

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA16/0411
Description of development:	Six (6) Storey Mixed Use Building with Ground Floor Retail Tenancies x 4, Residential Apartments x 58 & Basement Car Parking
Classification of development:	Class 2 , Class 5 , Class 7a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 3004 DP 1184498
Property address:	192 Lord Sheffield Circuit, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Thornton North No3 Pty Ltd Level 23 Tower 2 Darling Park 201 Sussex Street SYDNEY NSW 2000
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

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

Date from which consent operates	9 February 2017
Date the consent expires	9 February 2019
Date of this decision	6 February 2017

POINT OF CONTACT

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

Assessing Officer:	Clare Aslanis
Contact telephone number:	+612 4732 8195

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

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

Certification and advisory notes

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

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

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

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

Appeals in the Land and Environment Court

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

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

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

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney West Planning Panels

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the plans tabled below and stamped approved by Council, the application form, BASIX Certificate No. 764523M and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Plan	Numbered	Drawn By	Dated
Site Plan	DA01-1001 (Revision A)	DKO Architects	29 April 2016
Basement Level Plan	DA01-2000 (Revision A)	DKO Architects	29 April 2016
Ground Floor Plan	DA01-2001 (Revision A)	DKO Architects	29 April 2016
Level 1 Plan	DA01-2002 (Revision A)	DKO Architects	29 April 2016
Level 2 Plan	DA01-2003 (Revision A)	DKO Architects	29 April 2016
Level 3 Plan	DA01-2004 (Revision A)	DKO Architects	29 April 2016
Level 4 Plan	DA01-2005 (Revision A)	DKO Architects	29 April 2016
Level 5 Plan	DA01-2006 (Revision A)	DKO Architects	29 April 2016
Roof Plan	DA01-2007 (Revision A)	DKO Architects	29 April 2016
Elevations Plan	DA01-3000 (Revision A)	DKO Architects	29 April 2016
Elevations Plan	DA01-3001 (Revision A)	DKO Architects	29 April 2016
Elevations Plan	DA01-3002 (Revision A)	DKO Architects	29 April 2016
Section Plan	DA01-3003 (Revision A)	DKO Architects	29 April 2016
Perspectives Plan	DA01-5000 (Revision A)	DKO Architects	29 April 2016

- 2 Prior to occupation of the building or a tenancy within the building, a separate development approval is to be obtained from Penrith City Council to use the building or each tenancy within the building/complex.
- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 4 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan.
- 5 To facilitate the future conversion of ground floor residential uses to non-residential uses, a positive covenant shall be registered on the title of the property prior to the issue of an Occupation Certificate stating that the strata owners corporation shall not unreasonably restrict or limit the ability for such a conversion to occur.
- 6 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 7 **Prior to the issue of an Occupation Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 8 **Prior to the issue of a Construction Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was

granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

- 9 **Prior to the issue of a Construction Certificate**, amended architectural plans shall be submitted to Council for approval demonstrating compliance with Council's Residential Flat Building Development Waste Management Guidelines and the following requirements:

a) Waste Chutes and Chute Room

- i) The chute system shall provide a separate chute for residual and recyclable waste.
- ii) A linear track device shall be provided under each individual chute. System specifications, operational clearances and locations are to be clearly outlined. A minimum 0.9m clearance around the track device is required to allow the bins to be rotated and changed when full.
- iii) Suitable door access for the service of bins with a minimum width of 1.8m shall be provided.
- iv) Provision shall be made for the storage of 2 x 1,100L service bins in each chute room with a minimum 1.4m wide unobstructed path of access.

b) Waste Collection Room

- i) The room shall accommodate 8 x 1,100L bins with 0.2m between each bin and a 1.8m clearance between the bins from the doorways to allow adequate manoeuvrability room
- ii) Suitable door access for the service of bins with a minimum width of 1.8m shall be provided.

- 10 Prior to the issue of a Construction Certificate, revised elevation plans of the waste collection room shall be submitted to Council for approval. These plans are to demonstrate blank wall articulation through changes in materiality and landscape screening.
- 11 **Prior to the issue of an Occupation Certificate**, all plant/equipment and lift over runs on the roof area are to be screened from public view.
- 12 Prior to the issue of an Occupation Certificate, a signage strategy shall be submitted to Council for approval in accordance with Clause E11.8.4.13 of Penrith Development Control Plan 2014. The strategy is to:
- a) identify the preferred locations and quantum of all building identification and advertising signage;
 - b) include a palette of preferred materials, signage types and graphic style;
 - c) outline proposed illumination requirements so as to consider its impact on future, nearby residential uses;
 - d) promote a high quality, co-ordinated approach to signage within the Village Centre and minimise visual clutter;
 - e) include details of any way finding signage.
- 13 The basement car park associated with DA16/0411 and DA16/0412 shall be built concurrently and completed prior to the issue of an Occupation Certificate for either development.
- 14 The following safety and security requirements are to be complied with:
- a. Pedestrian pathways, lane ways and access routes in outdoor public spaces should be lit to the minimum Australian Standard of AS 1158. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas. Lighting should be designed in accordance with AS4282 – Control of the obtrusive effects of outdoor lighting.
 - b. Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.
 - c. Lighting should be designed so that it is 'vandal-tough' or difficult for vandals to break.

- d. All lighting should be maintained and kept in a clean condition with all broken or burnt out globes to be replaced quickly.
- e. Avoid medium height vegetation with concentrated top to bottom foliage.
- f. Trees with dense low growth foliage should be spaces or crown raised to avoid a continuous barrier.
- g. Avoid vegetation that impedes the effectiveness of public and private space lighting.
- h. Use “green screens” (wall hugging vegetation that cannot be hidden behind) if screening large expanses of fencing to minimise graffiti.
- i. Anti-motor vehicle theft signage is to be displayed in visible locations within the car park.
- j. Any outdoor furniture should utilise vandal-resistant treatments where possible and should be constructed of sturdy materials to minimise opportunities for malicious damage, graffiti, vandalism and theft. Graffiti resistant coatings must be applied to any surfaces subject to graffiti to assist with removal.
- k. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repared (within 48 hours).
- l. The required sight lines at intersections and driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.

15 prior to the issue of an Occupation Certificate, Lots 3004 and 3005 in DP 1184498 shall be consolidated as one allotment.

16 A right of footway shall be registered on the title of the subject land in the location of the pedestrian through-site link prior to the issue of an Occupation Certificate.

Note: Additional terms may be added to the standard wording for a Right of Footway as provided in the Conveyancing Act. Additional wording may stipulate that the Right includes the use of the through-site link for dining associated with tenancies with frontage to the through-site link which includes the placement of tables and chairs within the through-site link.

17 Details on the location and sizing of rainwater tanks for the development, including harvested rainwater reuse information, is to be submitted to Council **prior to the issue of a Construction Certificate** in line with the requirements of Council's Water Sensitive Urban Design Policy 2013 and BASIX Certificate No. 764523M (dated 30 September 2016).

18 **Prior to the issue of Construction Certificate** the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B - 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference 9470Rpt1B dated 17 October 2012.

Environmental Matters

- 19 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

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

- 20 All waste materials stored on-site during the construction phase are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

- 21 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

- 22 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Council approved Acoustic Report that is required by this consent. The recommendations provided in the Council approved Acoustic Report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be

obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the Council approved Acoustic Report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

- 23 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 24 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

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

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

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

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soilscience, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

- 25 Dust suppression techniques are to be employed during construction activities to reduce any potential nuisance to surrounding properties.
- 26 Prior to the issue of an Occupation Certificate, the developer is to enter into a formal agreement with Penrith

City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or damage.

Note:

By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

27 The property owner or agent acting for the owner shall arrange for the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 4732 7615 for the commencement of waste services.

28 **Prior to the issue of a Construction Certificate**, an Acoustic Report is to be submitted to Council for approval. The Acoustic Report is required to demonstrate that the development can achieve the internal noise criteria, and that it will not have any unreasonable impact on adjoining premises. This report is to be prepared by a suitably qualified acoustic consultant.

The report is to consider:

- The 'NSW Industrial Noise Policy' in terms of assessing the noise impacts associated with the development, including noise from plant and equipment, the commercial premises, deliveries and garbage removal (including use of the truck turning table). The Acoustic Report is to assess the impacts of these components and activities upon the internal noise levels of the residential units within the development as well as upon surrounding receivers.
- The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with 'NSW Road Noise Policy'.

Should mitigation measures be necessary, recommendations should be included to this effect.

29 **Prior to the issue of the Construction Certificate**, a soil erosion and sediment control plan, prepared in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction " 2004 shall be submitted to Council for approval. (Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication). If Council is not the Certifying Authority, a copy of Council's approval is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved erosion and sediment control measures are to be installed prior to the commencement of works on site and shall be maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. The erosion and sediment control measures are to be maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004 and are to ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development. Also, dust suppression techniques are to be employed during site works and construction activities to reduce any potential nuisances to surrounding properties.

30 **Prior to the issue of the Construction Certificate**, details on the type and location of all mechanical plant and equipment associated with the development, is to be provided to Council for consideration and approval. Suitable data and information, assessed by a qualified acoustic consultant, is to be supplied to demonstrate that the operation of the plant and equipment (including but not limited to mechanical ventilation/air-

conditioning equipment) will comply with the internal noise criteria required for each of the individual units within the development, as well as complying with the provisions of the Protection of The Environment Operations Act 1997 that apply to the development, in terms of regulating offensive noise. In this regard, the operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises.

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that all plant and equipment has been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified. This Compliance Certificate for the mechanical plant and equipment may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the established noise criteria as detailed in the Council approved Acoustic Report.

- 31 Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, contaminated groundwater, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

- 32 Drainage details demonstrating that all waste water from the bin rooms/bin washing area(s) is discharged to an approved sewer outlet, are to be shown on plans accompanying the Construction Certificate application. Waste water from the washing of garbage bins is not to enter the stormwater system.
- 33 No waste water resulting from, or associated with, the excavation and construction phase of the development, is permitted to enter Council's stormwater system. All waste water from the site is to be removed by a licensed transporter and disposed of at an EPA licensed waste facility. All receipts and supporting documentation must be retained in order to verify lawful disposal of waste water and are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to both Council and the Certifying Authority prior to the commencement of works.
- 34 **Prior to the issue of the Construction Certificate**, a Construction Noise and Vibration Impact Assessment and Management Plan is to be prepared and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009 and "Assessing Vibration- a technical guideline", 2006.

The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

BCA Issues

- 35 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
- (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
- As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:
- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
 - prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 36 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

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

Utility Services

- 37 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 38 Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 39 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

- 40 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

41 Prior to the commencement of construction works:

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

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

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

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

43 Clothes drying facilities are to be positioned and screened from public view.

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

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

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

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

- 45 **The Construction Certificate must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS4299- 2009).**

Engineering

- 46 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 47 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

- 48 Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
 - d) Road occupancy or road closures
 - e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
 - f) Temporary construction access

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

- 49 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Integrated Group Services, reference number EN-N16_92, drawings H-900 to H-903, revision 01, dated 30 September 2016.

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

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

- 50 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

Prior to issue of any Construction Certificate, the Certifying Authority shall ensure that the plans are amended to reflect required correction detailed in Appendix B, Swept Path Assessment of Transport Impact Assessment, reference number: 16S9042000, dated 17/10/2016, prepared by GTA Consultants.

- 51 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include, but not limited to vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or RMS Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and the parking in the area is not severely impacted by the construction of this development.

The CTMP shall be supported by a traffic control plan, designed in accordance with the requirements of the RMS's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RMS accredited Work Site Traffic Controller.

- 52 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 53 All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.
- 54 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 55 Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

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

- 56 Accessible car park spaces, in the basement car park, are to be designed according to AS2890.6 and configured so that the required shared spaces are not within the travel lane of the circulating aisles.
- 57 The proposed median/pedestrian refuge between the service vehicle driveway and basement car park driveway is to be a minimum of 2m wide with a cut-out section to allow prams and/or mobility aids to traverse at grade.
- 58 Prior to the Issue of an Occupation Certificate the pedestrian movements to the west and east of the site must be facilitated by the construction of two (2) on-road raised threshold pedestrian crossings (one on Dunshea Place and the other on Lord Sheffield Circuit) linking to the proposed internal footways fronting commercial operations on the ground floor of the site.
- 59 Subleasing of car parking spaces is not permitted by this consent.
- 60 The required sight lines around driveway entrances are not to be compromised by landscaping, fencing, signage or other obstructions.
- 61 All car spaces are to be linemarked and dedicated for the parking of vehicles only and not to be used for storage of materials/products/waste materials, etc.
- 62 All servicing of the site by heavy vehicles, including (but not limited to) deliveries to commercial tenancies, must be undertaken via the proposed service vehicle driveway and turntable, with a plan of management to be provided indicating how the use of the service driveway/turntable is to be facilitated between all users.

Landscaping

- 63 All landscape works are to be constructed in accordance with the stamped approved plans and Penrith Council's Development Control Plan 2014.

Landscaping shall be maintained:

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

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

- 64 The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.
- 65 Upon completion of the landscape works associated with the development and prior to the issue of an

Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

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

- 66 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Development Control Plan 2014.
- 67 All landscape works are to meet industry best practice and the following relevant Australian Standards:
- AS 4419 Soils for Landscaping and Garden Use,
 - AS 4454 Composts, Soil Conditioners and Mulches, and
 - AS 4373 Pruning of Amenity Trees.

Section 94

- 68 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$105,850.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space (Multi Unit) may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

- 69 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 70 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

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

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

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

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

Information to accompany the Notice of Commencement

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

SIGNATURE

Name:	Clare Aslanis
Signature:	

For the Development Services Manager