated
Cover Sheet	-	R.J. Sinclair Pty Ltd	-
Existing Site Plan & Demolition Plan	A-01	R.J. Sinclair Pty Ltd	12/08/2019
Proposed Site Plan (amendments in red)	A-02	R.J. Sinclair Pty Ltd	12/08/2019
Dimensioned Plan	A-03	R.J. Sinclair Pty Ltd	12/08/2019
Roof Plan	A-04	R.J. Sinclair Pty Ltd	12/08/2019
Elevations & Sections (Sales Building)	A-05	R.J. Sinclair Pty Ltd	12/08/2019
Elevations & Sections (Refueling Canopy)	A-06	R.J. Sinclair Pty Ltd	12/08/2019
External Finishes Colour Scheme	A-07	R.J. Sinclair Pty Ltd	12/08/2019
Proposed Median Concept Plans	INT01	High Definition Design Pty Ltd	02/08/2019
Proposed Median Aerial Overlay	INT02	High Definition Design Pty Ltd	02/08/2019
Stormwater Drainage Plan	SD-01	R.J. Sinclair Pty Ltd	31/10/2019
Stormwater Details	SD-02	R.J. Sinclair Pty Ltd	31/10/2019
Signage Site Plan	SS-01	R.J. Sinclair Pty Ltd	12/08/2019

Signage Details	SS-02	R.J. Sinclair Pty Ltd	12/08/2019
Trade Waste Plan	TW-01	R.J. Sinclair Pty Ltd	12/08/2019
Trade Waste Details	TW-02	R.J. Sinclair Pty Ltd	12/08/2019
Landscape Layout	L-01	Green Mouse / R.J. Sinclair Pty Ltd	12/08/2019
Hardscape and Trees	L-02	Green Mouse / R.J. Sinclair Pty Ltd	12/08/2019
Planting Plan	L-03	Green Mouse / R.J. Sinclair Pty Ltd	12/08/2019

- 2 A copy of the general terms of approval issued by the NSW Roads & Maritime Services, Ref: SYD19/00237/04, dated 18 September 2019, under the Roads Act shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. The general terms of approval issued by the NSW Roads & Maritime Services shall be complied with unless otherwise stated by the NSW Roads & Maritime Services.
- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 Operating and delivery hours are as follows:
  - Monday - Friday: 5am - 7pm
  - Saturday: 7:30am - 5pm
  - Sunday: 8am - 5pm
- 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 a Construction Certificate**, the proposal is to demonstrate a commitment to achieving no less than 4 stars under Green Star OR 4.5 stars under the Australian Building Greenhouse Rating system/certification to the satisfaction of the Principal Certifying Authority.
- 10 The illuminated signs are to be turned off no later than 15 minutes after close of business, as per the approved operating hours.
- 11 The illumination of the signs shall be designed so as not to cause a nuisance to adjoining properties or residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.
- 12 **Prior to the issue of a construction certificate**, Land Title Dealing Forms are to be endorsed by Council for the creation of an easement for the purpose of a landscaped buffer on lot 1, DP 537513, 523 Londonderry Road, Londonderry to the benefit of lot 2, DP 1179316, 370-372 Carrington Road, Londonderry. Easement dimensions shall be as marked in red on the stamped approved site plan.

The terms of the required easement are as follows:-

The owner of the lot burdened must not interfere or remove the landscaping within the easement. The lot benefited is entitled to access the easement and maintain landscaping within the easement in perpetuity.

**N.B.** Fees associated with Land Title Dealing Form execution are outlined in Council's Schedule of Fees and Charges

**Prior to the issue of any Occupation Certificate**, the endorsed Land Title Dealing Forms must be registered with NSW Land Registry Services and evidence of registration provided to the Principal Certifying Authority. The landscaping within the easement must be completed as per the stamped approved plan.

## Demolition

- 13 The sales building, refuelling canopy, underground and above ground tanks and signage on lot 2, DP 1179316, 370-372 Carrington Road, Londonderry is to be demolished as part of the approved work.
- 14 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures" and the 'Hazardous Material Survey' (HMS-Londonderry) Corner of Londonderry Road and Carrington Road, Londonderry prepared by NEO Consulting dated 28 October 2019. **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.  
All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.
- 15 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site**.

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

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

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

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

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

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

18 Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

## **Environmental Matters**

19 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.

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

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established**. 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.

20 Site remediation works shall be carried out generally in accordance with the 'Detailed Site Investigation for proposed new Service Station at 370-372 Carrington Road, Londonderry' (E25431KG rpt2) prepared by EIS dated 17 July 2018 and the 'Remediation Action Plan for Replacement of Underground Storage Tanks and Re-Construction of Service Station at 370-372 Carrington Road, Londonderry' (E25431KG rpt3) prepared by EIS dated 9 January 2019 as well as Penrith Contaminated Land Development Control Plan, the ANZECC and NHMRC Guidelines and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed.
- A validation report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan/s, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.

21 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, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- 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.

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

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.

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 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the 'Acoustic Assessment - Mechanical Plant and Operational Noise Impact' (3334 V6) 370-372 Carrington Road, Londonderry prepared by Koikas Acoustics Pty Ltd dated 28 November 2019. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

- 25 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 26 All wastes collected within the canopy of the fuel bowsers shall be directed to the sewer after being treated in accordance with the requirements of Sydney Water.
- 27 Inlets to underground storage tanks are to be located so as to ensure that vehicles discharging fuel are contained within the boundaries of the site.
- 28 Waste oil shall be stored in a covered and bunded area and regularly removed to a waste oil recycle operation.
- 29 All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning. Details are to accompany the application for a Construction Certificate.
- 30 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

- 31 Following demolition of the existing sales building, a Detailed Site Investigation of the material within the demolished building footprint shall be undertaken by an appropriately qualified person(s) in accordance with State Environmental Planning Policy (SEPP) 55 – Remediation of Land, relevant contaminated land

guidelines, and the National Environment Protection (Assessment of Site Contamination) Measure 2013. Should results indicate remedial works are required, a Remediation Action Plan is to be prepared. Contamination documentation is to be submitted to Council for review and approval prior to the issue of a Construction Certificate. In the event that remedial works are required to be undertaken within the building footprint, approved works are to be undertaken and a Validation Report provided to Council for approval prior to the issue of a Construction Certificate.

- 32 The decommissioned underground petroleum storage tanks are to be disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful disposal of the tanks with the submission of the Validation Report.
- 33 The groundwater monitoring wells are to be designed and installed by duly qualified persons in accordance with relevant industry standards. The person responsible for the system must ensure the duly qualified persons provide details of the specifications relevant to the design and installation of the wells to Council prior to the issue of an Occupation Certificate. The groundwater monitoring wells must be:
  - Sealed to exclude surface water.
  - Constructed to prevent cross-contamination with other groundwater monitoring wells.
  - Clearly marked to indicate their presence and properly secured.
  - Tested for hydrocarbon contamination at minimum intervals of six months.
- 34 The removal of the underground petroleum storage system (UPSS) is to be undertaken in accordance with the relevant legislation, guideline documents, technical notes and Australian Standards, including the *Protection of the Environment (UPSS) Regulation*, the *Guidelines for implementing the Protection of the Environment (UPSS) Regulation* and the *UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS*.
- 35 The underground fuel tank system and fuel dispensers are to be installed and maintained in accordance with the requirements of SafeWork NSW.
- 36 Construction and management of trade waste is to be in accordance with the 'Trade Waste Plan' (DWG No.s TW-01 and TW-02) prepared by RJ Sinclair Pty Ltd dated March 2018.
- 37 The underground petroleum storage system (UPSS) cannot be commissioned until the following requirements have been met:
  - The UPSS is to be appropriately designed and installed by duly qualified persons in accordance with the UPSS Regulation.
  - The UPSS is to have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.
  - The UPSS is to have groundwater monitoring wells installed and tested in accordance with the Regulation.
  - The UPSS is to have a certificate showing that an equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.
  - Council has received a copy of the Environment Protection Plan (EPP).

Documentation to certify the above requirements have been met is to be submitted to Council prior to the issue of an Occupation Certificate.

## BCA Issues

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.

## Construction

39 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.

40 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.

41 A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before works can commence on site.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including remediation and demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

42 The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

43 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

44 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.

45 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.

46 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:

- 1) 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.
- 2) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- 3) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- 4) 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

47 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that any applicable application, including the payment of application and inspection fees, has been lodged with and approved by the Roads and Maritime Services for any works within the Londonderry Road road reserve.

A copy of the Roads and Maritime Services approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

48 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by RJ Sinclair Building Design, Job number 16 – 096, drawing number SD01-SD-02 Issue DA03, dated 31/10/19

Details on water conservation measures as outlined in Section 3.1 Council's WSUD Policy shall also be submitted to Council prior to the issue of a Construction Certificate.

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

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

49 Stormwater drainage from the site shall be discharged to the:

- a) Existing road drainage 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.

50 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 19.3m AHD (1% AEP flood level + 0.5m freeboard).

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

below RL 19.3m AHD (1% AEP 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.

- 52 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 19.3m AHD (1% AEP flood level + 0.5m freeboard).
- 53 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that:
  - a) Off street access and parking complies with AS2890.1.
  - b) Vehicular access and internal manoeuvring has been designed for a Heavy Rigid vehicle in accordance with AS2890.2.
  - c) Sight distances at the street frontage have been provided in accordance with AS2890.1.
  - d) All cars can enter and exit the site in a forward direction.
- 54 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.
- 55 A certificate by a registered surveyor verifying that all floor levels are at or above RL 19.3m AHD (1% AEP flood level + 0.5m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.
- 56 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.
- 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 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 stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

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

60 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F

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

62 All car parking spaces are to be linemarked and dedicated for the parking of vehicles only and not to be used for the storage of materials/products/waste-materials/etc.

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

## **Landscaping**

64 All landscape works are to be constructed in accordance with the stamped approved landscape plans.

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. This includes landscaping works within the landscape easement as required by this consent.

65 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape architect.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a registered landscape architect.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

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

This report is to be prepared by a registered landscape architect.

## Payment of Fees

66 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

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

- 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
- submit a Notice of Commencement to Penrith City Council.

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

### Information to accompany the Notice of Commencement

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

## **SIGNATURE**

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Name:	Kathryn Sprang
Signature:	

For the Development Services Manager