

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

SWCPP Ref. No.:	PPSSWC-43
Application number:	DA19/0808
Description of development:	Stage Two (2) Works of an Approved Concept Development Application comprising the Construction of Three (3) Six (6) Storey Seniors Living Apartment Buildings including 139 x Independent Living Units, Communal Facilities, 171 x Car Parking Spaces and associated Earthworks and Landscaping
Classification of development:	Class 2 , Class 7a , Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1248137
Property address:	1 Hortsmann Circuit, JORDAN SPRINGS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Lendlease RI Jordan Springs Holding Pty Ltd Tower 3 Level 14 300 Barangaroo Avenue BARANGAROO NSW 2000
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DECISION OF CONSENT AUTHORITY

In accordance with Section 2.12 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation 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	14 October 2020
Date the consent expires	14 October 2025
Date of this decision	21 September 2020

POINT OF CONTACT

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

Assessing Officer:	Jane Hetherington
Contact telephone number:	+612 4732 8078

NOTES

Reasons

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

Conditions

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

Certification and advisory notes

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

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

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

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

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Service	13/03/2020	DA20191211001428-Original-1	4	Section 100B of the Rural Fires Act 1997
Natural Resources Access Regulator	06/02/2020	IDAS1121300	2	Water Management Act 2000
Heritage NSW	21/07/2020	DOC20/587167	2	Section 90 of the National Parks and Wildlife Act 1974

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be consistent with the following plans stamped approved by Council, the application form, the BASIX Certificate 1057654M and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Project Number	Drawing No.	Prepared By	Dated
Site Plan	260436	DA_0_00004 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Staging Plan	260436	DA_0_00005 - DA_0_00006 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Sections	260436	DA_0_00007 - DA_0_00008 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Perspectives	260436	DA_0_00009 - DA_0_00010 (Rev 1 & 2)	Lendlease Integrated Solutions	27/05/2020
Basement Plan	260436	DA_0_10101 (Rev 3)	Lendlease Integrated Solutions	05/08/2020
Floor Plans	260436	DA_0_20001, DA_0_20101, DA_0_20401, DA_0_20501 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Roof Plan	260436	DA_0_20601 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Overall Elevations	260436	DA_0_30001 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Overall Sections	260436	DA_0_40001 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Building A Plans	260436	DA_1_10001, DA_1_20001, DA_1_20101, DA_1_20401, DA_1_20501, DA_1_20601, DA_1_30001, DA_1_30002, DA_1_40001, DA_1_40002 (Rev 1 & 2)	Lendlease Integrated Solutions	11/11/2019, 20/05/2020

Building B Plans	260436	DA_2_10001, DA_2_20001, DA_2_20101, DA_2_20401, DA_2_20501, DA_2_20601, DA_2_30001, DA_2_30002, DA_2_40001, DA_2_40002 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Building C Plans	260436	DA_3_10001, DA_3_20001, DA_3_20101, DA_3_20401, DA_3_20501, DA_3_20601, DA_3_30001, DA_3_30002 DA_3_40001, DA_3_40002 (Rev 2)	Lendlease Integrated Solutions	20/05/2020
Facade treatment and materials	260436	DA_5_63000 - DA_5_63004 (Rev 1& 2)	Lendlease Integrated Solutions	11/11/2019 20/05/2020
Civil Plans	-	300100(3)-CENG-001- 300100(3)-CENG-701 (Ver. G)	ADW Johnson P/L	03/08/2020
Landscape Plan	-	S19-0006 Issue J	Clouston Associates	06/08/2020

2 A copy of the General Terms of Approval (dated 6 February 2020) issued by the NSW Natural Resource Access Regulator under the *Water Management Act 2000* shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

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

4 All requirements of the NSW Rural Fire Service's General Term of Approval (dated 13 March 2020) must be satisfied as follows:

a) Prior to the issue of an Occupation Certificate and in perpetuity, the proposed area demarcated for stage 2 shall be managed as shown in Figure 4 of the Bushfire Assessment Report dated 12 November 2019 prepared by Peterson Bushfire. The site of the southern aspect of the proposed works, including the drainage basin, must be managed as an inner protection area (IPA) for a distance of 40 metres. The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;

- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and
- Lower limbs of trees removed up to a height of 2 metres above the ground.

b) New construction of the proposed independent living units must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS 3959-2009 Construction of buildings in bush fire prone areas or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas - 2014' as appropriate and Section A3.7 Addendum Appendix 3 of Planning for Bush Fire Protection 2006. Details are to be incorporated into the Construction Certificate plans.

c) Internal roads shall comply with following requirements of Section 4.2.7 of 'Planning for Bush Fire Protection 2006':

- Internal roads are two wheel drive, sealed, all weather roads.
- Internal perimeter roads are at least two traffic lane widths (carriageway 8 metres minimum kerb to kerb) with shoulders on each side, allowing traffic to pass in opposite directions.
- Roads are through roads. Dead end roads are not more than 100 metres in length from a through road, incorporate a minimum 12 metres outer radius turning circle, and are clearly signposted as a dead end road.
- Traffic management devices are constructed to facilitate access by emergency service vehicles.
- A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.
- Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- The minimum distance between inner and outer curves is six metres. Curves have a minimum inner radius of 6 metres and are minimal in number to allow for rapid access and egress.
- Maximum grades do not exceed 15 degrees and average grades are not more than 10 degrees.
- Crossfall of the pavement is not more than 10 degrees.
- Roads do not traverse through a wetland or other land potentially subject to periodic inundation (other than flood or storm surge).
- Roads are clearly signposted and bridges clearly indicate load ratings.
- The internal road surfaces and bridges have a capacity to carry fully-loaded fire fighting vehicles (15 tonnes).

d) Water, electricity and gas must comply with the following:

- Fire hydrant design, spacing, sizing and pressures must comply with AS 2419.1. Fire hydrants must not be located within any road carriageway.
- Ring main systems must be used for urban subdivisions with perimeter roads.
- Fire hose reels must be constructed and installed in accordance with AS/NZ 1221 and AS 2441.
- All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- Electrical transmission lines should be located underground where possible.
- Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

e) Prior to the issue of an Occupation Certificate and in perpetuity, landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located away from the building.
- Low flammability vegetation species are used.

f) Prior to the issue of a Occupation Certificate, a restriction to the land use pursuant to section 88B of the 'Conveyancing Act 1919' of land shall be placed over the proposed Emergency Access identified in Figure 4.5. Lakeside Parade Site Access of the Traffic Impact Assessment, Project No. P3494 Version 004 dated 3 July 2018 prepared by Bitzios Consulting. The name of the authority empowered to release, vary or modify the instrument shall be Penrith Council.

g) Emergency Access road widths shall comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.

h) A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS 4083- 2010 Planning for Emergencies in Health Care Facilities.

5 A **Construction Certificate** shall be obtained prior to commencement of any building works.

6 **Prior to the issue of a Construction Certificate**, the design recommendations of the Access Review, prepared by Morris Goding Access Consulting and dated 14 November 2009 shall be incorporated into the construction plans.

Prior to the issue of an Occupation Certificate, the works shall be certified accordingly by a suitably qualified access consultant.

7 The following community safety and crime prevention through environmental design (CPTED) requirements are to be implemented for the development:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Basement Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare. Car park

surfaces including walls and ceilings are to be light coloured.

Building Security & Access Control

- Intercom, code or card locks must be installed for all common entries to the building.
- Australian Standard 220 – door and window locks must be installed in all dwellings and to all balcony/terrace doors.
- CCTV is to be provided to cover communal public space areas, including at the entrance to the basement car park. Cameras must be of sufficient standard to be useful in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained and that trees should not provide access to second story balconies.

- 8 A copy of the General Terms of Approval (dated 21 July 2020) issued by the NSW Department of Planning, Industry and Environment under the *National Parks and Wildlife Act 1974* shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 9 The development is to be carried out in 3 stages as per approved staging plans (DA_0_00005 & DA_0_00006) and anything in this consent making reference to a Construction Certificate or Occupation Certificate is to be read as applying to the relevant Construction Certificate or relevant Occupation Certificate for the relevant stage. For the avoidance of doubt this consent permits the issue of early works Construction Certificates, or staged Construction Certificates within the relevant Stage of the development and any conditions referring to the relevant stage are to be read as applying to the relevant Construction Certificate for the relevant stage.
- 10 All mechanical ventilation equipment, ducts, air conditioner services and the like shall be shown on the construction plans as being contained within the building. Gutters and down pipes shall be integrated into the architecture of the building. Any plant or unsightly structures installed on the rooftop must be screen from view.
- 11 **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 plans and specifications achieve or improve the design quality of the development for which development consent was granted.
- 12 **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 construction plans and specifications.
- 13 A complaint register must be kept including details on the time, date, nature of complaint and action taken to resolve the complaint. A copy of the complaint register is to be made available for inspection by Council on request.

Heritage/Archaeological relics

- 14 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 15 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 16 Noise levels from and within the premises shall not exceed the relevant noise criteria detailed in 'Jordan Springs Retirement Village Development, Stage 2: DA Acoustic Report' prepared by Acoustic Logic dated 28 April 2020 (Ref. No. 20190362.1/2804A/R3/TT).

The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application.**

A certificate is to be obtained from a qualified acoustic consultant certifying that the development 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.

- 17 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

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

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

- 18 In the event that there is a function within the community centre with amplified music or a music performance (other than background music), doors to the community centre are to be kept closed.

No music is to be used in the outdoor area located on the western side of the community centre. The outdoor dining area is to cease at 10pm, with doors to be kept closed after that time.

Doors to the community centre are to be kept closed after 10pm.

19 An appropriately qualified person/s shall:

- Supervise all filling works.

- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):

- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
- clearly state the legal property description of the fill material source site and the total amount of fill tested,
- 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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.

- 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: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, 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."}

20 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.

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

22 **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 noise and vibration impacts associated with the construction phase, as well as 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.

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

23 All mechanical plant and equipment is to comply with the noise criteria established in the Council approved 'Jordan Springs Retirement Village Development, Stage 2: DA Acoustic Report' prepared by Acoustic Logic

dated 28 April 2020 (Ref. No. 20190362.1/2804A/R3/TT).

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Penrith City Council for consideration and approval. Suitable data and information assessed by a suitably qualified acoustic consultant is to be supplied to demonstrate compliance with the established noise criteria.

Prior to the issue of the Occupation Certificate, a Compliance Certificate, prepared by a suitably qualified acoustic consultant, is to be submitted to and approved by Council. The Certificate is to demonstrate 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.

24 The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- The bin storage rooms (buildings A-B) to be designed and line marked to accommodate the following minimum bin allocations:
 - Bin storage room for Building A: 8 x 240L bins along the southern wall
 - Bin storage room for Building B: 10 x 240L bins along the northern wall
 - Bin storage room for Building C: 10 x 240L bins
- Car spaces 79, 80, 146 and 147 to be allocated and re-designed to accommodate on-site waste collection infrastructure to permit a safe and efficient collection service for the development.
- A bin storage room for building C to be designed and located within the area of car spaces 146-147 and provide infrastructure in accordance with section 3.4.1 of the 'industrial, commercial and mixed-use waste management guideline;' document.
- The bin storage rooms (A-C) to incorporate 180-degree, outwards opening, self-closing, 1200mm wide and sealed doors to permit unobstructed resident access. The rollers doors to be deleted.
- All on-site waste collection infrastructure area to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities in accordance with the Building Code of Australia.
- All on-site waste collection infrastructure are to provide automatic, mechanical ventilation and unobstructed height clearance of 2600mm.
- All on-site waste collection infrastructure to incorporate 180-degree, outwards opening doors, self-closing and sealed doors.
- The waste collection room (located south of loading bay) to be designed to accommodate the following:
 - Accommodate the full bin allocation (1100L bins)
 - A bin lifter to be provided and stored to permit the emptying of 240L bins from bin storage room A-C into the 1100L bins.
 - Provide infrastructure in accordance with section 3.4.1 of the 'industrial, commercial and mixed-use waste management guideline;' document.
 - Room to be fully enclosed, and walled and the floor area to be increased to enclose car spaces 79-80
 - The ramp leading to the loading bay to be 1800mm wide and not exceed a maximum grade of 1:20.
 - The room to be locked to inhibit resident access

- Room to incorporate 180 degree, outwards opening, sealed, dual 1800mm wide self closing doors. The roller doors to be deleted.

- The roller door for the on-site loading bay to be accessed by an Abloy key or similar locking system to permit unobstructed access for the designated waste collection contractor.

- Unobstructed access corridors to be provided on architectural to illustrated resident access from the respective elevator cores to the designated waste storage rooms (A-C). Potential resident conflict with basement traffic to be avoided and/or minimised through the implementation of traffic control technologies.

- An updated 'plan of operations' to be submitted to reflect the revised waste collection infrastructure in accordance with section 2.2.6 of the 'industrial, commercial and mixed-use waste management guideline;' document.

- An interim waste collection area located within the basement to be provided for stage 1 to accommodate the full bin allocation. The collection area to incorporate the following:

- Accommodate the full bin allocation (1100L bins)

- A bin lifter to be provided and stored to permit the emptying of 240L bins from bin storage room A-C into the 1100L bins.

- Provide infrastructure in accordance with section 3.4.1 of the 'industrial, commercial and mixed-use waste management guideline;' document.

- Room to be fully enclosed and walled

- The room to be locked to inhibit resident access

- Room to incorporate 180 degree, outwards opening, dual 1800mm wide self-closing doors

- Location to be outlined on amended architectural plans

- A screen to minimise the visual impact of the Stage 1 temporary bin area located adjacent to the basement ramp.

25 **Prior to the issue of an Occupation Certificate**, Council's Waste and Resource Recovery Department is to conduct a site inspection of the on-site infrastructure to ensure a safe and efficient waste collection service.

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

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 works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

{Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, 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".}

27 Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.

BCA Issues

28 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.

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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.

29 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.

Health Matters and OSSM installations

30 Warm water system/s must be installed and operated in accordance with the Public Health Act 2010, the Public Health Regulation 2012 and the following:

- Installation in accordance with AS/NZS 3666.1:2011
- Operation in accordance with AS/NZS 3666.2:2011
- Evidence of safe and easy access to the operating plant.

The warm water system must also be notified to Council prior to operation.

31 No food, within the definition of food for sale under the Food Safety Standards, is to be stored, handled, prepared or sold from the kitchen.

Utility Services

- 32 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.

- 33 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.

- 34 **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

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

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

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

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

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

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

36 Prior to the commencement of construction works:

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

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

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

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

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

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

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

37 **Prior to the issue of the Construction Certificate**, a Construction Waste Management Plan is to be submitted to Council for approval. This Plan is to address all waste materials generated during the construction phase of the development, including details of the proposed waste volumes, on site storage and management, designated waste contractors and waste facilities.

The Council approved Waste Management Plan must be implemented and adhered to on site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.

38 **Prior to the issue of an Occupation Certificate**, clothes drying facilities within the individual apartments are to be positioned and screened from public view.

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

- Mondays to Fridays, 7am to 6pm;

- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm; and
- 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.

Swimming Pools

40 The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Penrith City Council (\$10 fee applies when registering at Council).

41 All backwash from the swimming pool shall be directed into the mains sewer.

In areas where sewer is not available, the following requirements apply -

- The swimming pool shall be provided with filtration equipment that does not require a backwash facility (eg. a cartridge filtration system).
- Overspill water shall be diverted away from the swimming pool and not directed onto adjoining properties.
- The frequency of emptying of the swimming pool water shall be minimised. Water resulting from the emptying of the pool shall be collected and disposed of by a private wastewater disposal contractor. Disposal by other means is not permitted.

42 Where the use of the swimming pool results in the facility meeting the definition of a public swimming pool, (as defined in the Public Health Act, 2010) the person/company in charge of the management of the swimming pool facility must register the swimming pool with Penrith City Council by completing Council's "Public Swimming Pool, Spa Pool and Splash Parks" Registration Form.

43 Prior to the Occupation Certificate being issued, a Plan of Management for the operation of the swimming pool facility must be prepared and submitted to Council for approval, with evidence of Council's approval being given to the Certifying Authority. The Plan of Management must include, but not be limited to, details of how the swimming pool and surrounds will be cleaned, the frequency of cleaning, any response plans/procedures for risks such as blood/vomit/faecal contamination of the pool water, how the water quality will be monitored, by who and to what standards the frequency of the monitoring, use of signage advising residents of contact details and who to contact to report issues with the swimming pool and facility, rules for use of the swimming pool and facility by residents and a complaints register to be kept by the person/company in charge of the management of the swimming pool facility detailing the complaint concerns and actions completed to rectify the problem.

44 The person/company in charge of the management of the swimming pool facility must not allow a person to use the swimming pool facility unless the water in the swimming pool is disinfected in such a way as to minimise the transmission of disease to users of the swimming pool facility.

45 The person/company in charge of the management of the swimming pool facility must ensure that the surrounds, including any toilets or change rooms, are kept clean and in such condition as to minimise the transmission of disease to users of the swimming pool facility.

46 Prior to the issue of any Occupation Certificate:

- Access to the swimming pool is to be restricted in accordance with the Swimming Pools Act 1992.
- A warning notice is to be provided in the swimming pool area in accordance with the Swimming Pools Act 1992.

Engineering

47 All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

48 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

49 Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Road occupancy or road closures
- c) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
- d) 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.

50 Prior to the issue of any Construction Certificate, the Principal Certifying Authority and/ or Certifying

Authority shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for the proposed connection/s to Council's existing stormwater line.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

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

Note:

- a) All works associated with the S68 Local Government Act Approval must be completed prior to the issue of any Occupation Certificate.

51 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by ADW Johnson, reference number 300100(3), revision G, dated 03/08/2020.

- The piped connection between pit A/1 and the internal basement pit is to be amended to ensure a minimum 1% fall to pit A/1 is achieved. Engineering plans demonstrating this requirement are to be provided prior to the issue of a Construction Certificate.

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with AS3500.3, Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

52 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.

53 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council's City Assets Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS). The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

54 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with

the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted prior to any Occupation Certificate confirming no damage has occurred.

- 55 Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

- 56 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.

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

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

- 58 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

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

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

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

- 60 The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.
- 61 Prior to the issue of any Construction Certificate the Principal Certifying Authority shall ensure that the plans include dimensions of driveways, ramps, aisles, parking spaces, columns and obstructions, car park headroom, accessible parking, bicycle parking with end of journey facilities and accessible pedestrian paths of travel complying with AS 2890, AS 1428, Council Development Control Plan (DCP) C10 and Council 'Industrial, Commercial and Mixed-use Waste Management Guideline' . These details shall include but not limited to:
- Minimum driveway, ramp, aisle and car space width and lengths in accordance with DCP C10, AS 2890.1 and AS 2890.6
 - Minimum headroom (from floor to lowest ceiling obstruction) of 2.3 metres to accessible parking with minimum head room of 2.5 metres above accessible parking spaces.
 - Swept turn path clearances at driveways (including accordance with AS 2890.1 Table 2.2 and Figure 2.9). External driveway access turning paths are to be provided and be at least 0.3 metres clear of driveway edges, parking and road centrelines and at least 300mm clear of kerbs and medians. Internal aisle and car park manoeuvring area vehicle turning paths are to be at least 0.3 metres clear of obstructions including to walls, bollards and other obstructions.
 - At least 1 metre long indent at the end of dead end aisles.
 - Car park ramp dimensions (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) including additional 0.3 metre clearances to walls and other obstructions.
 - Car park ramp headroom clearances including at grade transitions.
 - Car park aisle widths, waste and service vehicle areas, car park column locations and clearances (including accordance with AS 2890.1 Figure 5.1 and 5.2).
 - Additional car space clearances from obstructions (including accordance with AS 2890.1 B4.1 minimum additional clearance of 0.3 metres).
 - Sight distance requirements in accordance with AS 2890.1 and / or AS 2890.2 Figure 3.2 at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety along driveways, ramps and aisles including at lift core approaches.
 - Accessible pedestrian paths of travel from all car parking spaces to the building points of entry.
 - Separate accessible pedestrian paths of travel from the fronting roadway footpaths to access the car park area.
- 62 **Prior to the issue of any Construction Certificate** the Principal Certifying Authority shall ensure that detailed design and documentation is provided to include:
- Provision of Type 2 speed humps (as per Section 4.9 (b) of AS 2890.1) adjacent to the lift cores in conjunction with vehicle detectors connected to amber warning lights that will flash to advise approaching vehicles of vehicles manoeuvring at their carparking spaces along the circulation aisle.
 - Provision of "Give Way" holding lines and signage in line with the aisle departure from the adjacent lift core.
 - A full dome mirror located to provide complying vision for approaching aisle drivers to pedestrians and manoeuvring vehicles past the lift cores.
 - Provision of a truck detection system and stop LED signal system.
- 63 All car spaces and loading areas are to be sealed / line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.

- 64 Subleasing of car parking spaces is not permitted by this Consent.
- 65 Prior to issue of an Occupation Certificate, appropriate signage, visible from the public road and on-site shall be installed to reinforce designated vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers /ambulances / visitors to on-site parking, delivery and service areas to the satisfaction of the Principal Certifying Authority.
- 66 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 67 All vehicles are to enter/exit the site in a forward direction.

Landscaping

- 68 All landscape works are to be constructed in accordance with the stamped approved Landscape Plan, S19-0006 Issue J and dated 06/08/2020 and Penrith Development Control Plan. The plan is to be amended to include:
- a) Variety of tree species along the southern boundary.
 - b) Bottle brush (or similar denser shrub species) within the shrub species planting schedule.

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.

- 69 The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.
- 70 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

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

ii. Maintenance Report

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

- 71 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.
- 72 **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
- 73 **Prior to the commencement of any works**, a suitably qualified ecologist is to be engaged to oversee the implementation of the Cumberland Plain Land Snail Management Plan, prepared by Cumberland Ecology and dated 3 April 2019. The plan is to be implemented in its entirety.

Prior to the issue of a Construction Certificate, documentation demonstrating compliance with the pre-construction activities outlined in the plan is to be submitted to Council.

- 74 In association with on-site landscaping efforts, in advance of works commencing the landscaping contractor should harvest all suitable specimens of threatened flora species, under the guidance of a suitably qualified Ecologist. Implementing treatments to ensure the specimens' persistence for re-planting onsite. The extent and number of specimens/species is to reflect the available opportunity for planting at Stage 1, re-planting at Stage 2 and any associated areas suitable for re-vegetation.

A report must be submitted to Council for noting, listing all species and numbers retained for replanting within 2 months of works commencing.

- 75 To ensure a high quality finish internal and external of the development site, any retaining walls shall be of solid masonry construction. The surface shall be either rendered to match the external colour schedule or constructed in a face brick finish.
- 76 **Prior to the issue of a Construction Certificate for Stage 1**, all tree plantings are to be procured. Evidence showing the procurement process has occurred is to be provided to the Certifying Authority
- 77 Prior to the commencement of any works, as per the recommendations in the Pre-Clearance Report, prepared by Cumberland Ecology and dated 11 December 2018, trees identified for removal are to be agitated first and then lowered to the ground slowly when felling to allow any resident fauna time to escape and to ensure they aren't crushed by falling trees and branches. This replaces the need for pre-clearing hollow survey and inspection. This is to be done under the supervision of a qualified ecologist. Any fauna found are to be relocated. Should juveniles be contained within the affected tree then clearing is to be delayed until juveniles have vacated. WIRES are to be contacted in the case of any injured fauna.
- 78 All native trees with a trunk DBH (diameter at breast height) greater than 30cm that are scheduled for removal are to be stockpiled and transported for reuse in the following manner:

-All logs and branches greater than 30cm in diameter are to be trimmed into 2-4m lengths. No foliage

material may remain on the logs and branches. Root balls and soil are to be removed.

- These logs are to be transported, delivered and installed under the guidance of a professional bush regenerator, by the applicant and at the applicants cost, to a site to be determined through the consultation with Katie Littlejohn (Manager, Cumberland Area Greater Sydney Branch) National Parks and Wildlife Service, Office of Environment and Heritage.

- Three (3) weeks prior to tree felling, the applicant is to contact Katie Littlejohn on 02 4580 2704 or 0419 753 789 or Katie.Littlejohn@environment.nsw.gov.au to arrange a suitable time for logs to be delivered. Exact location of delivery within the Regional Park will be confirmed on contact.

Prior to the issue of a Construction Certificate, receipts of works are to be submitted to Council.

Subdivision

79 **Prior to the issue of an Occupation Certificate**, a restriction to user and positive covenant shall be registered on the title of the property advising that Council's domestic waste fee will be charged to residents in addition to any private contact fees.

80 **Prior to the issue of any Occupation Certificate**, a covenant is to be registered on the title of the property that:

1) Limits the use of any accommodation erected upon the property to:

(a) seniors or people who have a disability,

(b) people who live within the same household with seniors or people who have a disability,

(c) staff employed to assist in the administration of a provision of services associated with this development.

Note: Seniors are people aged 55 years or more. People with disability are people of any age who, as a result of an intellectual, physical, psychiatric or sensory impairment either permanently or extended period have substantially limited opportunities to enjoy a full or active life.

81 **Prior to the issue of an Occupation Certificate**, a Positive Covenant is to be registered on the title under Section 88E of the Conveyancing Act 1919, that requires the communal / community facilities within the broader development (between Stage 1 and Stage 2) to be accessible and available for use by all residents within Stage 1 and Stage 2 of the development.

The authority to be empowered to vary, modify or extinguish the positive covenant is to be vested with Penrith City Council.

Section 94

82 The land is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct are to be met. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.

Certification

83 An Occupation Certificate shall be sought from the Principal Certifying Authority prior to occupation of or commencement of use of each stage of the development. Before the Occupation Certificate can be issued for each stage of the development, a Compliance Certificate or other documentation suitable to the Principal Certifying Authority shall be sought indicating that all conditions of this development notice, but not those conditions relating to the operations of the development, commensurate with that stage of the development have been satisfied or met prior to the occupation or use of that stage of the development.

A copy of the Compliance Certificate or other documentation shall be submitted to Penrith City Council if obtained from an accredited certifier. A copy of the Occupation Certificate is also to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

84 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 1979, 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 of 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:	Jane Hetherington
Signature:	

For the Development Services Manager