

## DETERMINATION OF DEVELOPMENT APPLICATION

### DESCRIPTION OF DEVELOPMENT

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DA No.	DA14/0932.04
Description of development	Section 4.55(1A) Modifications to an Approved Development - Alteration and Additions to St Marys Rugby League Club
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none"><li>▪ Class 9b</li></ul>

### DETAILS OF THE APPLICANT

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Name & Address	Fdc Building 22-24 Junction Street FOREST LODGE NSW 2037
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### NOTES

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1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if the modification of the development requires a Construction Certificate to reflect the modification to the development consent subsequently issued by Council.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## DETAILS OF THE LAND TO BE DEVELOPED

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Legal Description: Lot 11 DP 1192443  
Property Address: St Marys Rugby League Club Boronia Road NORTH ST  
MARYS NSW 2760

## DECISION OF CONSENT AUTHORITY

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In accordance with Sections 4.16 and 4.55 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates	10 December 2014
Date the consent expires	10 December 2017 as extended on 10 December 2016 under Section 95A of the Environmental Planning and assessment Act 1979.
Date of this decision	27 November 2014 as amended on 31 October 2017, 7 August 2018 and 16 December 2021 under Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

## RIGHT OF APPEAL

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1. The applicant can appeal against this decision in the Land and Environment Court within twelve (12) 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.

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

## REASONS

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## POINT OF CONTACT

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

Assessing officer	Nick McMaster
Contact telephone number	Development Assessment Planner (02) 4732 8578

## SIGNATURE

Name	Kate Smith
Signature	

For the Development Services Manager

## ATTACHMENT 1: CONDITIONS OF CONSENT

### GENERAL

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

Landscape Sections	Page - 006	E	Site Image Landscape Architects	11.11.2014
View Corridor Study	Page - 007	E	Site Image Landscape Architects	11.11.2014
Plant Schedule	Page - 008	E	Site Image Landscape Architects	11.11.2014
Landscape Details	501	D	Site Image Landscape Architects	11.11.2014
Cover Sheet	000	C	Site Image Landscape Architects	11.11.2014
Site Plan	001	C	Site Image Landscape Architects	11.11.2014
Landscape Plan (proposed Carpark North)	101	E	Site Image Landscape Architects	11.11.2014
Landscape Plan (proposed Carpark South)	102	E	Site Image Landscape Architects	11.11.2014
Schedule of Materials and Finishes 1 Of 2	DA - 906		Curtin Bathgate & Somers Pty Ltd Architects	July 2014
Schedule of Materials and Finishes 2 Of 2	DA - 907	-	Curtin Bathgate & Somers Pty Ltd Architects	July 2014
Notes and Legend Sheet	C01	P2	Taylor Thomson Whitting	23.07.2014
Over All Siteworks Plan	C02	P3	Taylor Thomson Whitting	18.11.2014
Erosion and sediment Control Plan	C03	P3	Taylor Thomson Whitting	18.11.2014
Stages 1 & 2 Siteworks & Stormwater Plan Sheet 1	C05	P4	Taylor Thomson Whitting	18.11.2014
Stages 1 & 2 Siteworks & Stormwater Plan Sheet 2	C07	P1	Taylor Thomson Whitting	23.07.2014
Details Sheet	C10	P3	Taylor Thomson Whitting	18.11.2014

Electrical Services Legend	03/ES01	A	Haron Robson	27.06.2014
Electrical Services Power & Lighting Layout	03/ES03	A	Haron Robson	27.06.2014
Waste Management Plan	-	-	Lei Chen	09.07.2014
Access Design Assessment Report	P213_140-4 (Access) PB	-	Design Confidence	24.07.2014
Acoustic Report	20140516.1/11 06A/R2/TA	2	Acoustic Logic	11.06.2014
Traffic and Parking Report	9373/2	-	Colston Budd Hunt & Kafes Pty Ltd	November 2014
Security Management Plan	-	-	-	-
<b>As amended 07 August 2018 under Section 4.55 (1A) of the Environmental Planning Assessment Act 1979 (as amended) by the following plan:</b>				
Site Plan	001	D	Site Image Landscape Architects	11.07.2018
Proposed Ground Floor Plan	DA-100	A	Bergstrom Architects	10.04.2018
Proposed First Floor Plan	DA-101	A	Bergstrom Architects	10.04.2018
Elevations	DA-500	A	Bergstrom Architects	10.04.2018
Elevations	DA-501	A	Bergstrom Architects	10.04.2018
3D Renderings	DA-550	A	Bergstrom Architects	10.04.2018
Sections	DA-520	A	Bergstrom Architects	10.04.2018
Sections	DA-521	A	Bergstrom Architects	10.04.2018
Proposed Roof Plan	DA-200	A	Bergstrom Architects	10.04.2018
Proposed Cochere Canopy Roof	DA-210	A	Bergstrom Architects	10.04.2018
Substation & Main Switch Room Proposal	DA-005	A	Bergstrom Architects	10.04.2018
Western Foyer Port Cochere Assessment	S4.55-002	2	PTC	13.07.2018
Western Foyer Loading Dock Assessment	S4.55-001	2	PTC	13.07.2018
Demo Plan Ground Floor	DA-02	A	Bergstrom Architects	10.04.2018
Cover Sheet	000	D	Site Image Landscape Architects	11.07.2018
Landscape Plan (Proposed Carpark North)	101	F	Site Image Landscape Architects	11.07.2018
Landscape Plan (Proposed Carpark South)	102	F	Site Image Landscape Architects	11.07.2018
Landscape Details	501	E	Site Image Landscape Architects	11.07.2018
Access Capability Statement	P218_055	-	Design Confidence	28.03.2018
BCA Compliance Statement	-	-	Blackett Maguire + Goldsmith	24.04.2018
Electrical Services Statement of Compliance	SY166993-ESOC-A	-	Nothrop	23.04.2018
Noise Impact Assessment	20180451.1/17 04A/R1/TA	1	Acoustic Logic	17.04.2018

Venue / Security Management Plan	-	-	-	February 2018
Traffic & Parking Assessment	-		PTC	23.04.2018
<b><i>As amended 16 December 2021 under Section 4.55 (1A) of the Environmental Planning Assessment Act 1979 (as amended) by the following plan:</i></b>				
Siteworks and Stormwater management Plan – Sheet 01	C04.01	A	Northrop	02.09.21

2. A **Construction Certificate** shall be obtained prior to commencement of any building works.
3. The development is required to be registered with Penrith City Council by completing the “Registration of Premises” forms. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the business.
4. A separate development application is required to be lodged with Penrith City Council for the erection of any signage or advertising structure, other than an advertisement listed as exempt development under an applicable Environmental Planning Instrument.
5. The hours of operation for the loading dock and club are restricted to the following:

**Loading Dock:** 8am-4pm (Monday to Sunday)

**Club:**

10am-4am (Monday – Thursday)

10am-6am (Friday)

9am-6am (Saturday)

9am-4am (Sunday)

6. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).
7. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
8. Prior to the issue of a **Construction Certificate**, the bar adjoining the Function Convention Facility kitchen is to be amended to include provision of a hand wash basin, slops/rinse sink and glass wash machine.
9. Upon request by either Penrith City Council or the NSW Police, management of the Club are required to meet, discuss and action agreed measures to respond to matters of anti-social behaviour on the site or issues affecting the immediate surrounding area should the need arise.

10. The development is required to comply with the following requirements of the NSW Police Force (as outlined within correspondence dated 1 September 2014):-
- CCTV is to be installed in and around the property (including the car park);
  - Entry and exit driveways are to adequately illuminated and be of a 'white light' source;
  - Consideration is to be given to the use of sensor lights around the development; and
  - Directional signage (way finding) is to be provided with respect to entry and exit points and fire exits
11. Prior to the issue of a separate Construction Certificate for Phase 2 works, a traffic and parking impact assessment report, prepared by a suitably qualified consultant is to be prepared and submitted to Council for approval. This report is required to assess whether sufficient on-site parking is provided to cater for the Phase 2 increase in gross floor area. Where a parking deficiency is identified, additional parking to address this deficiency is to be proposed, approved by Council and included as part of the Construction Certificate process.
12. The design recommendations of the Access Design Assessment Report (Ref20140516.1/1106A/R2/TA) dated 24 July 2014 prepared by Design Confidence shall be incorporated into the **Construction Certificate** plans and associated works shall be Penrith City Council – Notice of Determination Page 8 of 22 certified by a suitably qualified access consultant prior to the issue of an **Occupation Certificate**.
- 12a.** The design recommendations of the Access capability Statement (Ref-P218\_055) dated 28 March 2018 prepared by Design Confidence shall be incorporated into the **Construction Certificate** plans and associated works shall be certified by a suitably qualified access consultant prior to the issue of an Occupation Certificate.

**As amended on 07 August 2018 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.**

## **DEMOLITION**

13. 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 [in accordance with the approved waste management plan for the development. 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.**

Demolition works are to ensure compliance with Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products".

14. 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.

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

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

17. 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**

18. 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

19. No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (HawkesburyNepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

Separate approval for any proposed filling works will not be issued 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,
- 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.

{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.

20. All waste materials stored on-site that are associated with the demolition and construction activities 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.
21. 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.

22. Noise levels from the premises shall not exceed the relevant noise criteria detailed in the acoustic report "Development Application Acoustic Report (Document Reference 20140516.1/1106A/R2/TA) prepared by Acoustic Logic and dated 11/06/2014. The recommendations provided in section 6 of this acoustic report shall be implemented and maintained throughout the operation of the development.  
The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 22a.** Noise levels from the premises shall not exceed the relevant noise criteria detailed in the acoustic report "Development Application Acoustic Report (Document Reference 20180451.1/1704A/R1/TA, Revision A) prepared by Acoustic Logic and dated 17/04/2018. The recommendations provided in section 6 of this acoustic report shall be implemented and maintained throughout the operation of the development. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

***As amended on 07 August 2018 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.***

23. Prior to the issue of the **Construction Certificate**, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval.

Suitable data and information on the noise impacts associated with this plant and equipment, assessed and reported by an appropriately qualified acoustic consultant, is to be supplied to demonstrate compliance with the established noise criteria. Where mitigation measures are required to ensure compliance with the established noise criteria, details of the mitigation measures are to be included in this mechanical plant and equipment assessment report.

A copy of Council's approval of the information submitted for the mechanical plant and equipment is to be provided to the Certifying Authority as part of the Construction Certificate application.

24. The following restrictions apply with respect to music generated from the development:-

- No live music is to be played within the function rooms that can be heard outside the facility. Amplified background music within the function rooms is to be limited to a maximum sound pressure level of 85dB (A) within the space.
- Ambient music within the outdoor area is to be limited to a maximum sound pressure level of 70dB (A) within the space.

25. The construction and operation of the premises shall comply with the NSW Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000.

#### **BCA MATTERS**

26. 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

27. The following design and/or construction issues need to be addressed prior to the issue of any Construction Certificate to ensure compliance with the Building Code of Australia:

- The existing building is subject to a Fire Safety Engineering Solution. The proposed additions may affect that solution which may require amendment or a new solution formulated. An appropriately qualified Fire Engineer shall be consulted to determine the situation.

28. Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

29. A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises, and
- the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

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.

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.

## HEALTH MATTERS

31. Prior to the operation of the proposed food premises within the approved works, the operator must notify the NSW Food Authority of their details including:

- a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
- b) The nature of the food business.
- c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Food Authority.

Should these details change during the operation of the business the business operator must provide the NSW Food Authority with an update of these details.

Notification can be completed free of charge on the NSW Food Authority's Food Notify website at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).

32. A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the operator prior to commencement of the business.

33. The construction, fit out and finishes of all approved food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674- 2004 Design, Construction and Fit-out of Food Premises.

The following specific requirements are to be demonstrated prior to the issue of any construction certificate:-

- Details of the kitchen, bar and food preparation and storage areas must be prepared by a suitably qualified person and certified in accordance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS 4674- 2004 Design, Construction and Fitout of Food Premises to the satisfaction of the Certifying Authority prior to a Construction Certificate being issued.
- Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- A hand basin must be located within the toilet cubicle. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels

and soap must be provided and serviced from a dispenser adjacent to each hand basin.

- Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.
- Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.
- The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

- Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self-closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.
- The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.
- The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.
- Details of the dishwashing/glass washing machines must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.
- All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54 °C for washing.

- The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.
- A separate food preparation sink is required and must be separated from all other sinks by a minimum distance of 2 metres or have an approved form of physical barrier that separates the sink.

34. Prior to the issue of an Occupational Certificate, the exhaust system for the food premises shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

## **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](http://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.

The Substation area shall be screened properly and the screen is to be designed in a manner that is compatible and consistent with the rest of the building. Details are to be submitted to council for consideration and approval with the construction certificate.

## **CONSTRUCTION MATTERS**

37. Stamped plans, specifications, a copy of the development consent and any other Certificates/ Information 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 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 is 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 construction and associated landscaping works have been completed.

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) 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).

39. Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

40. The garbage room(s) are required to have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.

#### **ENGINEERING MATTERS**

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

42. An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined in accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on telephone 4732 7777 or visit website to obtain the form and request for final inspection.

43. **Deleted**

***As amended on 31 October 2017 under Section 96(1A) of the Environmental Planning and Assessment Act 1979.***



44. Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under S68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for the site drainage connection to Council's drainage system..

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 and best engineering practice.

Note:

Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 to ascertain applicable fees.

45. The stormwater management system shall be consistent with the Plan/s lodged for development approval prepared by Northrop Consulting Engineers, job number 170144, drawing number C04.01, revision A, dated 02.09.21.

Prior to the issue of any Construction Certificate, the Certifier shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (WSUD) Policy. The Certifier shall also ensure the following:

- No loading is permitted on the existing and proposed drainage pipes under the proposed extension of the building.
- CCTV inspections shall be undertaken for the existing pipes impacted by the extension to ensure these are in good condition and clear of blockages.

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

***As amended on 16 December 2021 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.***

46. Prior to the issue of a 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 25.70m AHD (standard flood level + 0.5m).
47. Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Impact Assessment, prepared by Worley Parsons, reference number 301015-02943, dated 23 July 2014.
48. Prior to the issue of a 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. All vehicles shall enter and exit the site in a forward direction.

49. Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Penrith City Council for removal of the traffic median in Boronia Road directly opposite of the site western vehicle entrance and construction of pram ramps and cut out in the existing traffic median on Boronia Road at the east leg of Christie Street/ Forrester Road/ Boronia Road roundabout.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

50. 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.

51. Prior to commencement of works, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority 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 copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

52. Prior to the Commencement of Works, a dilapidation report of all infrastructures fronting the development in Boronia Road is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees.

53. A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 25.70m AHD (standard flood level + 0.5m) 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.

54. All electrical services associated with the proposed building works shall be 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 25.70m AHD (standard flood level + 0.5m).

55. Prior to the issue of an 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.

56. 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.

57. Prior to the issue of an 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.

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

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

59. Prior to the issue of an 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.

60. Prior to the issue of an Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for removal of the traffic median in Boronia

Road directly opposite of the site western vehicle entrance and construction of pram ramps and cut out in the existing traffic median on Boronia Road at the east leg of Christie Street/ Forrester Road/ Boronia Road roundabout.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy

Note:

1. Contact Council's Engineering Services Department on 4732 7777 for further information relating to bond requirements.
61. The stormwater management systems shall continue to be operated and maintained for the life of the development in accordance with the final operation and maintenance management plan.
62. All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6- 2009 and Council's requirements.
63. Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided in at convenient location(s) in accordance with AS2890.3:1993 Bicycle Parking Facilities

#### **LANDSCAPING MATTERS**

64. All landscape works are to be constructed in accordance with the stamped approved plans, Part C, Sections C6 "Landscape Design" of Penrith Council's Development Control Plan 2010.

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.

65. The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.
66. 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 listed in Council's

Approved Landscape Consultants Register as suitable to design category 3 landscape works.

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 listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

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 landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

iii. 3 Year Landscaping Report (category 3 developments)

3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

(a) The landscaping on site has matured and is in accordance with the original landscape approval.

(b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

67. 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 2010.

68. 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.

69. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those approved as part of this consent) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

70. The trees identified for retention shall be retained and duly protected during the construction of the development. Tree protection measures shall be installed prior to commencement of works.

#### **CERTIFICATION MATTERS**

71. An Occupation Certificate shall be sought from the Principal Certifying Authority prior to occupation of, or commencement of use, of each phase of the development. Before the Occupation Certificate can be issued for each phase of the development, a Compliance Certificate or other documentation suitable to the Principal Certifying Authority shall be sought indicating that all conditions of this development notice, but not those conditions relating to the operations of the development, commensurate with that stage of the development have been satisfied or met prior to the occupation or use of that stage of the development. A copy of the Compliance Certificate or other documentation shall be submitted to Penrith City Council if obtained from an accredited certifier. A copy of the Occupation Certificate is also to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

72. Prior to the commencement of any earthworks, construction or demolition 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.

Kate Smith

Signature

For the Development Services Manager