

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0135
Description of development:	Demolition of Existing Structures and Construction of 2 Attached Warehouses and Associated Works
Classification of development:	Class 7b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1175850
Property address:	65 - 73 Dunheved Circuit, ST MARYS NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Borg Group Pty Ltd 2 Wella Way SOMERSBY NSW 2250
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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	31 October 2019
Date the consent expires	31 October 2024
Date of this decision	28 October 2019

POINT OF CONTACT

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

Assessing Officer:	Pukar Pradhan
Contact telephone number:	+612 4732 7726

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 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

CONCURRENCE AUTHORITIES

CONCURRENCE AUTHORITY	DATE OF CONCURRENCE	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Roads and Maritime Services	10 September 2019	SYD19/01086/01	2	State Environmental Planning Policy (Infrastructure) 2007.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

1 The development must be implemented substantially in accordance with the following plans numbered

Drawing Title	Drawing Reference	Prepared by	Dated
Site Plan	DA 02 (Issue D)	Borg Construction	07.08.2019
Floor Plan Main Building	DA 04 (Issue D)	Borg Construction	07.08.2019
Roof Plan	DA 05 (Issue D)	Borg Construction	07.08.2019
Elevation and Section for Main Building	DA 06 (Issue D)	Borg Construction	07.08.2019
Vehicle movement Plan	DA 07 (Issue D)	Borg Construction	07.08.2019
Waste Management Plan	DA09 (Issue D)	Borg Construction	07.08.2019
Landscape Plan	103 (Issue C)	Meraki Green Architecture	May.2019
Concept Stormwater Plans	SY180157C101, 111, 112, 113, 114, 121, 131, 141, 151, 161 & 171 (Revision C)	Barker Ryan Stewart	02.05.2019

and 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.

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

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

- 4 The operating hours are 24 hours a day, Monday to Sunday.

- 5 No retail sale of goods shall be conducted from the subject premises.

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

- 7 **Prior to the issue of an Occupation Certificate**, any lighting system to be installed for the development is to be 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).
- 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 **Prior to the release of the Construction Certificate**, detailed design of all boundary fences shall be submitted to Council for consideration and approvals. The front boundary fence shall be constructed with see through palisade metal material and painted in black or green colour and located behind landscaping area or at least 3m behind the front boundary.
- 11 Any plant equipment proposed for the development are to be located within the roof area and/or integrated with the building design so that it forms part of the building design and is well integrated with the built form.
- 12 **Prior to the issue of the Construction Certificate**, the applicant shall obtain any required approval from the Sydney Water and Integral or Endeavour Energy to construct the building over the water pipe and transmission easements. All associated costs to obtain approvals and associated construction costs shall be borne by the applicant.
- 13 The proposed Shale Grey and Surfsmist colours are not approved. An amended schedule of colours is to be submitted for the approval of the Development Assessment Coordinator, Penrith City Council. The amended schedule of colours is to include a palette of non-reflective and more recessive colours and tones. These details are to be **submitted for approval prior to the release of the Construction Certificate**.
- 14 **Prior to the release of the Construction Certificate**, the landscaping area along the frontage of the site shall be widened to 10m as shown in red on the approved landscape and site plans and the amended landscape and site plans shall be submitted to Council for consideration and approval.
- 15 The landscaping plan, landscaped areas, hardstand areas, car parking arrangement and number of spaces are not approved as shown on the stamped plans. Amended architectural drawings are to be submitted, including a detailed landscape plan. The amended drawings are to provide for additional landscaping, including the following:
 - a) Provision for a tree to be planted at an interval of every 4 car parking spaces;
 - b) A reduction in the amount of hardstand area on both sides and the rear of the site, with these areas replaced with additional landscaping;
 - c) Car parking spaces can be reduced to provide the additional landscaping;
 - d) Amended swept paths are to be submitted to demonstrate continued compliance for truck and vehicle movements;
 - e) The proposed Blueberry Ash trees are not approved and are to be replaced with a native species of trees that grows to a minimum height of 12m and is sufficient to screen the wall/s from the neighbouring scenic character area; and

f) The landscaping plan is to include details of the design and dimensions, including the materials, of any retaining wall and rail guard to be located along the edge of the rear hardstand area.

All of the additional landscaping required above is to consist of advanced specimens of native trees which grow to a mature height of a minimum of 12 metres. The landscape plan is to demonstrate how the pot size of the tree is adequate for its growth and longevity. The amended details are to be approved by the Development Assessment Coordinator of Penrith City Council prior to the release of any Construction Certificate.

- 16 The proposed warehouse should not be used or occupied prior to 1 January 2021, and **no Occupation Certificate shall be issued** before this date.
- 17 A minimum 3 meter wide stormwater drainage easement shall be provided at the property at 118 Links Road, St Marys (Lot 1 DP 31908) in favour of property at 65 – 73 Dunheved Circuit, St Marys (Lot 1 DP 1175850) to cover the proposed stormwater pipeline and associated headwall according to Concept Stormwater and Grading Plan Sheet 1, Plan No: SY180157C111, Rev C, dated 02/05/2019, Prepared by Barker Ryan Stewart and evidence of registration of the easement with Land and Property Information (LPI) shall be **submitted to Penrith City Council prior to the issue of any Construction Certificate**. Easement width shall be in accordance with Penrith City Council's adopted Design Guidelines.
- 18 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that a draft Operation and Maintenance Manual is provided for all proposed stormwater treatment measures. The manual should include checklists and details on the cleaning/maintenance requirements of the proposed treatment measures as well as detail on how this will be managed (nominate who will be responsible).

Demolition

- 19 The existing structures on site are to be demolished as part of the approved work.
- 20 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

- 21 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.

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

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

24 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.

Heritage/Archaeological relics

25 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

26 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.

27 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.

28 No works external to the building (other than parking and vehicle movements) are permitted by way of this consent unless otherwise agreed to in writing by Penrith City Council following submission of an Acoustic Report that addresses and satisfies the NSW Noise Policy for Industries.

29 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.

30 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

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

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

- Supervise the filling works,

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

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

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

{Note: Penrith 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, soilscience, 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.”}

- 31 **Prior to works commencing on site**, a Soil Management Plan is to be provided to council for approval. This plan is to be prepared by a suitably qualified environmental consultant and is to address the appropriate removal of minor levels of oil stained soils during bulk excavation work, as referenced in the Detailed Site Investigation, 65-73 Dunheved Circuit, St Marys prepared by DRC Environmental dated 3rd June 2019 (reference 300519).

The Soil Management Plan is to be implemented **prior to bulk earthworks commencing**. Documentation confirming the removal of the stained soils is to be provided to council for approval on completion of the removal works.

BCA Issues

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

Utility Services

- 33 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.**

- 34 **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

- 35 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.

36 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.

37 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

- 38 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.
- 39 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.

- 40 **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.

- 41 The stormwater management system shall be provided generally in accordance with the concept plan/s

lodged for development approval, prepared by prepared by Barker Ryan and Stewart reference SY180157C101 to SY180157C171, revision C dated 2 May 2019.

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.

42 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

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

44 **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.

45 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.

46 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.

47 **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.

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

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

49 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the:

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.

50 **Prior to the issue of any Occupation Certificate**, a restriction as to user and positive covenant relating to the:

- Stormwater management systems (including on-site detention and 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.

51 **Prior to the issue of any Occupation Certificate**, 'Entry and Exit' signage shall be placed within the development site which is to be clearly visible from the public road.

52 **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.

53 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 and in the treatment measure/s.

- 54 All vehicle are to enter and leave in a forward direction.
- 55 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the plans include dimensions of driveways that accommodate 26m long B-double turning paths that do not encroach over the driveways or the opposite traffic lane in Dunheved Circuit, ramps, aisles, parking spaces, accessible parking, bicycle parking, 1.5 metre wide concrete footpath along frontage of Dunheved Circuit, 1.5 metre wide accessible pedestrian footpath access from the footpath in Dunheved Circuit to the principle point of entry to the building, other internal footpaths, services vehicle manoeuvring and loading areas complying with AS 2890, AS 1428, Council Development Control Plan 2014 (DCP) Section C10.
- 56 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the plans include complying numbers of secure, all weather bicycle parking, any required end of journey facilities, change rooms, showers, lockers are to be provided at convenient locations in accordance with Council Development Control Plan (DCP) 2014, Section C10 Section 10.7, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).
- 57 **Prior to Occupation Certificate**, appropriate signage and pavement marking, visible from Dunheved Circuit and on-site shall to be installed to reinforce designated northern driveway as entry only and southern driveway as exit only, vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers / visitors to on-site parking, delivery and service areas to the satisfaction of the Principal Certifying Authority.
- 58 Sight distance requirements at the car park driveway is to be in accordance with AS 2890.1, Figure 3.2 and Figure 3.3. Sight distance requirements at the heavy vehicle driveway is to be in accordance with AS 2890.2 Figure 3.3 and Figure 3.4.
- The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.
- 59 Subleasing of car parking spaces is not permitted by this Consent.
- 60 **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 accessible parking is to be provided with accessible paths of travel to the facility in accordance with AS 2890.6 and Penrith City Council's Development Control Plan and Council requirements, to the satisfaction of the Principal Certifying Authority.
- 61 All car spaces, truck manoeuvring areas and loading areas are to be sealed/line marked and dedicated for

the parking of vehicles only and not be used for storage of trucks/shipping containers/ tyre stockpiles/materials/products/waste materials etc.

Landscaping

62 All landscape works are to be constructed in accordance with the stamped approved Plan Number LP.01/A to LP.05/A (as amended in red by Council) prepared by Meraki Green Landscape Architecture dated May 2019, Section C Landscape Design in Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

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

i. Implementation Report

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

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.

The approved plans shall be implemented at the expense of the property owners.

64 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.

65 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.

66 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 Development Control Plan 2014.

67 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

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

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades. In addition, a Compliance Certificate or other documentation deemed suitable to the Principal Certifying Authority (PCA) is to be submitted to the PCA, detailing compliance with:

- The provisions of AS1428.1 and that any person with disabilities can access the building, including its perimeter. In this regard, the Compliance Certificate (or other documentation) is to be prepared by an accredited access consultant.
- Condition 40 and 47 where upon Council has certified that the works approved under the Roads Act 1993 are satisfactorily completed.

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

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

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

Information to accompany the Notice of Commencement

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

SIGNATURE

Name:	Pukar Pradhan
Signature:	

For the Development Services Manager