

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

SWCPP Ref. No.:	PPSSWC - 44
Application number:	DA19/0821
Description of development:	Construction of a Four to Six Storey Mixed Use Development including Ground and First Floor Commercial / Retail Tenancies, 154 place Child Care Centre and 138 x Residential Apartments, 12 x Town Houses and 378 Basement & At-Grade Car Parking Spaces
Classification of development:	Class 2 , Class 6 , Class 7a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1248480
Property address:	1 Wianamatta Parkway, JORDAN SPRINGS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	La Land Pty Ltd 88 Level 3, Phillip Street PARRAMATTA NSW 2150
-----------------	--

DECISION OF CONSENT AUTHORITY

Penrith Council has determined to grant “Deferred commencement” consent under Section 4.16(3) of the Environmental Planning and Assessment Act 1979. In accordance with Section 4.17 of the Act, the “Deferred commencement” consent is granted subject to the conditions listed in this Notice.

The conditions listed in Schedule 1 are to be complied with prior to the commencement of the consent. On completion of all conditions in Schedule 1 that need to be satisfied before the consent can be commenced, Council will issue an operational consent for the development. If the conditions in Schedule 1 are approved by an accredited certifier, then a copy of the certification relating to the satisfaction of the Schedule 1 condition(s) are to be submitted to Council. [Note: this is to enable Council to issue the operational consent for the development as the accredited certifier cannot issue the operational consent.]

The conditions to be satisfied prior to commencement of the consent will need to be completed within [insert details] from [insert details].

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

Date from which deferred commencement consent operates	7 January 2021
Date the deferred commencement consent expires	7 January 2026
Date of this decision	18 December 2020

POINT OF CONTACT

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

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

NOTES

Reasons

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

Conditions

Your attention is drawn to the attached conditions of consent in Schedule 1 requiring compliance prior to the development consent becoming operational.

Council will issue an operational development consent on compliance of all conditions listed in Schedule 1 by the given timeframe.

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(Delete this section if not applicable)

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Services	24 November 2020	DA20201123004343	3	Section 100B of the Rural Fire Act, 1997

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.

CONCURRENCE AUTHORITIES(Delete this section if not applicable)

CONCURRENCE AUTHORITY	DATE OF CONCURRENCE	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Roads and Maritime Services	7 February 2020	SYD19/01660 (A30976565)	1	Roads Act 1993

SCHEDULE 1: CONDITIONS TO BE COMPLIED WITH PRIOR TO CONSENT BECOMING OPERATIONAL

Schedule 1 (Deferred Commencement)

- 1 This consent is granted subject to deferred commencement conditions pursuant to s4.16(3) EP&A Act in Schedule 1.

The development consent is not to operate until the applicant satisfies Penrith City Council (Council), in accordance with the regulations, as to any matter specified in Part A of this consent.

Prior to this consent becoming operational, the following conditions must be complied with to Council's satisfaction:

Each of the following conditions must be satisfied within 24 months of the date of this "Deferred Commencement" consent. Should these conditions not be satisfied within this time period, the consent will lapse.

- A. A comprehensive geotechnical assessment is required to be submitted to Council for consideration and approval. The geotechnical assessment is required to fully investigate the entire site being, Lot 1 DP 1248480 and provide an assessment of compaction and ground conditions, certifying that the land is suitable for the proposed development.

The report shall include but not be limited to; investigation of any fill currently on site and its compaction, any underlying pre-fill platforms and their compaction and suitability, full depth geotechnical testing, a site classification report in accordance with the requirements of AS2870 and an assessment of the proposed development, it's engineering and geotechnical design.

- B. A revised Acoustic Report is to be prepared by a suitably qualified acoustic consultant and submitted to Penrith City Council for approval.

This Acoustic Report is to consider the relevant guideline documents (such as the *Noise Policy for Industry, Australian Standard AS2107:2016* and the *Guideline for Child Care Centre Acoustic Assessment*), as well as the assessment, findings, conclusions and recommendations of the 'Jordan Springs East Town Centre: Noise Impact Assessment' (prepared by Acoustic Logic Consultancy Pty Ltd, dated 21 July 2020, revision 3, reference 20191181.1/2107A/R3/AW). In addition, at minimum, it is to:

- establish an appropriate noise criteria for each component of the development, including the residential units (internal and private open spaces), communal open spaces, mechanical plant, car park, loading dock areas (garbage collection and deliveries), the child care facility, and external residences;
- address road traffic noise intrusion;
- address the potential noise impacts associated with the use of the residential units (including private open spaces), communal open spaces, car park, loading dock areas (garbage collection and deliveries) on sensitive receivers (including the residential units, private and communal open spaces, the child care facility, external residences);
- address the potential noise impacts associated with the operations of the child care facility, with particular attention given to the use of the outdoor play area on sensitive receivers (including the residential units, private and communal open spaces, external residences);
- give consideration to the potential noise impacts caused by reverberation / echo within the central airspace between the buildings;
- confirm whether the established noise criteria can be achieved for each component of the development, particularly demonstrating that residential units across the various buildings and levels can meet the criteria. Predicted noise levels are to be provided, both with and without the implementation of any recommendations;
- make recommendations to ensure that the established noise criteria can be achieved.

- C. The following waste management requirements shall be submitted to Council for approval as follows:
- An integrated and enclosed on-site waste loading bay within basement 1 to be provided for Councils standard waste collection vehicle in accordance with section 2.2 of the 'residential flat building waste management guideline' document provisions.
 - Amended swept path models to be provided showing unobstructed access is provided for Councils standard waste collection vehicle with little or not need to reverse in accordance with 5.3.4.1, subsection 3 of the C5 Waste Management DCP. Council vehicles specifications to be accommodated in accordance with section 2.3.1 of the 'residential flat building waste management guideline' document.
 - The waste chute rooms located in basement 1 to be designed, incorporate infrastructure and provide respective clearances in accordance with section 3.5.1 of the 'residential flat building waste management guideline' document provisions.
 - The waste collection room located in basement 1 to be designed, incorporate infrastructure and provide respective clearances in accordance with section 3.5.2 of the 'residential flat building waste management guideline' document provisions.
 - The bulky goods collection room located in basement 1 to be designed, incorporate infrastructure and provide respective clearances in accordance with section 3.5.3 of the 'residential flat building waste management guideline' document provisions.
 - The chute inlets on each residential level to be located within cupboards (maximum depth of 150mm) and incorporate the following; dual self-closing sealed doors, ventilation, waterproofing and permit accessible resident access.
 - The commercial waste collection infrastructure and vehicle manoeuvres to be provided in accordance with section 2.2.9 of the 'residential flat building waste management guideline' document provisions.
 - A bin lift to be provided in accordance with section 3.5.4 of the 'residential flat building waste management guideline' document provisions to permit the movement of 240L bins (proposed to service the ground floor townhouses) to the waste collection room located in basement 1.
 - The ground floor waste collection room to be designed in accordance with section 3.5.2 of the 'residential flat building waste management guideline' document provisions.
- D. An amended landscaping package shall be submitted to Council that correlates with the landscape design indicated on the approved architectural plans. The package shall include a plant schedule including plant species and pot sizes and the irrigation system proposed for all landscaped areas.
- Consideration to be given to achieving a landscape solution that maximises on the use of the proposed voids within the first floor level. Where this area is to provide for canopy cover, the landscape package shall detail how this may be achieved and the maintenance and lifespan of this design.
- E. A Traffic Management Plan is to be submitted to Council for consideration and approval which demonstrates that the traffic routes for delivery and large trucks to the site do not rely upon any residential roads within the estate to access the site. Delivery trucks shall be limited to the existing and future collector roads.
- The Traffic Management Plan shall also detail the largest vehicle to access the site, any operating requirements that may have conflicting access requirements for the loading dock and delivery times to ensure there is no queuing within the road reserve.

- F The development is to provide a minimum of a 20kW of solar panels to power common areas and the commercial elements of the development. The development is to provide 2 electric vehicle charging stations. Details of the solar panels, charging stations, and other relevant information is to be provided to the Council and the certifier.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following plans and documents approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Doc. No.	Issue	Title	Prepared By	Date
Architectural Plans				
1909-DA.100	C	Basement Plan	PBD Architects	24/11/2020
1909-DA.101	C	Ground Floor Plan	PBD Architects	24/11/2020
1909-DA.102	C	Level 1 Plan	PBD Architects	24/11/2020
1909-DA.103	C	Level 2 Plan	PBD Architects	24/11/2020
1909-DA.104	C	Level 3 Plan	PBD Architects	24/11/2020
1909-DA.105	C	Level 4 Plan	PBD Architects	24/11/2020
1909-DA.106	C	Level 5 Plan	PBD Architects	24/11/2020
1909 DA200	C	North & South Elevations	PBD Architects	24/11/2020
1909 DA201	C	East & West Elevations	PBD Architects	24/11/2020
1909-DA300	C	Sections A - A	PBD Architects	24/11/2020
1909-DA301	C	Sections B - C	PBD Architects	24/11/2020
1909- DA302	C	Section D	PBD Architects	24/11/2020
1909 DA700	B	Adaptable layout Type A	PBD Architects	01/07/2020
19090 DA701	B	Adaptable layout Type	PBD Architects	01/07/2020
Landscape Plans				
SS19-4130- 101	C	Landscape Plan Ground Floor	Site Image Landscape Architects	03/07/2020
SS19-4130- 102	C	Landscape Plan Level 1	Site Image Landscape Architects	03/07/2020
SS19-4130- 103	C	Landscape Plan Level 2	Site Image Landscape Architects	03/07/2020
SS19-4130 - 104	C	Landscape Plan Level 3	Site Image Landscape Architects	03/07/2020
SS19-4130 - 105	C	Landscape Plan Level 4	Site Image Landscape Architects	03/07/2020
SS19-4130 - 106	C	Landscape Plan Level 5	Site Image Landscape Architects	03/07/2020
SS19-4130 - 501 502	A	Landscape Details	Site Image Landscape Architects	03/07/2020
1909-D.100	C	Materials and finishes	PBD Architects	-
Civil Engineering Plans				

20190092 SW200	C	Stormwater Concept Design Basement	SCG Engineering Value	27/02/2019
20190092 SW201	C	Stormwater Concept Design Ground Floor Plan	SCG Engineering Value	27/02/2019
20190092 SW202	C	Stormwater Concept Design First Floor Plan	SCG Engineering Value	27/02/2020
20190092 SW203		Stormwater Concept Design Roof Plan	SCG Engineering Value	27/02/2020
20190092 SW300	C	Stormwater Details	SCG Engineering Value	27/02/2020
20190092 SW400	C	Soil Erosion & Sediment Control Plan and Details	SCG Engineering Value	27/02/2020

- Access Statement of Compliance by Square Access Consulting Ref: 1328 Revision A dated 4 /11/2019.
 - Operational Waste Management Plan by Elephant Foot recycling Solutions, Report No. SO181 Revision C dated 17/07/2020.
 - Traffic Report by McLaren Traffic Engineering and Road Safety Consultants, dated 30/11/2020.
 - BASIX Certificate No. 1046539M dated 01/11/2019.
 - The Geotechnical Report and any engineering documents approved by Council in relation to the deferred commencement conditions specified in Schedule 1.
 - Any other documents, plans or information submitted to and approved by Council in relation to the deferred commencement conditions specified in Schedule 1.
- 2 A copy of the General Terms of Approval (GTA) issued on 24 November 2020 by the NSW to Rural Fire Services (RFS) under the Rural Fire Act 1997, Section 100B 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 proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.
- 4 **Prior to the occupation of the following tenancies within the building**, a separate development approval is to be obtained for the fit-out of the following:
- Swim School
 - Gymnasium
 - Supermarket
 - Medical Centre
 - Pharmacy
 - Car Wash
 - Other Retail/Commercial Premises

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

6 The approved operating hours for the development are:

- Swim School: 8.00am to 7.30pm Mondays to Fridays, and 8.30am to 3.30pm Saturdays.
- Gymnasium: 24 hours Monday to Sunday.
- Supermarket: 6.00am to 10.00pm Monday to Sunday.
- Medical Centre: 8.00am to 7.30pm Mondays to Saturdays, and 8.00am to 5.00pm Sundays.
- Pharmacy: 8.00am to 7.30pm Monday to Sunday.
- Child Care: 7.00am to 7.00pm Monday to Friday, with staff able to access facility from 6.30am..
- Car Wash: 7.00am to 6.00pm Monday to Sunday.
- Other Retail/Commercial Premises: 6.00am to 10.00pm Monday to Sunday.

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

8 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

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

10 **Prior to the issue of an Occupation Certificate**, all recommendations made in Section 5 of the Access Report prepared by J Square Access Consulting dated 4 November 2019 shall be carried out and completed and documentary evidence of compliance shall be prepared by a qualified person and submitted Council.

11 Any roof mounted plant, ducting or services infrastructure shall be screened from view. No approval is granted for the installation of ducting, conduit, plant or services infrastructure, including down pipes and balcony drainage, on the external facades of the building.

Prior to the release of the Construction Certificate, drawings are to be submitted to Council showing that all roof mounted plant, ducting or services infrastructure and down pipes have been integrated in the design of the building and elevations and materials/ finishes complimentary to the developments design.

12 **Prior to the release of the Construction Certificate**, the applicant is to submit to Council details of the proposed art works outlined in Preliminary Public Art Strategy report prepared by PBD Architects dated July 2020 for consideration and approval.

13 **Prior to the release of the Construction Certificate**, *an emergency and an evaluation management plan* in accordance with section 4.8 of the Childcare Planning Guidelines and a bushfire evacuation management plan in accordance with Planning for Bushfire Protection 2006 shall be prepared for the child care facility and submitted to Council for consideration and approval.

14 **Prior to the issue of the relevant Construction Certificate and/or relevant Occupation Certificate (as relevant)**, the following community safety and crime prevention through environmental design (CPTED) requirements shall be satisfied:

Lighting

- 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 land uses.
- The lighting shall be the minimum level of illumination necessary for safe operation.
- The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.
- All areas intended to be used at night must allow appropriate levels of visibility. This includes central arcade area, pedestrian pathways, communal areas, access ramps, stairwells, lifts and lift lobbies, bin area, any possible places for intruders to hide internal shop fronts and basement car park must be lit to the minimum Australian Standard of AS1158.
- All shop frontages must be well lit (e.g. under awning lighting) to improve visibility of this area at night and to minimise opportunities for graffiti and malicious damage.

Basement Car Parking

- A security/boom gate system with access control systems must be installed on vehicle entry points to the car park to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- All areas of the car park must be well lit, with consistent lighting to prevent shadowing or glare.
- All surfaces in the car park must be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.
- CCTV cameras should be provided for this development and are recommended for the basement car park, particularly on entry/exit points, including lift lobbies and stairwells.

Landscaping

- Vegetation throughout the development must be regularly pruned to ensure that sight lines are maintained allowing for natural surveillance.

Communal/Public Areas

- Vegetation in front planter boxes must be kept at a low level so as not to obstruct surveillance of the building entrances.
- Each individual dwelling should be clearly numbered.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed in all tenancies and areas where public access is restricted.
- Access to the internal mall areas must be restricted after hours.
- Australian Standard 220 – door and window locks must be installed in all tenancies.
- A monitored alarm system must be installed.
- Site supervisors or security guards must be provided.
- CCTV must be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police 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.
- Entrances to the shops off the central arcade must be clearly identifiable through design treatments and signage. Walls between the shops and the arcade must be glazed/see through.
- The layout of individual shops must support good surveillance of the shop entrances by staff. (i.e. shop counters/reception desks should be located at the front of the store facing the shop entrance).
- Authorised guests should be escorted to apartments by residents or intercom systems could be

provided to enable guests to be 'buzzed in'.

Amenities

- The amenities (male and female toilets and parents room) are not located in a highly visible location with access down a long I-shaped corridor. Mirrors and adequate lighting must be provided in this corridor to allow users to see around corners.

Ownership & Space Management

- Building management must ensure all areas of the building is well maintained at all times, particularly those areas accessed by the public.
- Practices must be in place to ensure the speedy repair or cleaning of damaged or vandalised property, including the swift removal of graffiti.
- Management should provide information to residents and commercial tenants advertising where to go for help and how to report maintenance or vandalism problems.

Way Finding/Finding Help

- Signs should be large and legible, and use strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
- Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
- Location maps and directional signage should be provided for the proposed development to assist with way finding.

Graffiti/Vandalism

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

Heritage/Archaeological relics

- 15 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

- 16 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development.

- 17 All construction 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.

- 18 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.

- 19 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Report approved by Council under Condition C of Schedule 1 condition.

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 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.

- 20 All vehicle washing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority **before**

the wash bay can be installed.

- 21 All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning.

- 22 **Prior to the issue of a Construction Certificate**, details of any pre-treatment facilities as required by Sydney Water and, if required a Section 73 Certificate issued by Sydney Water for the said development, are to be submitted to the Certifying Authority.

- 23 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.

- 24 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.

- 25 **Prior to the issue of the Construction Certificate**, submission of a detailed Acoustic Report prepared by a qualified person demonstrating method of construction and elements used in the construction of the Gymnasium in the building in order to minimise potential noise impacts.

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

- 27 **Twelve (12) months after the issue of the Occupation Certificate**, an Acoustic Compliance Report is to be submitted to and approved by Council.

The report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the Acoustic Report approved by Council under Condition B of Schedule 1 condition. It is also to consider the requirements of the NSW Environment Protection Authority's Noise Policy for Industry, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the 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.

- 28 Cleaning and maintenance activities undertaken within the child care facility are to be undertaken with all

windows and doors closed.

Landscape maintenance of the child care facility which requires the use of powered tools is to be undertaken only between 7.00am and 6.00pm.

- 29 A public contact number is to be displayed on the child care facility signage and this phone line must be operational during business hours. A complaint register is to be maintained and must include complaint details and any actions taken to address those complaints. A copy of the complaint register is to be provided to Council upon request.
- 30 A Noise Management Plan (NMP) for the child care facility is to be prepared and submitted to Penrith City Council for consideration and approval **prior to the issue of an Occupation Certificate**. The NMP shall be prepared by suitably qualified persons, and may need to be amended to include any comments provided by Council. The NMP is to:
- address all noise related aspects of the development's operational phases, including:
 - how the restriction on the number of children playing outside will be managed
 - a schedule describing the times of outdoor play for each group of children; and
 - address the relevant conditions of this consent; and
 - recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s), with consideration of the recommendations of the Acoustic Report approved by Council under Condition B of Schedule 1; and
 - incorporate a program for ongoing monitoring and review to ensure that the NMP remains contemporary with relevant environmental standards.

The Council approved Noise Management Plan is to be implemented and complied with at all times.

- 31 Appropriate signage is to be installed in the carpark and at the entrance of the child care facility requesting patrons to minimise noise and protect the amenity of the Town Centre. In this regard:
- **Prior to the issue of the Occupation Certificate** a suitable signage plan is to be submitted to Council for approval.
 - The signage plan is to provide details on the location, sizing and wording of the proposed signs.
 - **Prior to the issue of the Occupation Certificate** the signs are to be installed as per the approved signage plan.
- 32 **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.

- 33 The removal of materials during basement excavation works are to be managed in accordance with the 'Site Sourced Reused Materials Management Plan' prepared by JBS&G (dated 14 May 2019, Ref: 50628-

109724 (Rev 1)), as endorsed by a NSW Accredited Site Auditor and as referred to in Site Audit Statement No. KJL 214 Stage 3D.

- 34 The loading dock is to only be used between 7.00am and 6.00pm, with delivery and service vehicles generated by the development also restricted to these times.

Forklifts to service the loading and unloading of delivery vehicles are to be electric or LPG type (no diesel forklifts) and use non-tonal movement beacons.

Garbage compaction is to only occur within the loading dock area, not externally on the site.

- 35 All mechanical plant and equipment is to comply with the noise criteria established in the Acoustic Report approved by Council under Condition B of Schedule 1 condition.

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

- 36 The outdoor play area of the child care facility is to only be used between 7.00am and 6.00pm. The outdoor play area is not to be used between 6.00pm and 7.00pm.

Due to noise requirements, restrictions apply to the number of children allowed in the outdoor play area of the child care facility at any one time. A maximum of:

- 20 children aged 0-1 years and
- 50 children aged 2-5 years are permitted.

- 37 **Prior to issue of Construction Certificate for the area of the development containing the nominated gymnasium**, an Acoustic Impact Assessment (AIA) shall be prepared by a qualified person detailing sound proofing methods in the construction of interior (floor, wall and ceiling) of the gym to demonstrate that there will be minimal/acceptable noise impacts to upper and lower levels of the buildings and submitted to council for consideration and approval.

- 38 All waste collection and storage areas are to be kept clean and tidy for the life of the development. All doors and vents are to be protected against vermin infestation and regularly inspected and cleaned (jet washed).

- 39 Any liquid discharge from the air handling system, resulting from operation, maintenance and/or cleaning operations, are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

- 40 **Prior to the issue of an Occupation Certificate** the developer is to enter into a formal agreement with Penrith City Council to use Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and 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 Councils Waste Collection and Processing Contracts for

Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.

- Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure to permit a safe and efficient waste collection service.

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

- All on-site waste collection infrastructure, doors and access points (Waste Collection Room, Bulky Goods Collection Room, basement access) are to be locked/accessed through Councils Abloy Key System. System specifications are outlined in section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document.
- All on-site waste collection infrastructure (Waste Collection Room, Bulky Goods and commercial waste) are 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.
- All on-site waste collection infrastructure (Waste Collection Room, Bulky Goods and commercial waste) are to provide automatic lighting and mechanical ventilation.
- All on-site waste collection infrastructure (waste collection, bulky goods collection rooms and commercial waste) to incorporate 180-degree outwards opening doors.
- The commercial waste collection room to be enclosed, walled and locked in accordance with section 3.4.1 of the 'industrial, commercial and mixed-use waste management guideline' document.

42 The 'Site Sourced Reused Materials Management Plan' prepared by JBS&G (dated 14 May 2019, Ref: 50628-109724 (Rev 1)), as endorsed by a NSW Accredited Site Auditor and as referred to in Site Audit Statement No. KJL 214 Stage 3D, **is to be submitted to Council**.

43 A maximum of 154 children are permitted to attend the child care facility at any one time, with compliance of the following:

- 0-1 years - 20 places;
- 1-2 years - 20 places;
- 2-3 years - 48 places;
- 3-4 years - 22 places; and
- 4-5 years - 44 places.

BCA Issues

- 44 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).
- 45 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). **Prior to the issue of a Construction Certificate and Occupation Certificate** the Certifying Authority and Principal Certifying Authority must:
- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Health Matters and OSSM installations

- 46 All food shop construction works shall be carried out in accordance with the requirements of the Australian Institute of Environmental Health "National Code for the Construction and Fitout of Food Premises" 1993, the Food Act 2003 and Food Regulation 2004.
- Detailed plans and specifications for the construction of the premises and installation of fittings, furnishings and equipment to all food preparation and storage areas **are to be submitted with the Construction Certificate application** regarding the fitout of the food shop.
- 47 The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.
- 48 The applicant shall register all regulated systems (as defined by the Public Health Act, 1991) with Penrith City Council by completing the form "Details of Regulated System" and returning it to Council prior to the system's operation.

The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.

The regulated system shall be maintained in accordance with the maintenance and cleaning requirements of the Public Health Act, 1991 and Public Health (Microbial Control) Regulation 2000, AS 3666.2:1995 "Air Handling and Water Systems of Buildings—Microbial Control", and the New South Wales Code of Practice for the Control of Legionnaires Disease. A copy of the summary maintenance reports for airhandling shall be submitted to Penrith City Council within 14 days of such work being completed.

- 49 Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. Details of the installation of the kitchen exhaust system shall be submitted with the Construction Certificate application.

- The kitchen exhaust system must be designed to prevent or minimise air pollution including the emission of odours, vapours and oils in accordance with the Protection of the Environment Operations Act 1997.
- The exhaust hood must completely cover the equipment to be ventilated and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.
- The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.
- Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person or the Company who installed the exhaust system to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2 and that all practical pollution control measures have been installed to achieve the requirements of the Protection of the Environment Operations Act 1997. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

- 50 If the car wash site uses hot or warm-water systems and stores the heated water in tanks or transit piping, this is defined as a regulated system under the Public Health Act 2010. The construction and operation of the premises must therefore comply with the Public Health Act 2010, the Public Health Regulation 2012 and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease. The occupier is required to register with and notify Council of the existence of the warm-water system.
- 51 Any cooling towers and warm water systems are to be registered with Penrith City Council by completing the regulated systems registration form.

This form is to be returned to Council **prior to the operation of the system**.

The occupier of premises at which a water-cooling system or warm-water system is installed must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au:

- if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- if the system is installed after he or she becomes the occupier, within one month after the system is

installed.

The occupier of the premises must notify Council within 7 days of any change of details.

52 Prior to the release of the Construction Certificate, the following details for the Child Care Centre shall be submitted to Council for consideration and approval:

- Details of the finish of the walls and ceiling (note acoustic panels not permitted in food preparation areas);
- Details and location of coving to all floor wall joins;
- Details and location of shelving to the storage area for food and packaging;
- Construction material of shelving indicating lowest shelf at least 150mm above ground level
- Details of materials used on benches in kitchen;
- Reference to the construction of the premises being in accordance with the Australian New Zealand Food Standards Code, Food Safety Standard 3.2.3 "Food Premises and Equipment" and the AS 4674 – 2004 "Design, Construction and Fit Out of Food Premises";
- Hand wash facilities fitted with a hands free operation warm water through a common spout (hand washing facilities are for the sole purpose of hand washing in the kitchen and in the bottle preparation areas)
- Location of separate sink for (a) washing of vegetables and fruit (b) hand washing (c) washing (required) and sanitizing sinks (if no dishwasher)
- Location of any floor wastes (if being installed) and cleaners sink (may be in laundry);
- Details and location of all equipment in the kitchen including, but not limited to ovens, fridges, freezers, dishwasher etc.;
- Location of personal staff storage area
- Any fluorescent light fittings being fitted with a smooth faced diffuser and identified on the plan;
- Location and information of mechanical ventilation for oven/stove in accordance with Section 2.5.2 of AS 4674 – 2004 "Design, Construction and Fit Out of Food Premises".

Utility Services

53 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.

- 54 **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, approval shall be obtained from Council on the 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.

- 55 **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.

- 56 **No approval is granted for free standing fire hydrant booster sets, heat shields or the like along the street frontages of the development. All fire hydrant boosters are to be integrated into the design of the building and are to be located within cupboards and the like.**

Prior to the issue of a Construction Certificate, Penrith City Council must be consulted over the location of the Fire Services infrastructure as the location of the booster or heat shields may impact on other services and building, driveway or landscape design already approved by Council.

Construction

57 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.

58 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.

59 **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.

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

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

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

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

Engineering

61 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.

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

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

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

63 **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:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Concrete footpaths and or cycleways
- Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- Road occupancy or road closures
- The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- 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:

- 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.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.

- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

64 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC, Project 20190092, Drawing numbers SW100-500, Revision C, dated 3/08/2020

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.

65 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

66 **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 for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

67 **Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for any civil upgrades.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note: Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

68 **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.

- 69 Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- a) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
 - b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.
- 70 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.
- 71 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.
- 72 **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.

- 73 **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.

74 **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.

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

- a) Stormwater management systems (including on-site detention and water sensitive urban design)

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

76 Prior to the issue of an Occupation Certificate and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges

77 **Prior to the issue of any Occupation Certificate**, signage which is clearly visible from the public road to indicate the entry to delivery and commercial waste collection area and entry and exit to the main facility shall be placed within the development site.

78 **Prior to the issue of any Occupation Certificate**, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

79 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

80 All car parking and manoeuvring must be in accordance with AS2890.1, AS2890-2, AS2890.6, Council Development Control Plans, Council Guidelines and Council's requirements.

81 **Prior to the issue of any Construction Certificate**, the Principal Certifying Authority shall ensure that a Waste Collection / Service / Delivery Vehicle Operational Management Plan is provided to the satisfaction of Council's Waste Management Section. This shall include an operational management plan that shall

apply to all waste collection / service / delivery vehicle access the site's heavy vehicle loading area and include:

- Coordinating all development site businesses and operators agreements and operational management of all waste collection / service / delivery vehicles to the site's heavy vehicle loading area.
- Limiting and controlling waste collection / service / delivery vehicle arrivals to only to only one vehicle arriving and at only times when the site heavy vehicle loading area is clear.
- Limiting and controlling access to vehicles no larger than medium rigid vehicles not greater than 12.5 metres long.

82 Prior to the issue of any Construction Certificate the Principal Certifying Authority shall ensure that the development title includes a Section 88B instrument that:

- Restricts access to the site to vehicles no larger than medium rigid vehicles not greater than 12.5 metres long.
- Requires that all title holders, businesses and operators shall comply with the development Waste Collection / Service / Delivery Vehicle Operational Management Plan.

83 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, AS2890.1 and AS2890.6
- Minimum headroom (from floor to lowest ceiling obstruction) of 3.5 metres to waste and service vehicle loading areas, 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.
- 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.
- Complying numbers of secure bicycle parking, end of journey facilities, change rooms, showers, and lockers are provided at convenient locations in accordance with DCP C10, AS 2890.3 Bicycle Parking

- 84 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.
- 85 Subleasing of car parking spaces is not permitted by this Consent.
- 86 Prior to Occupation Certificate, appropriate signage, visible from the public road and on-site shall to 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.
- 87 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 88 All vehicles are to enter/exit the site in a forward direction.
- 89 **Prior to the issue of the Construction Certificate**, 3 motor bicycle parking areas shall be provided within the commercial parking area and shall be shown on the plans for consideration and approval.
- 90 **Prior to the issue of an Occupation Certificate**, the road corridor known as the East-West Connector Road (as detailed in the Central Precinct Plan) and connecting road network which links Jordan Springs Central Precinct, Ropes Crossing and Dunheved Industrial Precinct shall be delivered and dedicated as public road to accommodate the increased dwelling density as a result of this consent, to the written satisfaction of the Development Services Manager, Penrith City Council.
- The connecting road network includes all road works as required by DA18/0620 and DA17/0889 for the roads surrounding the Village Centre site and extension of Wianamatta Parkway.
- 91 **Prior to the issue of any Occupation Certificate for any Stage of the development**, the Principal Certifying Authority is to ensure that all residential car parking spaces are numbered and line marked, and allocated as follows:
- A minimum of one car parking space within the basement residential car parking area is to be provided for the use of each one or two bedroom unit.
 - A minimum of two car parking spaces are to be provided for the use of each 3 bedroom unit.
 - Each adaptable unit is to be provided with a minimum of 1 accessible parking space.
 - A minimum of 27 car parking spaces, inclusive of one accessible space, is to be sign posted and line marked for the use of childcare centre staff and visitors only generally in accordance with the stamped approved plans. Signage is to be erected advising users of these 14 spaces that the childcare centre car parking spaces are for staff and visitors, between the hours of 7.00am and 7.00pm weekdays only.

- 92 Subleasing of car parking spaces is not permitted by this Consent.
- 93 All vehicles are to enter and exit the site in a forward direction.
- 94 **Prior to the issue of a Construction Certificate**, an updated Stormwater Management Strategy shall be prepared and be submitted to Council for approval. The updated strategy shall include details on the proposed water conservation measures as per the requirements of Section 3.1 of Council's WSUD Policy.

Landscaping

- 95 All landscape works are to be constructed in accordance with the plans approved by Council under condition number D under Schedule 1 condition and in accordance with 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.

- 96 The approved landscaping for the site must be constructed by a suitably qualified landscape professional.
- 97 Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional or a Landscape Consultants.

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.

- 98 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

- 99 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,220.00 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 7.11 Contributions 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

- 100 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$20,270.00 is to be paid to Council prior to a Construction / Subdivision 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 7.11 Contributions 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Certification

101

Prior to the commencement of any building works on site, the proponent is to:

(a) employ a Principal Certifier 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 Certifier" in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Two (2) days before any building works are to commence on site, the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

102 Prior to the commencement of any earthworks, construction or demolition works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

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

The following documentation shall accompany the "Notice of Commencement" to be submitted to Penrith City Council:

- A Compliance Certificate certifying that sediment and erosion control measures has been installed in accordance with condition 20.
- A copy of the Traffic Control Plan for the development/site in accordance with condition 71 & 72.

103 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.

SIGNATURE

Name:	Pukar Pradhan
Signature:	

For the Development Services Manager