

STAGING REPORT

PROPOSED MINOR ALTERATION TO APPROVED STAGING PLAN

NEPEAN BUSINESS PARK

11.11.2024

VERSION 10

DA9876

LEC No: 2021/204069

14-98 Old Castlereagh Road, Castlereagh described as Lot 1 DP1263486, Lot 2 & 3 DP1305088, Part Lot 1DP 45727 and Part Lot 307 DP 752021

1. CONTENTS

1.	CONTENTS.....	2
2.	INTRODUCTION	3
3.	PROJECT OVERVIEW.....	3
	SITE LOCATION	3
	DATE OF COMMENCEMENT OF CONSTRUCTION.....	3
4.	DETAILS OF PROPOSED STAGING.....	4
	OUTLINE OF STAGES.....	4
	DETAILS OF WORK TO BE CARRIED OUT IN EACH STAGE	4
	TIMING OF STAGES.....	5
5.	REVISED STAGING	7
6.	APPENDIX A – APPROVED STAGING PLAN	8
7.	APPENDIX B – PROPOSED STAGING PLAN.....	9
8.	APPENDIX D – DA9876 CONSENT CONDITIONS.....	10

2. INTRODUCTION

Great River NSW Pty Ltd has prepared this report in relation to DA9876. Staged Construction is proposed for the development. This report is to request approval, in accordance with condition A10 and in reference to condition A11, for alterations to the approved staging.

Under the consent granted for DA9876 under LEC No: 2021/204069, Schedule 2-part A, Condition A1(d) states that the development may only be carried out in accordance with the approved plans, which include a staging plan (refer to *Appendix A*).

It is proposed to make changes to the staging plan (refer to *Appendix B*) in accordance with this document and provisions of condition A11.

The only change is to split stage 5 into two sub-stages along with minor changes to the surrounding stages to reflect the progress of rehabilitation works under DA2. The intent of the staging and scope of work carried out remains unchanged. The remaining project works will remain as per the approved DA. Any information required by the consent will be provided to the relevant authority as set out in the consent at the appropriate time.

In summary, there is no change to the bulk of the site with the only change the sub-staging of stage 5 and surrounding stages.

3. PROJECT OVERVIEW

SITE LOCATION

The site is located at 14-98 Old Castlereagh Road, Penrith and is described as Lot 1 DP1263486, Lot 2 & 3 DP1305088, part Lot 1 in DP 45727 and Part Lot 307 in DP 752021, per Development Consent 9876. The site is bounded by the Nepean River to the west, existing industrial development fronting Cassola Place to the south, existing industrial development fronting Leland Street to the east and Old Castlereagh Road to the north. Access to the site is via Old Castlereagh Road and Lugard Street.

DATE OF COMMENCEMENT OF CONSTRUCTION

Construction of the subdivision works in Stages 1 to 3 is expected to commence in October 2024.

4. DETAILS OF PROPOSED STAGING

The approved work pertains to the delivery of the entire subdivision. The proposed development comprises a staged Torrens title subdivision of 3 lots into 93 lots, including earthworks, roads, stormwater, services, infrastructure and landscaping.

A copy of the latest approved Staging Plan is below and also in *Appendix A*. This plan was approved on (4^h November 2024) under the applicable consent conditions that form DA9876 under LEC No: 2021/204069, Schedule 2-part A.

A copy of the Consent Conditions (DA 9876) is included in *Appendix A*.



OUTLINE OF STAGES

In reference to condition A11(a), The Project will be delivered using staged construction in sequence over a total of thirteen (13) stages and approximately 7 years. The general overview of construction activities across these stages is detailed below:

- Preliminary activities
- Infrastructure and services lead in works
- Civil subdivision works including servicing of the lots
- Road network upgrades
- Public domain and landscaping works

DETAILS OF WORK TO BE CARRIED OUT IN EACH STAGE

Each stage shall be completed in accordance with the approved plans including;

- Trim bulk fill to finished levels

- Installation and commission of services including;
 - Stormwater drainage systems
 - Electrical infrastructure including HV mains, LV mains, Street lighting and substations
 - Water and sewer in accordance with Sydney water approvals
 - NBN
 - Fire services
- Excavation and preparation of road pavement.
- Installation of kerb, channel, footpaths and asphalt pavement
- Landscaping
- Public art, signage and any other public facilities
- Certification of roads by the certifier (Penrith Council)
- Dedication of roads to Penrith Council
- Creation and registration of the relevant lots and incorporation into the community title

All works within a stage shall be completed as that stage is constructed. It is noted that Council will not accept the dedication of roads within a stage until this is achieved.

Where works abut incomplete stages, services and roads shall be terminated in accordance with the requirements of the relevant authority, as they vary from time to time, until that stage commences.

The staging of the project does not require any work to be completed outside the areas noted on the staging plan on page 4 except for the following;

- Stages 1-3 will require completion of the stormwater drainage under the future roadway of stage 4 and the headwall outlet in stage 5. Stage 1-3 also requires the completion of the Lugard Street pedestrian and bicycle pathway in accordance with C23 (c).
- Stage 6 requires the construction of the Old Castlereagh Road slip lane in accordance with C23 (a).
- Stage 11 requires the construction of the Castlereagh Road slip lane per C23 (c)
- Stage 5 will require completion of the stormwater drainage under the future roadway of stage 7

TIMING OF STAGES

In reference to condition A11(a), general timing for revised stages is outlined below;

STAGE 1 - 3

Stage 1 - 3 is forecast to commence by October 2024.

STAGE 4

Stage 4A is forecast to commence by November 2024.

Stage 4B is forecast to commence by August 2025.

STAGE 5

Stage 5A is forecast to commence by February 2025.

Stage 5B is forecast to commence by October 2025

Further Stages

Subsequent stages will commence subject to market demand and completion of rehabilitation works under DA2

5. REVISED STAGING

The revised Staging plan is attached in *Appendix B*. The proposed changes include the following key changes:

1. Stage 5 is proposed to be split into two sub-stages (5A and 5B) to reflect the progress of rehabilitation works.
2. Stage 5B is proposed to merge into the existing stage 10 western portion of Road 2 to reflect the progress of rehabilitation works.
3. Stage 7 is proposed to merge into the existing Stage 5 western portion of Road 2 boundary to reflect the progress of rehabilitation works.

The changes are minor in nature and have been adopted considering actual works on site. The subdivision staging is to be staged based on the issue of each Subdivision Works Certificate.

In reference to condition A11(b), proposes a staged operation. This results in the section of stormwater culvert located in Stage 7 having to be constructed to ensure that stormwater flows from Stage 5 are safely conveyed from the completed subdivision works in Stage 5. This will also prevent excessive erosion of the site and reduce any sediment being discharged from the site.

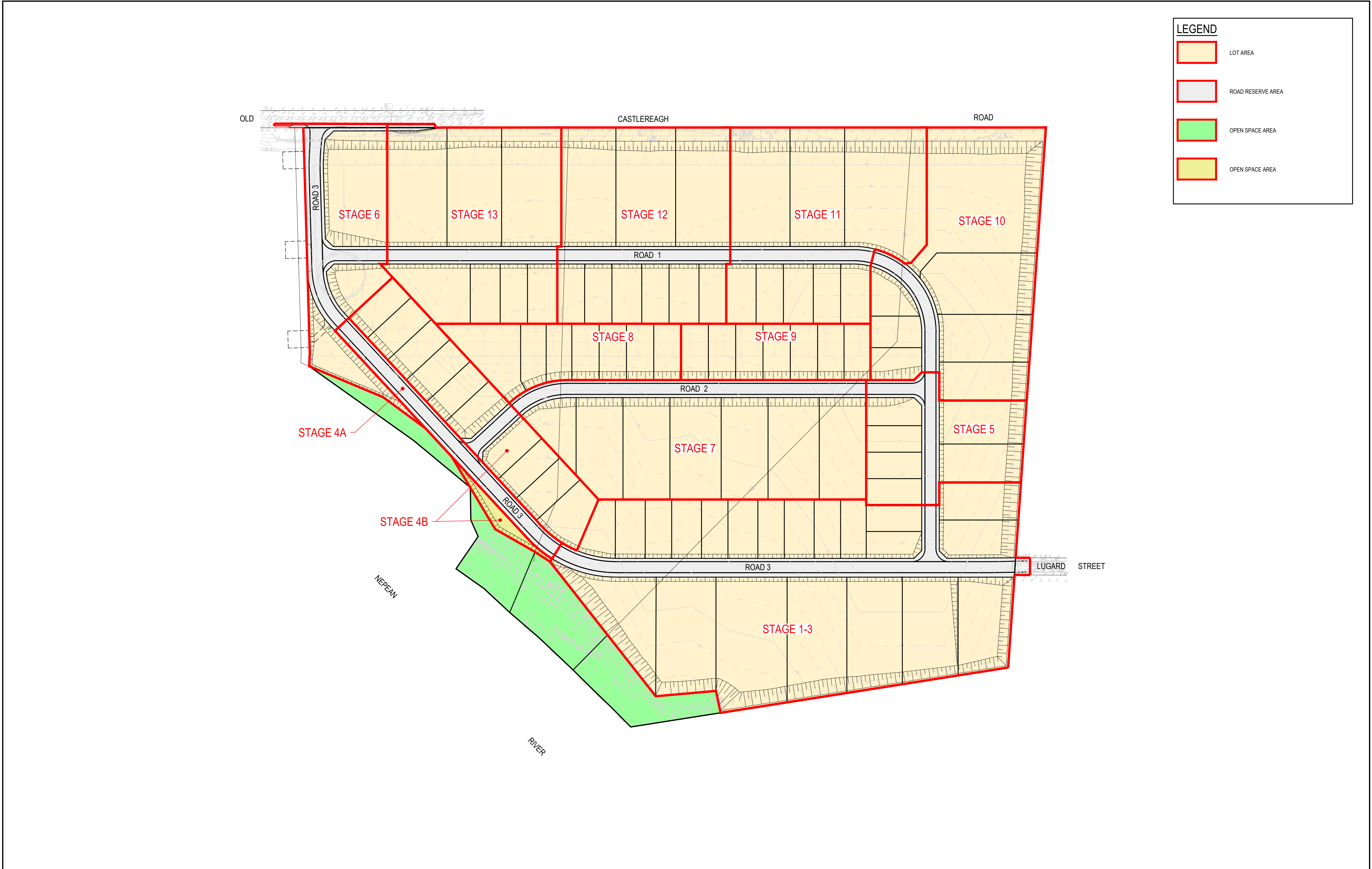
The constructed assets will not be dedicated to Council until the remaining infrastructure works are completed within that stage. Appropriate easements will be established in Council's favour to ensure that the infrastructure is maintained until dedicated.





In reference to condition A11(c), works undertaken for each stage will comply with relevant staging conditions of consent pertaining to this development as detailed in section 4 above.

In reference to condition A11(d), there will be no cumulative impact anticipated from the staging of works;

- The proposed amendments to the staging are of a nature that does not affect the scope of work.
- The overall scope of work is unchanged from the DA.
- This application does not envisage any change to the scope of works or total works to be completed. As a result, there cannot be any cumulative impact if there is no change to the scope.

6. APPENDIX A – APPROVED STAGING PLAN



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7. APPENDIX B – PROPOSED STAGING PLAN

8. APPENDIX C – DA9876 CONSENT CONDITIONS

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: DA 9876

Development: Penrith Lakes Employment Lands subdivision and construction works comprising:

- Torrens title subdivision of three lots into four environmental lots and one residual lot;
- subdivision of the residual lot into 93 Community title lots and one community association lot;
- thirteen (13) development stages;
- earthworks to achieve the final site levels;
- construction of internal roads, including a slip lane to Old Castlereagh Road, footpaths and shared pathways and infrastructure to be dedicated to Council;
- landscaping works including removal of 36 trees and certain vegetation and planting of new trees and vegetation; and
- freestanding advertisement signage.

Site: 14-98 Old Castlereagh Road, Castlereagh (legally known as Lots 1, 2 and 3 DP 1263486, Part Lot 1 DP 45727 & Part Lot 307 DP 752021).

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 31 March 2022

Date from which consent takes effect: Date of Determination.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 14-98 Old Castlereagh Road, Castlereagh (legally known as Lots 1, 2 and 3 DP 1263486, Part Lot 1 DP 45727 & Part Lot 307 DP 752021).

The conditions of consent are as follows:

CONTENTS

DEFINITIONS.....	4
PART A ADMINISTRATIVE CONDITIONS	7
Terms of Consent	7
Limits of Consent	10
Prescribed Conditions	10
Long Service Levy	11
Planning Secretary as Moderator	11
Evidence of Consultation	11
Staging.....	11
Staging, Combining and Updating Strategies, Plans or Programs	12
Structural Adequacy	12
Applicability of Guidelines.....	12
Monitoring and Environmental Audits.....	12
Compliance.....	13
Incident Notification, Reporting and Response	13
Revision of Strategies, Plans and Programs	13
PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE	14
No Works Prior To Certification	14
All conditions under this section to be met	14
Appointment of Certifier	14
Long Service Levy	14
Building Code of Australia (BCA) Compliance	14
Public Domain Plan and Works	14
Roadworks and Access	14
Outdoor Lighting	15
Tree Protection	15
Updated Landscape Plans	15
Updated Stormwater Documents	15
Public Art Strategy	16
Stormwater Management	16
Road Design Standards	16
Stormwater Design Standards	16
Proposed Road Names	16
Update of the FERP	16
Updated Subdivision Plans.....	16
PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS	17
All conditions under this section to be met	17
Notification of Commencement	17
Certified Drawings	17
Protection of Public Infrastructure	17
Pre-Construction Dilapidation Report	17
Complaints Handling	17
Environmental Management Plan Requirements.....	18
Construction Environmental Management Plan	18
Soil and Water	20
Construction Parking	20
Road Works	20
Stormwater Management	21
Acid Sulfate Soil	21
Flood Management.....	21
Aboriginal Heritage	21
Outdoor Lighting	21
Stormwater Management System	21
Contamination	22
Temp Closet Accommodation	22
Hoarding or Fence.....	22
PART D DURING CONSTRUCTION OR WORKS	23

All conditions under this section to be met	23
Site Notice	23
Operation of Plant and Equipment	23
Construction Hours	23
Implementation of Management Plans	23
Construction Traffic	23
Hoarding Requirements	23
No Obstruction of Public Way	24
Construction Noise Limits	24
Vibration Criteria	24
Tree Protection	24
Air Quality	25
Erosion and Sediment Control	25
Imported Fill/Soil	25
Disposal of Seepage and Stormwater	25
Emergency Management and Evacuation	25
Aboriginal Cultural Heritage	26
Unexpected Finds Protocol – Aboriginal Heritage	26
Unexpected Finds Protocol – Historic Heritage	26
Waste Storage and Processing	26
Outdoor Lighting	26
Intersection Works	26
Site Contamination	27
Copy of Stamped Plans on Site	27
PART E PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE/ COMMENCEMENT OF OPERATION	
28	
All conditions under this section must be met	28
Notification of Occupation or Subdivision Certificate	28
Development Contributions	28
Work as Executed Drawings	28
Post-construction Dilapidation Report	28
Protection of Public Infrastructure	29
Protection of Property	29
Utilities and Services	29
Roadworks and Access	29
Works as Executed Plans	29
Road Damage	29
Stormwater Quality Management Plan	29
Outdoor Lighting	30
Signage	30
Landscaping	30
Stormwater Operation and Maintenance Plan	30
Bushfire Planning	30
Operational Flood Emergency Management Plan	30
Bulk Earthworks and Geotechnical Certification	31
Southern Wetlands	31
Fill Certification	31
Registration of Easements / Restriction to Use	31
Dedication of Internal Roads	31
Dedication of Stormwater Drainage Systems	32
Complete All Subdivision Works	32
Tree Protection Certification	32
Community Management Statement	32
PART F POST OCCUPATION / ONGOING CONDITIONS	34
Outdoor Lighting	34
Bushfire Planning	34
Vegetation Management Plan	34
Future development on Lots 7, 31 and 93	34
APPENDIX 1 ADVISORY NOTES	35
APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS	37

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Great River NSW Pty Ltd or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
BC Act	<i>Biodiversity Conservation Act 2016</i>
CEMP	Construction Environmental Management Plan
Certifier	Means a council or accredited certifier
Compliance Reporting Post Approval Requirements	Compliance Reporting Post Approval Requirements as available on the Department's website
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction or Works	The carrying out of works for the purpose of the development, including subdivision, bulk earthworks, internal roads, landscaping, signage and other infrastructure permitted by this consent.
Council	Penrith City Council
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the SEE and supporting documentation, including the works and activities as specified in Schedule 1 and as modified by the conditions of this consent.
Earthworks	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services
EES Group	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6pm to 10pm.
Feasible	Means what is possible and practical in the circumstances
FERP	Flood Emergency Response Plan prepared under Condition Error! Reference source not found.
FERSP	Flood Emergency Response Sub-Plan

Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage NSW	Heritage, Community Engagement of the Department of Premier and Cabinet
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Independent Audit Post Approval Requirements	Independent Audit Post Approval Requirements as available on the Department's website
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
NSW RFS	New South Wales Rural Fire Service
OEMP	Operational Environmental Management Plan
Operation	The development upon completion and certification of each stage of construction or works.
PA	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
PMC	The Planning Ministerial Corporation (PMC) established under the Environmental Planning and Assessment Act 1979 (EP&A Act) which is administered by the Office of Strategic Lands within the Department of Planning, Industry and Environment
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.

Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled “ <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> ” (DECCW)
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting.
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
SEE	The Statement of Environmental Effects titled ‘Statement Of Environmental Effects (Amended And Consolidated)’, prepared by Planning Ingenuity dated 5 November 2021, submitted with the application for consent for the development, including any additional information or reports provided by the Applicant in support of the application, as amended by the addendum Statement of Environmental Effects titled ‘Addendum to Statement of Environmental Effects’ prepared by Planning Ingenuity dated 2 March 2022.
Site	The land defined in Schedule 1
Site Auditor	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
Site Audit Statement	As defined in section 4 of the <i>Contaminated Land Management Act 1997</i>
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2
PART A ADMINISTRATIVE CONDITIONS

The consent is subject to the following conditions:

Terms of Consent

A1. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with any written directions of the Planning Secretary in accordance with the Condition A2;
- (c) in accordance with the SEE;
- (d) in accordance with the approved plans in the table below:

Civil Plans prepared by <i>Enspire Solutions Pty Ltd</i>			
Dwg No.	Rev	Name of Plan	Date
200044-DA-C01.01	3	COVER SHEET AND DRAWING SCHEDULE	4/11/2021
200044-DA-C01.21	2	GENERAL NOTES AND LEGENDS - SHEET 1	17/12/2020
200044-DA-C01.22	2	GENERAL NOTES AND LEGENDS - SHEET 2	17/12/2020
200044-DA-C01.31	5	STAGING PLAN	4/11/2021
200044-DA-C01.41	5	GENERAL ARRANGEMENT PLAN	4/11/2021
200044-DA-C01.42	1	ZONE OVERLAY PLAN	4/11/2021
200044-DA-C01.91	2	TORRENS TITLE SUBDIVISION PLAN	2/03/2022
200044-DA-C01.90	1	COMMUNITY TITLE PLAN	2/03/2021
200044-DA-C02.01	5	TREE REMOVAL PLAN - SHEET 01	14/02/2022
200044-DA-C02.02	5	TREE REMOVAL PLAN - SHEET 02	14/02/2022
200044-DA-C02.11	3	TREE REMOVAL PLAN WESTERN BOUNDARY - SHEET 01	20/01/2022
200044-DA-C02.12	3	TREE REMOVAL PLAN WESTERN BOUNDARY - SHEET 02	20/01/2022
200044-DA-C03.01	2	EROSION AND SEDIMENTATION CONTROL PLANS - SHEET 01	4/11/2021
200044-DA-C03.02	1	EROSION AND SEDIMENTATION CONTROL PLANS - SHEET 02	17/12/2021
200044-DA-C03.03	2	EROSION AND SEDIMENTATION CONTROL PLANS - SHEET 3	4/11/2021
200044-DA-C03.05	1	SOIL AND WATER MANAGEMENT NOTES	17/12/2021
200044-DA-C03.21	1	EROSION AND SEDIMENTATION CONTROL DETAILS	17/12/2021
200044-DA-C04.01	5	BULK EARTHWORKS CUT AND FILL PLAN	4/11/2021
200044-DA-C04.21	2	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 1	17/12/2021
200044-DA-C04.22	3	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 2	4/11/2021
200044-DA-C04.23	3	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 3	4/11/2021
200044-DA-C04.22A	1	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 4	4/11/2021
200044-DA-C04.23A	1	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 5	4/11/2021

Civil Plans prepared by Enspire Solutions Pty Ltd			
Dwg No.	Rev	Name of Plan	Date
200044-DA-C04.26	1	SITE SECTIONS	4/11/2021
200044-DA-C05.01	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 1	4/11/2021
200044-DA-C05.02	4	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 2	17/12/2021
200044-DA-C05.03	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 3	4/11/2021
200044-DA-C05.04	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 4	4/11/2021
200044-DA-C05.05	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 5	4/11/2021
200044-DA-C05.06	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 6	4/11/2021
200044-DA-C05.07	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 7	4/11/2021
200044-DA-C05.08	5	SITEWORKS AND STORMWATER MANAGEMENT PLANS - SHEET 8	4/11/2021
200044-DA-C06.01	2	ROAD TYPICAL CROSS SECTIONS - SHEET 1	17/12/2021
200044-DA-C07.01	4	ROAD TYPICAL LONGITUDINAL SECTIONS - SHEET 1	17/12/2021
200044-DA-C07.02	4	ROAD TYPICAL LONGITUDINAL SECTIONS - SHEET 2	17/12/2021
200044-DA-C11.01	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 1	17/12/2021
200044-DA-C11.02	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 2	17/12/2021
200044-DA-C11.03	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 3	17/12/2021
200044-DA-C11.04	3	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 4	4/11/2021
200044-DA-C11.05	3	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 5	4/11/2021
200044-DA-C11.06	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 6	17/12/2021
200044-DA-C11.07	3	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 7	4/11/2021
200044-DA-C11.08	2	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 8	17/12/2021
200044-DA-C12.01	1	CONCEPT SERVICES INFRASTRUCTURE COORDINATION PLAN	4/11/2021
200044-DA-C12.50	1	SERVICING ARRANGEMENTS WASTE MANAGEMENT AND LOADING ZONES	4/11/2021
200044-DA-C13.01	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 1	17/12/2021
200044-DA-C13.02	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 2	18/12/2021
200044-DA-C13.03	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 3	19/12/2021

Civil Plans prepared by <i>Enspire Solutions Pty Ltd</i>			
Dwg No.	Rev	Name of Plan	Date
200044-DA-C13.04	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 4	20/12/2021
200044-DA-C13.05	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 5	21/12/2021
200044-DA-C13.06	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 6	22/12/2021
200044-DA-C13.07	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 7	23/12/2021
200044-DA-C13.08	4	STORMWATER LONGITUDINAL SECTIONS - SHEET 8	24/12/2021
200044-DA-C14.01	3	SITEWORKS DETAILS - SHEET 1	21/12/2020
200044-DA-C14.02	2	SITEWORKS DETAILS - SHEET 2	17/12/2021
200044-DA-C14.11	2	COUNCIL DETAILS - SHEET 1	17/12/2021
200044-DA-C14.12	2	COUNCIL DETAILS - SHEET 2	17/12/2021
200044-DA-C14.13	2	COUNCIL DETAILS - SHEET 3	17/12/2021
200044-DA-C14.14	2	COUNCIL DETAILS - SHEET 4	17/12/2021
200044-DA-C18.01	2	STORMWATER DETAILS - SHEET 1	17/12/2021
200044-DA-C18.02	2	STORMWATER DETAILS - SHEET 2	17/12/2021
200044-DA-C18.03	3	STORMWATER DETAILS - SHEET 3	4/11/2021
200044-DA-C19.01	1	SITE PLAN - SHEET 1	4/11/2021
200044-DA-C19.02	1	SITE PLAN - SHEET 2	4/11/2021
200044-DA-C19.03	1	SITE PLAN - SHEET 3	4/11/2021
200044-DA-C19.04	1	SITE PLAN - SHEET 4	4/11/2021
200044-DA-C22.01	3	CATCHMENT PLAN	4/11/2021
200044-DA-C25.01	2	TURNING PATH PLAN - SHEET 1	17/12/2021
200044-DA-C25.02	2	TURNING PATH PLAN - SHEET 2	17/12/2021
200044-DA-C25.03	3	TURNING PATH PLAN - SHEET 3	4/11/2021
200044-DA-C25.04	2	TURNING PATH PLAN - SHEET 4	17/12/2021
200044-DA-C25.05	2	TURNING PATH PLAN - SHEET 5	17/12/2021

Landscape Plans prepared by <i>Clouston Associates</i>			
Dwg No.	Issue	Name of Plan	Date
S18-0072 DA 6	K	General Arrangement Plan	17/12/2020
S18-0072 DA 7	K	Old Castlereagh Road – Section AA	17/12/2020
S18-0072 DA 8	K	Typical Road – Section BB	17/12/2020
S18-0072 DA 9	K	Entry Signage Concepts	17/12/2020
S18-0072 DA 10	K	Indicative Planting Palette	17/12/2020
S18-0072 DA 11	K	Indicative Planting Palette	17/12/2020
S18-0072 DA 12	K	Indicative Planting Schedule	17/12/2020

- (e) generally in accordance with the following documents:
- (i) Site Audit Report, prepared by Enviroview Pty Ltd dated February 2016;
 - (ii) Site Audit Statement, prepared by Enviroview Pty Ltd dated 29 February 2016;

- (iii) Economic Impact Analysis, updated letter prepared by HillPDA dated 22 October 2021;
 - (iv) Traffic Report, prepared by Transport and Traffic Planning Associates dated December 2020;
 - (v) Noise Assessment Report, prepared by RAPT Consulting dated 08 December 2020;
 - (vi) Air Quality Report, prepared by Ramboll Australia Pty Ltd dated 9 December 2020;
 - (vii) Geotechnical Statement, prepared by PSM dated 10 December 2020;
 - (viii) Bushfire Assessment Report prepared by Bushfire Planning Australia dated 27 September 2021;
 - (ix) Civil Engineering Report prepared by Enspire Solutions dated 6 November 2021;
 - (x) Great River v PCC Master Tree Data 23-02-22 – Annexure 1 to the Supplementary Joint Arboricultural Experts’ Report dated 14 February 2022.
 - (xi) Urban Design Strategy and Masterplan prepared by Giles Tribe & Clouston Associates dated 30 November 2021;
 - (xii) Flora and Fauna Assessment Report prepared by RPS Group dated 15 October 2021;
 - (xiii) Landscape letter titled ‘Nepean Business Park: Response to Statement of Facts and Contentions (SOFC) relating to landscape design’ prepared by Coulston Associates dated 9 September 2021;
 - (xiv) Tree canopy cover letter titled ‘Nepean Business Park DA9876 Located at 14-278 Old Castlereagh Road, Penrith’ prepared by Urbis dated 10 September 2021;
 - (xv) Site Audit letter titled ‘RE: - Respondent’s SOFC – Great River NSW Pty v Minister for Planning and Public Spaces’ prepared by Enviroview dated 9 September 2021;
 - (xvi) Archaeological Assessment and Aboriginal Cultural Heritage Assessment, prepared by EcoLogical Australia dated 20 December 2021;
 - (xvii) Traffic letter addressing construction impacts titled ‘Re: Penrith Lakes Responses to SOF&C’s’ prepared by TTPA dated 25 October 2021;
 - (xviii) Supplementary Traffic Assessment Rev G prepared by TTPA dated 29 October 2021;
 - (xix) Review of Traffic Impact Assessment prepared by Urbis dated 27 October 2021;
 - (xx) Amended Flood Emergency Response Plan Version 6.2 prepared by Molino Steward Pty Ltd dated March 2022;
 - (xxi) Flood Evacuation Report (Draft) prepared by Molino Steward Pty Ltd dated 5 November 2021;
 - (xxii) Nepean Business Park – Old Castlereagh Road Vegetation Management Plan, revision 1 dated 8 February 2021;
 - (xxiii) Nepean Business Park – Nepean River Vegetation Management Plan, revision 1 dated 8 February 2021 and
 - (xxiv) Waste Management Plan dated 9 September 2021.
- A2. The Planning Secretary may make written directions to the Applicant in relation to the content of any document submitted in accordance with this consent to be approved by the Planning Secretary.
- A3. The conditions of this consent prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A1(c), A1(d) and A1(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in this consent, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A4. This consent lapses five years after the date of consent unless work is physically commenced.

Prescribed Conditions

- A5. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Long Service Levy

- A6. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

Planning Secretary as Moderator

- A7. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution.

Evidence of Consultation

- A8. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
 - (b) provide evidence that consultation has taken place or attempts were made to consult, including where relevant:
 - (i) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;
 - (ii) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;
 - (iii) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations;
 - (iv) outline of the issues raised by the identified party and how they have been addressed; and
 - (v) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.

Staging

- A9. The project may be completed in stages in accordance with the Staging Plan submitted with the application and approved under condition A1A1(d). A Construction Certificate or Subdivision Certificate may be obtained for each stage, subject to the satisfaction of relevant conditions.
- A10. Where staging is proposed to occur differently to that approved in Condition A2(d), a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than three months before the commencement of the first of the proposed stages of construction.
- A11. A Staging Report prepared in accordance with condition A10 must:
- (a) if staged construction is proposed, set out how the construction of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;
 - (b) if staged operation is proposed, set out how the operation of the whole of the project will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant);
 - (c) specify how compliance with conditions will be achieved across and between each of the stages of the project; and
 - (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging.
- A12. Where a Staging Report is required, the project must be staged in accordance with the Staging Report, as approved by the Planning Secretary.

- A13. Where construction or operation is being staged in accordance with a Staging Report, the terms of this consent/approval that apply or are relevant to the works or activities to be carried out in a specific stage must be complied with at the relevant time for that stage as identified in the Staging Report.

Staging, Combining and Updating Strategies, Plans or Programs

A14. The Applicant may:

- (a) prepare and submit any strategy, plan (including management plan, architectural or design plan) or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan (including management plan, architectural or design plan) or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan (including management plan, architectural or design plan) or program);
 - (b) combine any strategy, plan (including management plan, architectural or design plan), or program required by this consent (if a clear relationship is demonstrated between the strategies, plans (including management plan, architectural or design plan) or programs that are proposed to be combined); and
 - (c) update any strategy, plan (including management plan, architectural or design plan), or program required by this consent (to ensure the strategies, plans (including management plan, architectural or design plan), or programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A15. Any strategy, plan or program prepared in accordance with condition A14, where previously approved by the Planning Secretary under this consent, must be submitted to the satisfaction of the Planning Secretary.
- A16. If the Planning Secretary agrees or directs, a strategy, plan (including management plan, architectural or design plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.
- A17. Updated strategies, plans (including management plan, architectural or design plan), or programs replace the respective previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan, program or drawing.

Structural Adequacy

- A18. Any structures that are part of the development and any alterations to existing structures must be constructed in accordance with the relevant requirements of the BCA, if applicable.

Notes:

- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

Applicability of Guidelines

- A19. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.

Monitoring and Environmental Audits

- A20. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

Compliance

- A21. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

Incident Notification, Reporting and Response

- A22. The Planning Secretary must be notified through the Major Projects Portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.
- A23. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Appendix 2**.

Revision of Strategies, Plans and Programs

- A24. Within three months of:
- (a) the submission of an incident report under conditions A22 and A23;
 - (b) the approval of any modification of the conditions of this consent; or
 - (c) the issue of a direction of the Planning Secretary under condition A1 which requires a review,
- the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.
- A25. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (but only where previously approved by the Certifier and if the condition allows). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.

Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE

No Works Prior To Certification

- B1. Work must not commence until a Construction Certificate or Subdivision Works Certificate in respect of the work has been issued.

All conditions under this section to be met

- B2. All relevant conditions under this section must be met prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate.

Appointment of Certifier

- B3. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate, the applicant must:
- (a) appoint a Principal Certifier in accordance with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - (b) The Principal Certifier must submit to the Planning Secretary and Council an "Appointment of Principal Certifier".

Long Service Levy

- B4. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate, the Applicant must provide evidence to the Certifier that any long service levy payable under section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) has been paid.

Building Code of Australia (BCA) Compliance

- B5. The proposed construction works (where relevant) must comply with the applicable Performance Requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the Performance Requirements can only be achieved by:
- (a) compliance with the Deemed to Satisfy Provisions of the BCA; or
 - (b) a Performance Solution which demonstrates:
 - (i) compliance with all relevant Performance Requirements of the BCA or
 - (ii) the solution is at least equivalent to the Deemed to Satisfy Provisions; or
 - (c) a combination of B5 (a) and (b) above.

Public Domain Plan and Works

- B6. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, a public domain plan, prepared by a suitably qualified person and in consultation with Council, must be submitted to the satisfaction of the Planning Secretary. The public domain plan must detail the design, maintenance and management (including pedestrian management) of streets.
- B7. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate for footpath or public domain works, the Applicant must demonstrate to the Certifier that the streetscape design and treatment meets the requirements of the Public Domain Plan approved in B6, including addressing pedestrian management..

Note: Separate construction certificate applications under the Roads Act 1993 are required to be submitted and approved by the relevant roads authority for roadworks or works within the public domain.

Roadworks and Access

- B8. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate for roadworks and access (if any), the Applicant must submit, and receive approval of, design plans to be prepared to the satisfaction of the relevant roads authority.
- B9. Prior to the issue of any relevant Construction Certificate or Subdivision Works Certificate, the Applicant must submit design plans to the satisfaction of the Certifier which demonstrates that the proposed internal roads comply with Table 5.3b of *Planning for Bush Fire Protection 2019*.

Outdoor Lighting

- B10. All Street lighting and outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Additionally, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the development in consultation with affected landowners.
- B11. External lighting to comply with Australian Standard AS4282 (Control of the obtrusive effects of outdoor lighting).
- B12. Lighting design must address NSW Police's principles of 'Crime Prevention Through Environmental Design', having regard to the operating hours of individual tenants and any safety and security issues.

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of the relevant Construction Certificate or Subdivision Works Certificate.

Tree Protection

- B13. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, a detailed site-specific Tree Protection Plan (TPP), prepared by an AQF Level 5 Arboricultural Consultant, must be submitted to the satisfaction of the Planning Secretary. The TPP is to be prepared in accordance with the principles and specifications identified in AS4970 – 2009 Protection of trees on development sites and is to include, but not be limited to, the following:
- (a) a site plan showing locations of proposed tree protection fencing, trunk and ground protection within notional tree protection zones (TPZ) of retained trees;
 - (b) unacceptable activities within fenced TPZs;
 - (c) crown pruning specifications (if required);
 - (d) tree protection monitoring and compliance reporting schedule and key hold points;
 - (e) tree root protection specifications for excavation or soil fill within TPZs.
- B14. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, amended plans and documentation must be submitted to the satisfaction of the Planning Secretary, demonstrating that earthworks have been amended reflect the extent of earthworks identified in the Tree Removal Plans approved in Condition A1(d).
- B15. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, documentation (such as construction plans and specifications) must be submitted to the satisfaction of the Certifier demonstrating that tree protection measures have been incorporated in plans to comply with the approved TPP required by Condition B13.

Updated Landscape Plans

- B16. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, amended landscape plans, prepared by a suitability qualified Landscape Architect, must be submitted to the satisfaction of the Certifier showing:
- (a) planting required by the VMP approved under Condition A1(e)(xxii) and A1(e)(xxiii) has been incorporated into the landscape design; and
 - (b) that plant species proposed are from the Forest Red Gum – Rough-barked Apple grassy woodland on alluvial flats of the Cumberland Plain Sydney Basin Bioregion (PCT 835) palette.

Updated Stormwater Documents

- B17. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, updated stormwater documentation, prepared by a suitability qualified person, must be submitted to the satisfaction of the Planning Secretary that
- (a) identifies details of how drainage infrastructure will be constructed to enable discharge of stormwater from the site to the adjoining Southern Wetlands in accordance with the stormwater management strategy for the site; or

- (b) if required, details of temporary measures to manage stormwater generated from the development should the Southern Wetlands not be operational.

Public Art Strategy

- B18. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, a public art strategy, prepared by a suitably qualified person and in consultation with Council, must be submitted to the satisfaction of the Planning Secretary. The public art strategy is to address:
- (a) context of precinct within the Penrith Lakes;
 - (b) community and public artist engagement;
 - (c) location of installations and artwork;
 - (d) themes and narrative;
 - (e) procurement strategies;
 - (f) maintenance strategies;
 - (g) decommissioning strategies; and
 - (h) timing of delivery of the public artworks within the staging plan of the development.

Stormwater Management

- B19. Prior to issue of the relevant Construction Certificate or Subdivision Works Certificate, documentation, prepared by a suitably qualified person, must be submitted to the satisfaction of the Certifier demonstrating that all basin, structures, treatment systems and related infrastructure on the site are provided outside of any landscaped setbacks to the boundary required.

Road Design Standards

- B20. Prior to issue of the first Construction Certificate or Subdivision Works Certificate for road forming works, road formation designs must be designed in accordance with approved plans and Council standards, to the satisfaction of the Certifier .
- B21. Evidence must be submitted to the satisfaction of the Certifier that the road formation designs in Condition B20 have been incorporated into the detailed design.

Stormwater Design Standards

- B22. Prior to issue of the first Construction Certificate or Subdivision Works Certificate for stormwater drainage works, stormwater drainage designs must be designed in accordance with approved plans and Council standards, to the satisfaction of the Certifier .
- B23. Evidence must be submitted to the satisfaction of the Certifier that the stormwater drainage designs in Condition B22 have been incorporated into the detailed design.

Proposed Road Names

- B24. Submit to Council a request for approval proposed new road names for each new road within the subdivision. The request is to reference the development application number and a plan showing the location of the proposed roads and the names of the proposed roads. (Two alternate names to be proposed in accordance with NSW Addressing User Manual.)

Update of the FERP

- B25. The FERP must be issued to the NSW State Emergency Services (SES) for an opportunity to provide comments. The FERP is to be updated in accordance with any SES comments or requirements. A copy of the updated FERP is to be provided to the Planning Secretary for information.

Updated Subdivision Plans

- B26. Prior to issue of the first Construction Certificate or Subdivision Works Certificate, amended Torrens and Community title subdivision plans, prepared by a suitably qualified person, must be submitted to the satisfaction of the Planning Secretary that includes the area and dimensions of each lot created.

PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION OR WORKS

All conditions under this section to be met

- C1. All relevant conditions under this section must be met prior to the commencement of any relevant construction or works.

Notification of Commencement

- C2. The Applicant must notify the Planning Secretary in writing of the dates of the commencement of construction and operation at least 48 hours before those dates.
- C3. If the construction or operation of the development is to be staged, the Applicant must notify the Planning Secretary in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Certified Drawings

- C4. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier civil and/or structural drawings prepared and signed by a suitably qualified practising Engineer that demonstrates compliance with this development consent.
- C5. Plans certified in accordance with section 6.16 of the EP&A Act are to be submitted to the Certifier and the Planning Secretary prior to commencement of each stage of the works and shall include details as required by any of the following conditions.

A copy of the Construction Certificate or Subdivision Works Certificate shall be submitted to the Planning Secretary and Council.

Protection of Public Infrastructure

- C6. Prior to the commencement of construction, the Applicant must:
- (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.

Pre-Construction Dilapidation Report

- C7. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties and Council assets that are likely to be impacted by the proposed works.

Complaints Handling

- C8. A Complaints Management System must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum for 12 months following completion of construction.
- C9. The following information must be available to facilitate community enquiries and manage complaints one (1) month before the commencement of work and for 12 months following the completion of construction:
- (a) a 24- hour telephone number for the registration of complaints and enquiries about the development;
 - (b) a postal address to which written complaints and enquires may be sent;
 - (c) an email address to which electronic complaints and enquiries may be transmitted; and
 - (d) a mediation system for complaints unable to be resolved.

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.

- C10. A Complaints Register must be maintained recording information on all complaints received about the development during the carrying out of any work and for a minimum of 12 months following the completion of construction. The Complaints Register must record the:
- (a) number of complaints received;
 - (b) the date and time of the complaint;
 - (c) the method by which the complaint was made;
 - (d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect
 - (e) nature of the complaint;
 - (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and
 - (g) if no action was taken, the reason(s) why no action was taken.
- C11. The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.

Note: Complainants must be advised that the Complaints Register may be forwarded to Government agencies to allow them to undertake their regulatory duties.

Environmental Management Plan Requirements

- C12. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

Note:

- The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>
- The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

Construction Environmental Management Plan

- C13. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
 - (i) hours of work;
 - (ii) 24-hour contact details of site manager;
 - (iii) management of dust and odour to protect the amenity of the neighbourhood;
 - (iv) stormwater control and discharge;
 - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - (vi) groundwater management plan including measures to prevent groundwater contamination;
 - (vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
 - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C14);
 - (c) Construction Noise and Vibration Management Sub-Plan (see condition C15);
 - (d) Construction Waste Management Sub-Plan (see condition C16);
 - (e) Construction Soil and Water Management Sub-Plan (see condition C17);
 - (f) Flood Emergency Response Sub-Plan (FERSP) (see condition C18);
 - (g) an unexpected finds protocol for contamination and associated communications procedure;

- (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
 - (i) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site;
 - (j) the approved Tree Protection Plan required by Condition B13; and
 - (k) The Applicant must not commence construction of the development until the CEMP is approved by the Certifier and a copy submitted to the Planning Secretary.
- C14. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) be prepared in consultation with Council and TfNSW;
 - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services; and
 - (d) detail heavy vehicle routes, access and parking arrangements.
- C15. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009);
 - (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
 - (d) include strategies that have been developed with the community for managing high noise generating works;
 - (e) describe the community consultation undertaken to develop the strategies in condition C15(d);
 - (f) include a complaints management system that would be implemented for the duration of the construction; and
 - (g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition C12.
- C16. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the procedures for the management of waste comprising:
- (a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use;
 - (b) information regarding the recycling and disposal locations; and
 - (a) confirmation of the contamination status of the development areas of the site based on the validation results.
- C17. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council;
 - (b) describe all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';
 - (c) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas.

- (d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);
 - (e) detail all off-Site flows from the Site; and
 - (f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to, 1 in 5-year ARI and 1 in 100-year ARI.
- C18. The Flood Emergency Response Sub-Plan (FERSP) must be submitted to the Planning Secretary for approval and must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) considers and adequately addresses the FERP prepared under Condition A1, as approved by the Planning Secretary;
 - (c) address the provisions of the Floodplain Risk Management Guidelines (EESG);
 - (d) include details of:
 - (i) the flood emergency responses for construction phases of the development;
 - (ii) predicted flood levels;
 - (iii) flood warning time and flood notification;
 - (iv) assembly points and evacuation routes;
 - (v) evacuation and refuge protocols; and
 - (vi) awareness training for employees and contractors, and students.
- C19. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
 - (b) minimise conflicts with other road users;
 - (c) minimise road traffic noise; and
 - (d) ensure truck drivers use specified routes.

Soil and Water

- C20. Prior to the commencement of construction, the Applicant must install and maintain erosion and sediment controls and other soil and water management measures in accordance with the CSWMSP.

Construction Parking

- C21. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities.
- C22. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public streets or public parking facilities. A copy of the strategy must be provided to the Planning Secretary for information.

Road Works

- C23. Prior to the commencement of construction for each stage referred to in (a)-(c) below, the Applicant must submit plans and technical specifications for that stage, to the satisfaction of the relevant roads authority, for the following works:
- (a) left turn deceleration lane from Old Castlereagh Road to the approved northern entry road (Road 3) at Stage 6;
 - (b) left turn deceleration lane from Castlereagh Road to Lugard Street at Stage 9; and
 - (c) shared pedestrian and bicycle pathway on the south side of Lugard Street from the site to Castlereagh Road to be delivered in Stage 1.

Note

- Approval must be obtained for roadworks under section 138 of the Roads Act 1993
- All costs associated with the proposed road upgrade works must be borne by the Applicant

Stormwater Management

- C24. Prior to the commencement of construction, erosion and sediment controls must be installed and maintained, as a minimum, in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book'.
- (a) direct all sediment laden water in overland flow away from the leachate management system;
 - (b) prevent cross-contamination of clean and sediment or leachate laden water.
- C25. Prior to the commencement of construction, the Applicant must provide a report, prepared by a suitably qualified person, identifying measures that will be implemented during construction to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI. A copy of this report must be submitted to the satisfaction of the Planning Secretary.

Acid Sulfate Soil

- C26. Prior to the commencement of construction, the Applicant must implement measures to manage Acid Sulfate Soils. These measures must include handling, treatment, monitoring of water quality at treatment areas and disposal of Acid Sulfate Soils.

Flood Management

- C27. Prior to the commencement of construction, the Applicant must prepare and implement for the duration of construction:
- (a) flood warning and notification procedures for construction workers on site; and
 - (b) evacuation and refuge protocols.
- C28. Prior to commencement of any site works, temporary emergency exits, and signage must be provided on-site including clearly labelled direction of travel in the event of a flooding emergency.

Aboriginal Heritage

- C29. Prior to commencement of construction or works, the Applicant must notify the holder of AHIP 113145 to inform them that works will occur within the AHIP boundary. A copy of this notification must be provided to the Certifier for information.

Outdoor Lighting

- C30. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Stormwater Management System

- C31. Prior to the commencement of the relevant construction stage / commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the Certifier for approval. The system must:
- (a) be designed by a suitably qualified and experienced person(s);
 - (b) be generally in accordance with the design plans at condition A1;
 - (c) be in accordance with applicable Australian Standards; and
 - (d) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.

Contamination

- C32. Prior to commencement of works for each stage and only after rehabilitation works approved under a separate consent have been completed for the stage, a Section A Site Audit Statement, prepared by an EPA-accredited auditor, must be submitted to the satisfaction of the Certifier which confirms that the site is suitable for the proposed use. A copy must be provided to the Planning Secretary for information.

Temp Closet Accommodation

- C33. Prior to commencement of works, provide or make available toilet facilities at the work site before works begin and maintain the facilities until the works are completed at a ratio of one toilet plus one additional toilet for every twenty (20) persons employed at the site.

Hoarding or Fence

- C34. Erect a temporary hoarding or temporary construction site fence between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works, if the works:
- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place.

Note 1: A structure on public land or on or over a public road requires the prior approval of the relevant authority under the Local Government Act 1993 or the Roads Act 1993, respectively.

Note 2: The Work Health and Safety Act 2011 and Work Health and Safety Regulation 2011 contain provisions relating to scaffolds, hoardings and other temporary structures

PART D DURING CONSTRUCTION OR WORKS

All conditions under this section to be met

D1. All relevant conditions under this section must be met during works.

Site Notice

- D2. A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details and must satisfy the following requirements:
- (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;
 - (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;
 - (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.

Operation of Plant and Equipment

- D3. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Construction Hours

- D4. Construction, including all works under this consent and the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9am to 12pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9am to 12pm, Saturday.

Implementation of Management Plans

- D8. The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).

Construction Traffic

- D9. All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.

Hoarding Requirements

- D10. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

No Obstruction of Public Way

- D11. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Construction Noise Limits

- D12. The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.
- D13. Construction vehicles, including (but not limited to) heavy vehicles or machinery, concrete agitator trucks and construction worker vehicles, must not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.
- D14. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

Vibration Criteria

- D15. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).
- D16. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D15.
- D17. The limits in conditions D15 and D16 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition C15 of this consent.

Tree Protection

- D18. For the duration of the construction works:
- (a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
 - (b) all street trees immediately adjacent to the approved disturbance area / property boundary/ies must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council;
 - (c) a Project Arborist must be appointed to monitor tree protection in accordance with the requirements identified in the approved Tree Protection Plan required by Condition B13;
 - (d) all tree protection measures detailed in the approved Tree Protection Plan, required by Condition B13, must be installed and certified in writing by the Project Arborist or by a

consulting arborist with an AQF Level 5 arboriculture qualified. A copy of the certification must be provided to the Certifier; and

- (e) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.

Air Quality

D19. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.

D20. During construction, the Applicant must ensure that:

- (a) activities are carried out in a manner that minimises dust including emission of windblown or traffic generated dust;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

D21. All erosion and sediment control measures must be effectively implemented and maintained in accordance with the CSWMSP.

Imported Fill/Soil

D22. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

Disposal of Seepage and Stormwater

D23. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

Emergency Management and Evacuation

D24. The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction.

D25. A copy of the FERSP must always be kept and made available onsite during construction.

D26. During construction or works, one or more Site Flood Warden(s) must be appointed and must always be present on site when the site is occupied. The Site Flood Warden is responsible for the review, exercise, and on-site operation of the early evacuation and non-attendance system. The Site Flood Warden must have the authority to direct site attendees to perform actions necessary for flood preparedness and response.

D27. During construction or works, temporary emergency exits, and signage must be provided on-site including clearly labelled direction of travel in the event of a flooding emergency.

Aboriginal Cultural Heritage

- D28. Construction must be undertaken in accordance with the recommendations of the Archaeological Assessment and Aboriginal Cultural Heritage Assessment approved in Condition A1(e).

Unexpected Finds Protocol – Aboriginal Heritage

- D29. In the event that surface disturbance identifies a new Aboriginal object:
- (a) all works must halt in the immediate area to prevent any further impacts to the object(s);
 - (b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
 - (c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;
 - (d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
 - (e) works shall only recommence with the written approval of the Planning Secretary.

Unexpected Finds Protocol – Historic Heritage

- D30. If any unexpected archaeological relics are uncovered during the work, then:
- (a) all works must cease immediately in that area and notice is to be given to Heritage NSW and the Planning Secretary within 2 business days;
 - (b) depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area as determined in consultation with Heritage NSW; and
 - (c) works may only recommence with the written approval of the Planning Secretary.

Waste Storage and Processing

- D31. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.
- D32. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).
- D33. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.
- D34. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.
- D35. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

Outdoor Lighting

- D36. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

Intersection Works

- D37. Within two months of the commencement of construction, the Applicant must engage an independent Quantity Surveyor to determine the cost of the intersection upgrade works detailed in condition C23 that will form the basis of a contribution to be paid by the Applicant to Council.

Site Contamination

- D38. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.
- D39. Any new information which comes to light during construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the relevant authority.

Copy of Stamped Plans on Site

- D40. Keep a copy of the stamped approved plans on-site for the duration of site works and make the plans available upon request to either the Principal Certifying Authority or an officer of Council or the Department.

PART E PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE/ COMMENCEMENT OF OPERATION

All conditions under this section must be met

- E1. All relevant conditions under this section must be met prior to the issue of any relevant Construction Certificate or Subdivision Certificate.

Notification of Occupation or Subdivision Certificate

- E2. At least one month before the issue of the Subdivision Certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Occupation Certificate or Subdivision Certificate

- E3. A Subdivision Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved development. A copy of the Subdivision Certificate shall be submitted to the Planning Secretary no later than 7 business days from the date of issue.

Development Contributions

- E4. Prior to the issue of any relevant Subdivision Certificate, the development must make a monetary contribution to Penrith City Council in the amount of 1% of the proposed cost of carrying out the development, for the purposes of the Local Infrastructure identified in the Penrith City Section 7.12 City Wide Development Contributions Plan for non-residential development, under section 7.12 of the EP&A Act.

The contribution must be adjusted on a quarterly basis (from the date of this consent), to account for movements in the Australian Bureau of Statistics Consumer Price Index – Building Construction (NSW).

Work as Executed Drawings

- E5. Prior to the issuing of a Subdivision Certificates for any stage of the development, detailed work-as-executed drawings shall be prepared and signed by a Registered Surveyor, which show the finished surface levels of the access road, internal roads, drainage and any areas of fill, carried out under this consent. The work-as-executed drawing must be submitted to the Planning Secretary, Certifier and Council prior to the issue of a Subdivision Certificate.
- E6. Prior to the issuing of a Subdivision Certificates for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.

Post-construction Dilapidation Report

- E7. Prior to the issue of any relevant Subdivision Certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - (c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - (d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads;
 - (e) to be forwarded to Council for information.

Protection of Public Infrastructure

E8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development (with the exception of any damage to roads caused as a result of general road usage); and
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Note: This condition does not apply to any damage to roads caused as a result of general road usage or otherwise addressed by contributions required by E4 of this consent.

Protection of Property

E9. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Utilities and Services

- E10. Prior to the issue of any relevant Subdivision Certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.
- E11. Prior to the issue of any relevant Subdivision Certificate, written advice and clearances shall be obtained from the relevant wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Roadworks and Access

- E12. Prior to issue of the relevant Subdivision Certificate for that stage or commencement of operation of that stage, the Applicant must complete the construction of all internal roads of that stage to the satisfaction of Council.
- E13. Prior to issue of the relevant Subdivision Certificate or commencement of operation of the relevant stage, the Applicant must complete the road works identified in Condition C23 for that stage to the satisfaction of the relevant roads authority

Works as Executed Plans

- E14. Prior to the issue of any relevant Subdivision Certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the Certifier.

Road Damage

- E15. Prior to the issue of any relevant Subdivision Certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development must be met in full by the Applicant.

Stormwater Quality Management Plan

- E16. Prior to the issue of any relevant Subdivision Certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
 - (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Outdoor Lighting

- E17. Prior to the issue of any relevant Subdivision Certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:
- (a) complies with the latest version of AS 4282-2019 – Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and
 - (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

Signage

- E18. Prior to the commencement of operation, the freestanding advertisement signs must be installed as per approved plans in Condition A1 and certification must be submitted to the satisfaction of the certifier.

Landscaping

- E19. Prior to the commencement of operation and issue of any relevant Subdivision Certificate, landscaping of the stage must be completed in accordance with landscape plan(s) approved under condition B16.
- E20. Provide the Certifier with written certification from a qualified landscape designer certifying that landscaping has been implemented in accordance with the approved landscape plan as amended by any conditions of this consent.

Stormwater Operation and Maintenance Plan

- E21. Prior to the commencement of operation, a Stormwater Operation and Maintenance Plan (SOMP) is to be submitted to the Certifier. The SOMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
 - (b) record and reporting details;
 - (c) relevant contact information; and
 - (d) Work Health and Safety requirements.

Bushfire Planning

- E22. Prior to the issue of any relevant Subdivision Certificate, certification must be obtained by a suitably qualified professional that:
- (a) the internal public roads have been constructed in accordance with Table 5.3b of Planning for Bush Fire Protection 2019;
 - (b) all new lots are to be connected to a reliable water supply network and that suitable fire hydrants are located throughout the development site that are clearly marked and provided for the purposes of bushfire protection;
 - (c) fire hydrant spacing, sizing and pressure is in accordance with AS2419.1 2005 and Table 5.3c of PBP 2019;
 - (d) landscaping and fuel loads on site will decrease the potential for fire hazards; and submitted to the satisfaction of the Certifier.
- E23. Prior to the issue of any relevant Subdivision Certificate and in perpetuity, all land zoned employment must be managed as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of the Planning for Bush Fire Protection 2019 and the NSW RFS document 'Standards for asset protection zones'.

Operational Flood Emergency Management Plan

- E24. Prior to the issue of the first Subdivision Certificate and occupation, the recommendations of the FERP must be implemented and operational.

- E25. Prior to the issue of the first Subdivision Certificate and any subsequent Subdivision Certificate, permanent signage must be provided on-site including clearly labelled direction of travel in the event of a flooding emergency. A site map showing emergency evacuation routes must also be provided on-site in a prominent position. Signage must be constructed in accordance with all relevant legislation, environmental planning instruments, and Australian Standards.

Bulk Earthworks and Geotechnical Certification

- E26. Within three weeks of completion of each stage of bulk earthworks and ground treatment, a suitably qualified geotechnical engineer familiar with the bulk earthworks and ground treatment design undertaken at the site, must submit a letter to the Certifier, and provide a copy to the Planning Secretary for information, which confirms:
- (a) they have reviewed the design and construction documentation for the bulk earthworks and ground treatment for the site;
 - (b) they have reviewed the results of monitoring and testing completed during the bulk earthworks and ground treatment; and
 - (c) on the above basis, they confirm that the monitoring and testing indicate that bulk earthworks and ground treatment design has achieved the intended design outcome, i.e. a set of postconstruction total and differential settlement that is suitable for future industrial development.

Southern Wetlands

- E27. Prior to issue of any Subdivision Certificate, documentation, prepared by a suitably qualified person, must be submitted to the satisfaction of the Certifier confirming that velocity management devices (including a riprap lined channel) in the adjoining Southern Wetlands are operational.

Fill Certification

- E28. Prior to the release of the Subdivision Certificate, a fill report along with a final contour plan is to be submitted to and endorsed by Certifier. The fill report must show the location, depth, and type of fill located on the site. A copy of the endorsed fill report and final contour plan must be provided to the Planning Secretary for information.

Registration of Easements / Restriction to Use

- E29. The creation of easement(s) for services and restrictions as to user as are applicable under Section 88B of the Conveyancing Act 1919, including (but not limited to) the following:
- (a) lots 1 to 93 are required to be maintained and managed as an IPA as outlined within section 4.1.3 and Appendix 5 of the Planning for Bush Fire Protection 2019 (as amended) and the NSW RFS document 'Standards for asset protection zones'; and
 - (b) lots 200 to 203 are required to be maintained and managed as required in the Vegetation Management Plan approved in Condition A1.
 - (c) Lots 7, 31 and 93 are required to be developed in accordance with the principles set out in the Nepean Business Park Urban Design Study and Master Plan prepared by Giles Tribe and Clouston Associates dated 30.11.2021
- E30. A Subdivision Certificate must be issued for each stage prior to lodgement of the Final Plan of Survey with the NSW Land Registry Services. Council must issue a Subdivision Certificate except where an environmental planning instrument provides that a Subdivision Certificate may be issued by an Accredited Certifier for a specified subdivision.
- E31. The Applicant must submit two (2) copies of the Plan of Survey to Council prior to the issue of a Subdivision Certificate for each stage.

Dedication of Internal Roads

- E32. All internal roads must be constructed by the Applicant and dedicated to Council as public roads following registration of the Plan of Subdivision. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the roads. The dedication must be at no cost to Council.

Dedication of Stormwater Drainage Systems

- E33. The stormwater drainage system must be constructed by the Applicant and dedicated to Council following registration of the Plan of Subdivision. Upon dedication and at the end of the maintenance period Council will be responsible for the on-going maintenance of the stormwater drainage system. The dedication must be at no cost to Council.

Complete All Subdivision Works

- E34. Complete the civil engineering works within the development site in accordance with the detailed design drawings and design reports plans within the relevant construction certificate or Subdivision Works Certificate.
- E35. Complete construction of all subdivision works covered by the Subdivision Works Construction Certificate(s). Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's adopted fees and charges.

Tree Protection Certification

- E36. Prior to issue of any Subdivision Certificate or commencement of operation, a compliance certificate is to be issued by the Project Arborist certifying that all tree protection measures detailed in the approved Tree Protection Plan, required by Condition B13, have been complied with. A copy of the compliance certificate is to be provided to the Certifier.

Community Management Statement

- E37. Prior to issue of the first Subdivision Certificate and commencement of occupation, a Community Management Statement, prepared by a suitability qualified person, must be prepared and submitted to the satisfaction of the Planning Secretary. The Community Management Statement must, but is not limited to, the following:
- (a) ensure implementation of the FERP approved in Condition A1 as amended by Condition B25;
 - (b) include a requirement that within 4 weeks of the future Flood Response Guideline, as referred to in section 3.1.1 of the Penrith Lakes Development Control Plan, being published on the Department's website, the Applicant engage, a suitably qualified and practicing hydraulic engineer with no less than 5 years experience in flood management, to complete an audit of the property and review of the FERP in accordance with the requirements of the Flood Response Guideline. The outcome and recommendations of the audit and review must inform any updates to the FERP and must be submitted to the Planning Secretary within 8 weeks of the Flood Response Guideline being published. Any changes to the FERP are to be approved by the Planning Secretary;
 - (c) include a requirement for the FERP to be audited, by a suitably qualified and practicing hydraulic engineer with no less than 5 years experience in flood management, annually in perpetuity, or until otherwise agreed to by the Planning Secretary;
 - (d) include a requirement for the FERP to be reviewed, by a suitably qualified and practicing hydraulic engineer with no less than 5 years experience in flood management, every five years or following a flood which triggers evacuation;
 - (e) ensure that during operation, and in perpetuity, permanent signage be maintained on-site including clearly labelled direction of travel in the event of a flooding emergency. A site map showing emergency evacuation routes must also be provided on-site in a prominent position. Signage must be constructed and maintained in accordance with all relevant legislation, environmental planning instruments, and Australian Standards;
 - (f) ensure that operation site occupants evacuate the site in accordance with the "Penrith Lakes Early Warning System" when this is prepared by the NSW State Government.
 - (g) include a requirement that the Community Association will be responsible for installing and implementing any vehicle monitoring system in accordance with the FERP.
 - (h) include a requirement for a physical copy of the FERP to be retained at all times at the registered offices of the Community Association and which is made available to all flood

wardens appointed under the FERP, lot owners and business operators during the operation of this consent;

- (i) ensure in perpetuity implementation of the recommendations of the FERP;
- (j) include a requirement that Lots 1 to 93 provide a suitable shelter in place location, which is situated above PMF flood level, to allow occupants to safely shelter in place during flood events should evacuation fail and occupants remain on site during a flood event;
- (k) ensure maintenance of the public accessway and associated landscaping on Lot 93 to allow safe public access to the lot is maintained; and
- (l) ensure maintenance and management of lots 15 to 25 in accordance with the Vegetation Management Plan approved in Condition A1.

PART F POST OCCUPATION / ONGOING CONDITIONS

Outdoor Lighting

- F1. Notwithstanding condition D36, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.

Bushfire Planning

- F2. All land zoned Employment is required to be managed as an inner protection zone (IPA) as outlined within section 4.1.3 and Appendix 5 of the Planning for Bush Fire Protection 2019 and as required by condition E23, shall be maintained for the duration of occupation of the development.
- F3. An emergency management plan must be prepared for all businesses on bushfire prone land, prior to occupation of future development.
- F4. Any required Asset Protection Zones or setbacks for future structures are able to be provided within each lot.
- F5. A Bushfire Attack Level (BAL) certificate shall be prepared for any future development demonstrating the proposed building is not exposed to BAL-40 or BAL-FZ and that the development is able to confirm with the specifications and requirements of PBP 2019. Alternatively, a development application shall be submitted to the relevant consent authority supported by a Bushfire Assessment Report (BAR).
- F6. All hazardous materials to be stored on land within 100m of any designated bushfire prone land shall be stored in a secure enclosure away from the bushfire hazard.

Vegetation Management Plan

- F7. The Applicant must undertake maintenance and management in accordance with the approved VMPs required by condition A1 for the duration of occupation of the development.

Future development on Lots 7, 31 and 93

- F8. Future development of Lots 7, 31 and 93 must be in accordance with the principles set out in the Nepean Business Park Urban Design Study and Master Plan prepared by Giles Tribe and Clouston Associates, dated 30.11.2021.

APPENDIX 1 ADVISORY NOTES

General

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

Access for People with Disabilities

AN4. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

AN5. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.

AN6. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Road Design and Traffic Facilities

AN7. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW(RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road Occupancy Licence

AN8. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN9. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

Hoarding Requirements

AN10. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

Handling of Asbestos

AN11. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Fire Safety Certificate

AN12. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.

APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

Written Incident Notification Requirements

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A22 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 7 days of the date of notification regarding the incident, or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.