

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0163.02
Proposed development:	Extension of Consent for Stage 1 Construction of 4 x Residential Flat Buildings (138 Residential Apartments), 1 x Mixed Use Building (Ground Floor Commercial Floor Space and 63 Residential Apartments), Basement Car Parking, Road Construction, Drainage Works, Public Open Space Provision, Landscape Works, Earthworks and Tree Removal
Property address:	3989 Lakeside Parade, JORDAN SPRINGS NSW 2747 3991 Jordan Springs Boulevard, JORDAN SPRINGS NSW 2747 3989 Lakeside Parade, JORDAN SPRINGS NSW 2747
Property description:	Lot 3991 DP 1190132 Lot 3989 DP 1190132
Date received:	23 November 2017
Assessing officer	Lucy Goldstein
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	N/A
Recommendations:	Approve

Executive Summary

On 21 January 2016, Council determined and approved Development Application DA15/0163 for 'Stage 1 Construction of 4x Residential Flat Buildings, 1x Mixed Use Building, Basement Car Parking and associated works at 3989 Lakeside Parade and 3991 Jordan Springs Boulevard, Jordan Springs 2747.

Council is in receipt of a Development Application submitted under Section 95A of the Environmental Planning and Assessment Act 1979, seeking an extension of lapsing period of the development consent for DA15/0163. The current application was lodged on 23 November 2017, prior to the expiration of the subject development consent on 21 January 2018.

The application has provided written evidence that the subject land was purchased on 31 October 2017, resulting in limited time for the applicant to activate the current consent, prior to its expiration on 21 January 2018. In accordance with Section 95(A) of Environmental Planning and Assessment Act 1979, the application is found to demonstrate 'good cause' for an extension of development consent for one (1) year, and therefore is recommended for approval.

Site & Surrounds

The site is located to the eastern side of Lakeside Parade, and the western side of Jordan Springs Boulevard, Jordan Springs, and is currently occupied by an at-grade car park area and temporary stormwater drainage basin. Lot 3991 Jordan Springs Boulevard has a land area of 3.633 hectares and Lot 3989 Lakeside Parade has a lot area of 5026m².

To the north, the site is adjacent to retail shops and car parking forming part of the Jordan Springs Village Centre. To the north-east, the site is adjacent to the Village Lake, sales centre and stormwater retention system. To the south of the site, is land dedicated to a future drainage channel and Wianamatta Regional Park.

Proposal

The subject application seeks Council approval for an extension of the lapsing period of development consent, previously approved under development application DA15/0163 for 'Stage 1 Construction of 4 x Residential Flat Buildings (138 Residential Apartments), 1 x Mixed Use Building (Ground Floor Commercial Floor Space and 63 Residential Apartments), Basement Car Parking, Road Construction, Drainage Works, Public Open Space Provision, Landscape Works, Earthworks and Tree Removal' at 3989 Lakeside Parade and 3991 Jordan Springs Boulevard, Jordan Springs 2747.

Plans that apply

Planning Assessment

• Section 95A - Extension of lapsing consent by 1 year

The application has been assessed in accordance with the requirements under Section 95A of Environmental Planning and Assessment Act 1979. A detailed discussion has been provided below:

Under the provision of Section 95(1), a development consent lapses five (5) years after the date from which it operates.

However, Section 95(2) further states that '*a consent authority may reduce that period of 5 years in granting development consent.*'

Further to the above, Section 95A states;

(1) If, in granting a development consent, the consent authority reduces the period after which the consent lapses to less than 5 years, the applicant or any other person entitled to act on the consent may apply to the consent authority, before the period expires, for an extension of 1 year.(2) The consent authority may grant the extension if satisfied that the applicant has shown good cause.'

Although the Environmental Planning and Assessment Act 1979 does not provide a definition of 'good cause', various case law (*Smith v Randwick City Council [2001]; Kinder Investments Pty Limited v Sydney City Council [2005]*) indicates that the consent authority, in exercising its discretion, should base its decision on planning considerations and not external factors.

In this instance, the applicant has provided documentation demonstrating the the subject land was purchased on 31 October 2017, providing limited time to activate the consent, prior to its expiration on 21 January 2018. As such, the applicant has demonstrated 'good cause' for requesting an extension of one (1) year of the development consent.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Section 79C(1)(a)(iii) The provisions of any development control plan

Section 79C(1)(b)The likely impacts of the development

The subject application does not alter the assessment of the likely impacts of the development which was undertaken as part of the original development application DA15/0163. The application seeking an extension of time for the lapsing period would have no impact on the nature and built environment.

Section 79C(1)(c)The suitability of the site for the development

The subject application does not alter the assessment of the site suitability of the development which was undertaken as part of the original approved, development application DA15/0163.

Section 79C(1)(d) Any Submissions

Community Consultation

Community consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development did not have to be notified.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Landscape Architect	
Parks and recreation	
Planning and Sustainability	
Traffic Engineer	
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Waste Services	Not supported
Community Safety Officer	No objections - subject to conditions

Building Surveyor

The above internal referrals have not been sent for the proposed Section 95A Application. The referrals formed part of the original development application DA15/0163 and have been carried across to this application for the purpose of generating the notice of determination for the Section 95A application.

Section 79C(1)(e)The public interest

The application for an extension of the lapsing period of one (1) year is consistent with the requirements of Section 95A of Environmental Planning and Assessment Act 1979, and promotes the coordinated, orderly and economic use and development of land. Given this, the application will not generate any significant issues of public interest.

Conclusion

In accordance with Section 95(A) of Environmental Planning and Assessment Act 1979, the application is considered to demonstrate 'good cause' for the extension of development consent for one (1) year, and is therefore recommended for approval.

Recommendation

That development application for the extension of development consent for Stage 1 Construction of 4x residential flat buildings, 1x mixed use building base car parking, and associated works at 3991 Jordan Springs Boulevard and 3989 Lakeside Parade, Jordan Springs be approved subject to the attached conditions (Development Assessment Report Part B)

CONDITIONS

General

1 A001

The development must be implemented and/or installed substantially in accordance with the following plans stamped a application form and any supporting information received with application, except as may be amended in red on the at following conditions.

Drawing Title/ Report Title	Plan Number/ Reference Number	Prepared by	Date
Cover Sheet	14016 AP01 Issue B	Mosca Pserras Architects	21 September 2015
Master Plan	14016 AP02 Issue B	Mosca Pserras Architects	
Data Drawing	14016 AP03 Issue A	Mosca Pserras Architects	13 February 2015
Site Plan	14016 AP04 Issue B	Mosca Pserras Architects	21 September 2015
Building 1, 2 & 3 Basment 2	14016 AP05 Issue C	Mosca Pserras Architects	30 October 2015
Building 1, 2 & 3 Basment 1	14016 AP06 Issue C	Mosca Pserras Architects	30 October 2015
Building 1, 2 & 3 Ground Floor	14016 AP07 Issue D	Mosca Pserras Architects	30 October 2015
Buildings 1,2 & 3 Level 1	14016 AP08 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1,2 & 3 Level 2	14016 AP09 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Level 3	14016 AP10 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Level 4	14016 AP11 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Level 5	14016 AP12 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Roof	14016 AP10 Issue A	Mosca Pserras Architects	12 February 2015
Building 4 – Basement 1 & 2	14016 AP14 Issue B	Mosca Pserras Architects	30 October 2015
Building 4 - Ground and Level 1	14016 AP15 Issue B	Mosca Pserras Architects	30 October 2015
Building 4 - Level 2 & 3	14016 AP16 Issue B	Mosca Pserras Architects	30 October 2015
Building 4 – Roof	14016 AP17 Issue A	Mosca Pserras Architects	12 February 2015
Building 1, 2 & 3 - Elevations	14016 AP18 Issue A	Mosca Pserras Architects	12 February 2015
Building 1, 2, 3, 4 & 5 – Elevations	14016 AP19 Issue A	Mosca Pserras Architects	12 February 2015
Building 1, 2, 3 & 4 - Sections	14016 AP20 Issue A	Mosca Pserras Architects	12 February 2015
Building 1, 2, 2 & 4 Adaptable Units	14016 AP21 Issue A	Mosca Pserras Architects	12 February 2015
Engineering Details - Subdivison and Roadworks	9776/DA00 – DA14 Issue B	J. Wyndham Prince	4 August 2015

Site Survey	Job Reference 132673 Drawing Number DETL-001/A	Lawrence Group	25/6/2013
Statement of Environmental Effects	10164 – Stage 1 Parklands Estate, Jordan Springs	APP Corporation	February 2015
Bushfire Protection Assessment	14GOSBUS-0413	Ecological Australia	3 February 2015
Building Code of Australia Report & Access for People with a Disability	MSA0632BC_REV01	Matt Shuter & Associates	12 February 2015
Landscape Strategy	S14-0080	Clouston Associates	13 February 2015
Engineering Details - Subdivision and Roadworks	9776/DA00 – DA14 Issue B	J. Wyndham Prince	4 August 2015
Stormwater Concept Design	Reference number 20140381, Sheets SW01-SW15, Revision A	SGC Consulting Engineers	18 December 2014
Parking and Traffic Assessment	14S1013100	GTA Consultants	12 February 2015
Species Impact Statement	13092RP2	Cumberland Ecology	February 2015
Acoustic Impact Assessment	20131158.2/0112A/R1/JL	Acoustic Logic	1 December 2014
Waste Management Plan	-	-	-

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling home such as a carport, garage, shed, rural shed, swimming pool and the like}.

3 [A014 - LOT CONSOLIDATION](#)

Lot 3989 DP 1190132 & Lot 39941 DP 1190132 are to be consolidated as one lot. Written evidence that the request to consolidate has been lodged with Land and Property Information division of the Department of Lands is to be **submitted to the certifying authority**. **Construction Certificate for the development can be issued by the certifier.**

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

4 [A017 - DA FOR USE](#)

Prior to occupation of the commercial tenancies located within the Building 2 "Cumberland", a separate development application must be submitted to Penrith City Council.

5 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

6 [A026 - Advertising sign \(not for residential\)](#)

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.

7 [A038 - LIGHTING LOCATIONS](#)

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of outdoor lighting" (1997).

8 [A039 - Graffiti](#)

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

9 [A041 - CONSTRUCTION IN BUSHFIRE AREAS \(AMENDED\)](#)

An Asset Protection Zone protection from bushfire shall be provided and maintained for the development approved for with the recommendations outlined in Bushfire Protection Assessment – Proposed Residential Development: Jorda Estates Stage 1 (Project 14GOSBUS-0143) prepared by Ecological Australia dated 3 February 2015.

10 [A044 - Compliance with NSW Rural Fire Service conditions of consent](#)

The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety development are to be completed prior to the issue of an Occupation Certificate or in the case of subdivision, a Subdivision

11 [A046 - Obtain Construction Certificate before commencement of works](#)

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

12 A Special - Office of Water

The development is required to comply with the General Terms of Approval (GTA) dated 16 April 2015, issued by the Office of Water as outlined below:

(a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and assessments relating to DA2015/0163 and provided by Council:

- (i) Site plan, map and/ or surveys.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

(b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain Council Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this GTA is material in or within 40 metres of the top of the bank or shore of the river identified.

(c) The consent holder must prepare or commission the preparation of:

- (i) Erosion and Sediment Control Plan
- (ii) Soil and Water Management Plan

(d) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water website www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx

- (i) Riparian Corridors
- (ii) Outlet structures.

(e) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) constrain any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a report of completion to the NSW Office of Water.

(f) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a design approved by the NSW Office of Water.

(g) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of and maintenance and report to the NSW Office of Water as required.

(h) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow (ii) wash into the river or cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

(i) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

(j) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water.

These works and structures must be inspected and maintained throughout the working period and must not be removed until the area has been fully stabilised.

(k) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

13 A Special - Rural Fire Service

The development is required to comply with the General Terms of Approval (GTA) dated 19 May 2015, issued by the Rural Fire Service as outlined below:

- At the issue of subdivision certificate in perpetuity the entire property, excluding the riparian corridor, shall be a fire protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' Rural Fire Service's document 'Standard for asset protection zones'.
- Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.
- Public road access shall comply with section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.

14 **A Special - Street Signage**

Precinct signage including the "Parkland Estate Jordan Springs" is not supported as a part of the development and erected.

15 **A Special - Subdivision**

The proposed development does not include the subdivision of land, or the strata subdivision of the mixed use developments.

Separate Development and Subdivision Certificate Applications are to be submitted to Penrith Council for consideration of land. Dedication of assets, including local roads, must be undertaken prior to issue of any Occupation Certificate

16 **A Special - Substation Screening**

The Substation areas shall be screened properly with landscaping in a manner that is compatible and consistent with the building. Details are to be submitted to council for consideration and approval prior to the issue of the Construction Certificate

17 **A Special Condition - Construction Management Plan**

Prior to the issue of the Construction Certificate, a Construction Management Plan (CMP) is to be prepared by a qualified person and submitted to Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

The CMP is to address the environmental aspects of the construction phase of the development and is to include detailed environmental management practices and controls to be implemented on the site. The CMP is to address, but is not limited to, the following:

- Water quality management,
- Noise control and hours of operation,
- Dust suppression,
- Waste management (including solid and liquid waste),
- Erosion and sediment control,
- Air quality including odour and dust control.

All construction activities on the site are to be implemented and carried out in accordance with the CMP.

18 **A Special CPTED - Car Park Lighting**

Lighting within the car parking area shall be designed and constructed in consideration of the following:

- Car Park lighting should at least meet minimum requirements under Australian Standards (AS 1158 for external lighting and AS 1136 for interior lighting).
- Light fixtures should be reliable, easy to maintain, able to withstand the elements and vandal resistant.
- Incorporate lighting into a regular maintenance plan so as to ensure lights are working, maintaining lux levels as required in any way by signs, landscaping or other objects. When selecting and positioning light fixtures, be considered to avoid glare and consider the brightness of the light and effect of passing from light to dark areas.
- White light is best for natural surveillance as it allows for clarity of vision.
- Paint the car park interior white or maintain light coloured concrete to reflect light.
- Ensure there is sufficient lighting to complement the CCTV system (if in place) so that images are captured.

19 A Special CPTED - Lighting

Lighting within the development shall be designed and constructed in consideration of the following:

- All areas intended to be used at night should allow appropriate levels of visibility through effective lighting. This square and adjoining common areas; all building entries; paved pedestrian thoroughfare between building 1 ('C2') Building 2 ('Cumberland'); building frontages (e.g. under awning lighting) along Jordan Springs Boulevard, Lake; proposed roads; footpaths surrounding the 'Central Park' (adjoining street lighting may be sufficient to light the
- Proposed 'low level bollard lighting' should be sturdy of construction and evenly spaced.
- Pedestrian pathways, laneways and access routes in outdoor public spaces should be lit to the minimum Aus 1158. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.
- Lighting should be designed in accordance with AS4282 – Control of the obtrusive effects of outdoor lighting .
- Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter being traversed. Moreover, lighting should clearly illuminate the faces of users of pathways. As a guide, areas users to identify a face 15 metres away.
- Streetlights should shine on pedestrian pathways and possible entrapment spaces as well as on the road.
- Lights should be directed towards access/egress routes to illuminate potential offenders, rather than towards observation points
- Lighting should take into account vegetation and landscaping that may act as an entrapment spot.
- Lighting should be designed so that it is 'vandal tough' or difficult for vandals to break.
- Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural
- Illuminate possible places for intruders to hide.
- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly
- Commercial/ retail frontages must be well lit (e.g. under awning lighting) to improve visibility of this area at night opportunities for graffiti and malicious damage.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.

20 A Special CPTED - Basement Car Parking

Basement areas within the development shall be designed and constructed in consideration of the following:

- A security system (e.g. swipe card system or similar) must be installed on any pedestrian and vehicle entry/exit basement car parks, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car park (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with to prevent shadowing or glare.
- Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.
- Signage is recommended to clearly delineate spaces intended for use by residents and those for use by commercial
- Plant and storage rooms (e.g. pump/electrical rooms) located in the basement car park must be secured. Access to authorised personnel only (e.g. via swipe card system or similar).
- Lifts from the basement car park must be fitted with access control systems (e.g. swipe card system or similar) accessing residential apartment areas of the building. Visitors must not be able to access the apartment areas basement car park, unless accompanied by a resident with appropriate access permissions.
- Emergency phones and intercom systems are recommended for the basement car park.

21 A Special CPTED - Building Security and Access Control

The following access and security measures shall be included within the development:

- Install intercom, code or card locks or similar for main entries to buildings including car parks.
- Signage/information should be made available requesting residents to not leave doors wedged open.
- Australian Standard 220 door and window locks should be installed in all dwellings.
- Clear and distinct signage should be placed on the exterior of the building advising that entry into the residential residents only.
- Electronic security gates must be provided at basement car park entrances. Access must be restricted to residential tenants only.
- Mail areas should be provided in a location that does not allow access to personal mail by the public. The access a secure area with natural surveillance.
- Pedestrian entry to basement parking should be through security access via the main buildings.
- Fire exit or egress doors leading from the car park should be clearly sign posted with illuminated directional signage should not be able to be opened from the outside.
- Storage areas must be well secured and well lit.
- Install viewers on entry doors to allow residents to see who is at the door before it is opened.
- CCTV should be considered for commercial tenancies and basement car park areas of the development. Cameras sufficient standard to be useful for police in the event of criminal investigations. Lighting should be provided to illuminate at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate if CCTV is in operation

22 [A Special CPTED - Commerical Developments Building Identification](#)

The following commercial building identification measures shall be included within the development:

- Clear building identification assists in wayfinding (particularly for emergency services) and is especially important for commercial space and residential dwellings within a development.
- Street numbers must be at least 7cm high, and positioned between 1m and 1.5m above ground level on the street.
- Street numbers must be made of durable materials preferably reflective or luminous, and should be unobstructed.
- Location maps and directional signage should be provided to assist with wayfinding and delineation between public space.

23 [A Special CPTED - Entrances](#)

Entrances within the development shall be designed and constructed in consideration of the following:

- Entrances must be designed to allow users to see into the building before entering. Glass entry doors and panels enables people to see in prior to entry, and vice versa.
- Entrances should be easily recognisable through design features and directional signage.

24 [A Special CPTED - Residential Developments Building Identification](#)

The following residential building identification measures shall be included within the development:

- Each individual dwelling must be clearly numbered.
- Unit numbers must be clearly provided on each level.
- Each building entry must clearly state the unit numbers accessed from that entry.

25 [A Special CPTED - Way Finding/ Finding Help](#)

The following way finding measures shall be included within the development:

- Signs throughout all buildings and common areas (including public square and central park) should be large and in strong colours, standard symbols (e.g. for washrooms) and simple graphics. They should indicate where to go.
- Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or junctions.
- Signs should indicate how to report maintenance problems in the complex.
- The main pedestrian route through a large building, sets of building or areas of open public space should be in appropriate signage.
- Where exits to pedestrian routes are closed after hours this should be indicated at the entrance to the route and alternative routes should be clearly advised.

Demolition

26 [B001 - Demolition of existing structures](#)

The existing car park on the subject site is to be demolished / removed as part of the approved work.

27 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures" services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority prior to demolition.

28 [B004 - Dust](#)

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

29 [B005 - Mud/Soil](#)

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

Heritage/Archaeological relics

30 [C003 - Uncovering relics](#)

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further direction from Council or the NSW Heritage Office.

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

Environmental Matters

31 **D001 - Implement approved sediment& erosion control measures**

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

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

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction and development until the landscaping, driveway and on-site parking areas have been completed for the development. These measures are to ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

32 **D002 - Spraygrass**

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

33 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the fill material) has been submitted to, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan) with consideration of relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the material will or will not pose an unacceptable risk to human health or the environment.

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

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

34 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that they are not allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide adequate bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

35 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed 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 location or waste materials have not been identified in the waste management plan, details shall be provided to Council 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 Council on request.

36 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the DA Acoustic Assessment prepared on 1/12/2014 Project Number: 20131158.2 The recommendations provided in the above-mentioned acoustic report shall be incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority with the Occupation Certificate.

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

37 **D014 - Plant and equipment noise**

The operating noise level of the development should not exceed 5dB(A) above the background noise level when measured at the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating construction noise".

38 **D020 - Vehicle wash bay**

All vehicle washing shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with 5 requirements.

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

39 **D025 - Stormwater disposal**

Stormwater runoff from the waste storage rooms shall be directed to sewer.

40 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid waste to the mains sewer is 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 transport 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.

41 **D Special - Alteration to Waste Management within the site**

Any changes to the waste collection arrangements from approved will require separate consideration and approval.

42 **D Special - Bin Collection**

Waste collection (including bin collection and hard waste) is to be undertaken within the loading zones inside the development. Collection of waste is not permitted.

43 **D Special - Reuse of wood debris and felled trees**

Prior to issue of a Construction Certificate, the applicant is to provide written evidence to Council that they have sought the Windsor office of the NSW National Parks and Wildlife Service (NPWS) to determine the possibility of reuse of wood from within the subject site within the adjacent Regional Park for habitat. If the material is wanted by the NPWS Regional Park, then the applicant is to arrange for the material to be transported to a suitable location as identified at applicants expense.

44 **D Special - Waste management**

a) Pavement Design

Prior to the issue of a Construction Certificate, a Certified Practising Engineer (CPEng) must submit a letter to Council detailing structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the load of a heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point and manoeuvring areas.

b) Loading Zone

Prior to the release of a Construction Certificate, amended architectural plans are to be submitted to Penrith City Council detailing the provision of an on-site loading zone for the purpose of waste collection heavy rigid vehicle for buildings 4 & 5 with incorporation of future service to building 6.

c) Waste/ Loading Bay Signage

Prior to issue of an Occupation Certificate, appropriate signage must be mounted in a visible location and is to be maintained by the Body Corporate, indicating the loading bays are to be available and unimpeded at all times. This must also be referred to in the waste management statement.

d) Internal Pavement Construction

Prior to an Occupation Certificate, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming that pavement for both loading bays have been constructed in accordance to the approved plans, and is suitable for use by a rigid waste collection vehicle.

e) Waste and Recycling Management

A caretaker must be engaged to move all bins to and from the waste storage and collection points on the allocated area determined by Council. Residual waste is collected twice weekly, Recycling is collected once weekly and Bulky Waste once weekly.

f) Supply of Bin Tug or Towing Device

Prior to the issue of an Occupation Certificate, a mechanical bin tug or towing device suitable for transporting to and from communal waste storage rooms, must be supplied and permanently stored at the development. The nominated storage room is to be located in the basement in an enclosed room, with a lockable door. The door is only accessible through an abloy key held by Council's contracting staff. The selected equipment must be able to tow full bins over all ramps and slopes between

storage rooms and the storage bay for collection.

g) Final Inspection of Waste Storage Area

Prior to the issue of an Occupation Certificate, a final inspection of the waste storage area(s) and management arranged by the Principal Certifying Authority and must be undertaken by Penrith Council. This is to ensure compliance with design specifications and that necessary arrangements are in place for waste collection by Penrith Council. The time must be arranged with Council at least 2 business days prior to the Principal Certifying Authority’s suggested appointment.

h) Adherence to Bin Presentation Plan

The collection of waste and recyclables from the development is required to be undertaken in accordance with the plan submitted to and approved by Council. A copy of the plan must be made available to all future residents to ensure that waste collection arrangements.

i) Commencement of Domestic Waste Service

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

j) Bulky Waste Storage Area

Prior to the issue of a Construction Certificate, plans are to be submitted to and approved by council which add a communal Bulky waste storage room to be constructed for buildings 4 & 5 as a separate enclosed room incorporating lock keys systems, drainage connected to the sewer, adequate lighting, ventilation and dual doors.

k) Waste Storage Area

Prior to the issue of a Construction Certificate, plans are to be submitted to and approved by council which add a communal waste storage room to be constructed for buildings 4 & 5 as a separate enclosed room with incorporation for future development on the site (e.g. Building 6 by way of separate development application).

The design will need to incorporate dual doors, lock keys systems, drainage connected to the sewer, adequate lighting and dual doors.

l) Bin Allocation to development

The following development will need to accommodate the following bin allocation for the service of residual and recycling.

Dual Chute System: Compaction (implementation of a linear or circular carousel system)				
Building 1	Building 2	Building 3	Building 4	Building 5
2x1100L Bins (no compaction)	5x1100L Bins (no compaction)	3x1100L Bins (no compaction)	2x1100L Bins (no compaction)	3x1100L Bins (no compaction)
2x1100L Bins (no compaction)	5x1100L Bins (no compaction)	3x1100L Bins (no compaction)	2x1100L Bins (no compaction)	3x1100L Bins (no compaction)
2x1100L Service Bins	2x1100L Service Bins	2x1100L Service Bins	2x1100L Service Bins	2x1100L Service Bins
Total= 6x1100L Bins	Total= 12x1100L Bins	Total= 8x1100L Bins	Total= 6x1100L Bins	Total= 8x1100L Bins

*Service Bins: Additional bins allocated to the dwelling to enable chutes to continue operation, whilst collection fleet is at the waste collection bay.

45 **D Special - Implementation of mitigation strategies**

The following existing plans and impact mitigation strategies prepared as part of the St Mary’s Western Precinct Plan are implemented in full:

- The approved St Marys Macrofauna Management Plan (Cumberland Ecology, 2004);
- The Western Precinct Weed Management Plan (Cumberland Ecology, 2008);
- The Western Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008); and
- The Western Precinct Landscape Concept Plan (Environmental Partnership, 2009).

- 46 **D Special - Protection of Fauna during tree removal**
Trees identified for removal are to be felled and lowered to the ground slowly to allow any resident fauna time to escape they aren't injured by falling trees and branches. This replaces the need for pre-clearing survey and inspection. Any do not self-relocate are to be relocated to the regional park under the supervision of a qualified ecologist. If any injur WIRES is to be contacted immediately.
- 47 **D Special Condition - Construction Noise**
Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change "Construction Noise Guideline" 2009.

BCA Issues

- 48 **E005 - Smoke detectors-interconnect**
The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors.
- 49 **E006 - Disabled access and facilities**
Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans accompanying the Construction Certificate application.
- 50 **E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE**
A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to protect persons in the building in the event of fire. The fire safety list must distinguish between:
- the measures that are currently implemented in the building premises, and
 - the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standards for each measure.
- 51 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**
The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
- (a) deal with each essential fire safety measure in the building premises, and
- (b) be given:
- within 12 months after the last such statement was given, or
 - if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
- As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 52 **E01A - BCA compliance for Class 2-9**
All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going 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).

Utility Services

- 53 **G002 - Section 73 (not for)**
A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application shall be obtained 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 Occupancy Certificate.

54 [G004 - Integral Energy](#)

Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electricity 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 on the location of the substation before the Construction Certificate for the development is issued as the location of the substation, access to services and building, driveway or landscape design already approved by Council.

55 [G006 - Telecommunication Infrastructure](#)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunication 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 installed underground.

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

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

Construction

56 [H001 - Stamped plans and erection of site notice](#)

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates 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 construction,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

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

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

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

57 **H002 - All forms of construction**

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 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 appropriate professional standards. All excavations associated with the erection or demolition of a building must be protected to prevent them from being dangerous to life or property.

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

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work 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,
- any such hoarding, fence or awning is to be removed when the work has been completed.

58 **H011 - Engineering plans & specifications**

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

59 **H022 - Survey**

The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Council when the building is constructed to ground floor slab level.

60 **H025 - Construction of garbage rooms**

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

61 **H033 – Clothes line**

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

62 **H041 - Hours of work (other devt)**

Demolition and construction works that are carried out in accordance with an approved consent that involve the use of heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with 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 exempt from 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

63 **K101 - Works at no cost to Council**

All roadwork, stormwater, associated civil works and dedications, required to effect the consented development shall be at no cost to Penrith City Council.

64 [K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS](#)
Prior to the issue of any Construction Certificate a Section 138 Roads Act application/s, including payment of f with Penrith City Council. Penrith City Council is the Roads Authority for any works required in a public road. These but are not limited to the following:

1. Road opening permit for lead in public utilities and stormwater (including stormwater connection to Penrith City other Penrith City Council owned drainage
2. Road occupancy or road closures
3. The placement of hoardings, structures, containers, waster skips, signs etc. on the road reserve.

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

Contact Penrith City Council's City Works Department on telephone (02) 4732 7777 or visit Penrith City Councils w information.

Note:

1. All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certi Certificate as applicable.
2. On completion of any awning over the road reserve a certificate from a practising structural engineer certifying adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final appro Act 1993.

65 [K202A - Infrastructure Bond](#)

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

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

Contact Council's City Works Department on telephone (02) 4732 7777 or visit Council's website to obtain the form inspection.

66 [K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION RESERVE](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a S138 Roads Act application for the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being under the Roads Act) for the following works:

- Construction of a new intersection, right turn bay and pedestrian facilities at Jordan Springs Boulevard & Road No 1
- Construction of a new intersection and central median at Lakeside Parade & Road No 1
- Construction of path paving and landscaping works for the frontage of the development site in the road reserve between Jordan Springs Boulevard and Lakeside Parade.
- Heavy duty layback and driveway for garbage truck access off Jordan Springs Boulevard.

The layout of the intersections shall be generally in accordance with the plans by J Wyndham Prince, reference 9776/DA00-11, B, dated 04/08/2015.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guide for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Australian Standard AS 4753, and best engineering practice.

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

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works must be completed concurrently with the Construction Certificate.
2. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate as applicable.

67 [K206 - Construction Certificate for Subdivision Works](#)

A Construction Certificate for the provision of engineering works (roads and drainage) is to be approved by the certifying authority.

A construction Certificate shall be issued for any road, drainage and associated infrastructure works.

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that engineering plans are stamped approved concept plan/s prepared by J Wyndham Prince, reference number 9776/DA00-11, revision B, dated 04/08/2015, and that all works have been designed in accordance with the development consent, Penrith City Council's Design Guide for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guide to Road Design, and best engineering practice.

The works may include but are not limited to the following:

- Public and private roads
- Storm water management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Flood control measures
- Traffic facilities
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works.

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certificates of approval.

Note:

1. Councils Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on telephone (02) 4732 7777 or visit Penrith City Council's website for more information.

68 [K207 - Road design criteria table](#)

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the proposed roads I accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Development Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)
1 - Ch 0.00-80.51	18.6m	11.0m	3.8m	Both sides
1 - Ch 80.51 - 157.93 3 - Ch 0.00-60.81	15.8m	11.0m	3.8m (left) 1.0m (right)	Left side
3 - Ch 60.81-end	19.6m	11.0m	3.8m (left) 4.8m (right)	Both sides
4 - (whole road excluding shared zone)	12.8m	6.0m	3.0m (left); 3.8m (right)	Both sides
4 - (shared zone)	12.8m	6.0m	3.0m (left) 3.8m (right)	Full width paving both sides

A copy of the pavement design prepared by a suitably qualified geotechnical engineer must accompany the applica Certificate.

69 [K208 - Road Safety Audit](#)

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to F Road Safety Audit; on the proposed roadworks by an accredited auditor who is independent of the design consulta shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Section 138 Roads Act approval, the Certifying Authority sh recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Ch Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifying Authority f purposes.

70 [K209 - Stormwater Concept Plan](#)

The stormwater management system shall be provided generally in accordance with the approved MUS Water Sensitive Urban Design (WSUD) Strategy and concept Stormwater Drainage Plan prepared by . Plan number 9776/DA00 – DA11 dated 4/8/2015.

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

All works associated with the project including the location of stormwater management systems must I accordance with the requirements of the NSW Office of Water.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormw system has been designed in accordance with Council's Water Sensitive Urban Design Policy as well commitments made in the approved Water Sensitive Urban (WSUD) Strategy and concept plans.

71 **K210 - Stormwater Management**

The stormwater management system for Buildings 1, 2 & 3 and private open space areas shall be provided general the concept plans lodged for development approval, prepared by SGC Consulting Engineers, reference number 201-SW15, revision A, dated 18.12.2014.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a su 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 man: been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Waste Design (WSUD) Policy.

72 **K211 - Stormwater Discharge – Basement Car parks**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the stormwater drain basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3:2015 Drainage – Stormwater Drainage).

73 **K220 - Overland Flow - General**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that:

a) The crest in the access ramp to the basement car park is a minimum of 300mm above the top of kerb.

74 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that vehicular access, circ pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890. Penrith City Council's Development Control Plan 2014.

75 **K224 - Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Construction Traffic M (CTMP) has been submitted and approved by Penrith City Council. Approval of the CTMP may require endorsement Committee. The CTMP shall include but not limited to the following, vehicle routes, number of construction vehicles access arrangements, pedestrian management, parking management for patrons. The CTMP shall be certified by a accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parkir development and not severely impacted by the construction of this development.

76 **K225 - Performance Bond**

Prior to the issue of any Construction Certificate a performance bond is to be lodged with Penrith City Council f associated with the provision of a new intersections in Jordan Springs Boulevard and Lakeside Parade along with p: landscaping works within the road reserve fronting the development frontage.

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

Note:

1. Contact Penrith City Council's Development Engineering Unit on telephone (02) 4732 7777 for further inform requirements.

77 **K301 - Sediment & Erosion Control**

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with t Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

78 [K302 - Traffic Control Plan](#)

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

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

Note:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

79 [K303 - Dilapidation report](#)

Prior to the commencement of works, a dilapidation report of all infrastructures fronting the development in Jordan Road shall be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter and street trees and is to extend 50m either side of the development.

80 [K304 - Matters to be addressed prior to commencement of Subdivision Works](#)

Work on the subdivision shall not commence until:

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Regulation have been complied with.

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering clearing associated with the subdivision.

81 [K405 - Street Lighting](#)

Street lighting is to be provided for all new and existing streets within the proposed development to Penrith City Council.

82 [K405 - Turf to Verge](#)

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed from back of kerb to the property boundary with the exception of concrete footpaths, service lids or other infrastructure turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

83 [K407- Major Filling/ Earthworks](#)

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Earthworks Subdivisions and Developments, Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Authority.

84 [K408 - Soil testing - Subdivisions](#)

Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

85 [K502 - Completion of subdivision works](#)

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all road, drain and utility works required by this consent have been satisfactorily completed or that suitable arrangements have been made with the Council for any outstanding works.

86 [K502 - Works as executed – General and Compliance Documentation](#)

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

An original set of works-as-executed drawings and copies of the final operation and maintenance management plan and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate to the Principal Certifying Authority.

87 [K504 - Stormwater Compliance](#)

Prior to the issue of any Occupation Certificate for the buildings the Principal Certifying Authority shall ensure that:

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

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of the approved design.
- 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.

88 [K505 - Restriction as to User and Positive Covenant](#)

Prior to the issue of any Occupation Certificate for the buildings a restriction as to user and positive covenant shall be registered on the title of the property.

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

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

89 [K506 - Easement to Penrith City Council](#)

Prior to the issue of an Occupation Certificate, the plan of subdivision shall grant an easement to Penrith City Council over pipelines located within the communal open space on the basis that no claim for compensation will be made and the Council will meet all associated survey and legal costs.

90 [K509 - Linemarking & Signage](#)

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

Notes:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further information.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.
3. Applicable fees are indicated in Council's fees and charges.

91 [K511 - Directional signage](#)

Prior to the issue of an Occupation Certificate directional signage and linemarking shall be installed indicating the location of customer parking to the satisfaction of the Principal Certifying Authority.

92 [K512 - Street Naming](#)

Prior to the issue of an Occupation Certificate an application for proposed street names must be lodged with Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for advice regarding process and applicable fees.
2. Allow eight (8) weeks for notification, advertising and approval.

93 [K513 - Bond for final wearing course](#)

Prior to the issue of an Occupation Certificate a bond for the final layer of outstanding asphalt works (AC Bond) must be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not be placed without the written consent of Penrith City Council (Consent provided when 80% of the housing within the subdivision has been completed).

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

Note:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further information requirements.

94 [K515 - Maintenance Bond](#)

Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Penrith City Council for intersection works in Jordan Springs Boulevard and Lakeside Parade along with path paving and landscaping works reserve fronting the development frontage.

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

Note:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further information requirements.

95 [K516 - Subdivision Compliance documentation](#)

Prior to the issue of an Occupation Certificate the following compliance documentation shall be submitted to the Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is the Certifying Authority:

- a) Work As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstreet).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. This shall be indicated by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drains on public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Specification for the handover of stormwater management facilities to Penrith City Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within approved boundaries that no services encroach boundaries.
- g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
- i) Structural Engineer's construction certification of all structures
- j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.
- k) Soil Testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

96 [K601 - Stormwater Management system operation and maintenance](#)

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. Any necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management system.

97 [K - Waterways - Stormwater Management – GPT Design](#)

Prior to the issue of a Construction Certificate, the following information is to be submitted to Council for approval:

- The drainage plans shall include details of the location and sizing of the CDS GPT as proposed in the MUSIC.
- The proponent shall provide Council with a detailed operation and maintenance manual of the proposed GPT, estimated costing to determine the lifecycle costs associated with the GPT.
- Detailed construction plans including all calculations, drawings and designs, which are consistent with the design in the modelling from the Development Application.

98 [K Special Condition - Access to Gross Pollutant Trap](#)

An access way of minimum width 4m with a pavement suitable to convey service vehicles is to be provided to access the Gross Pollutant Trap (GPT). All vehicles servicing the GPT shall enter and leave the site in a forward direction. A heavy duty area shall be provided within the immediate area of the GPT. Full details including proposed pavement are to be submitted to Council for approval **prior to the issue of a Construction Certificate**.

99 [K Special Condition - Road Design](#)

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure the following

1. The intersection of Road No 3 and Road No 4 is to be designed as a conventional intersection with kerb and
2. The crown of Road No 4 is located within the centre of the pavement.

100 [K Special Condition - Bicycle Parking](#)

Prior to the issue of an Occupation Certificate, all secure bicycle parking is to be provided in accordance with / Parking Facilities.

101 [K Special Condition - Share Zone](#)

Prior to the issue of a Construction Certificate, full details of the proposed shared zone are to be lodged with Pt approved by the Local Traffic Committee.

Notes:

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further info process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.
3. Applicable fees are indicated in Council's fees and charges.

102 [K Special Condition - Subleasing of Car Parking Spaces](#)

Subleasing of car parking spaces is not permitted by this Consent.

Landscaping

103 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved Plan, Sections F5 "Planting Technique Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

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 sp greatest extent practicable, the same maturity, as the vegetation which died or was removed.

104 [L003 - Report requirement](#)

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appr listed below. These reports shall be prepared by a suitably qualified landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certific an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion o for the development. The report is to be prepared by a suitably qualified landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council toget 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 Re to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the pl thriving.

This report is to be prepared by suitably qualified landscape professional.

105 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree P prescribed in Penrith Council's Landscape Development Control Plan.

106 **L006 - Aust Standard**

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.

107 **L007 - Tree protection measures—no TMP with DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree prescribed in section F4 of Council's Landscape Development Control Plan.

108 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed lot shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Policy.

109 **L Special Condition - Amended Landscape Plan**

Prior to the commencement of landscape works on site, an amended landscape plan is to be prepared and submitted to Council for approval addressing the following:

- Activation of the plaza and common open space areas around Building 3, 4 & 5 through the provision of appropriate facilities.
- Shading features shall be provided within the Central Park to provide additional cover from the elements.
- The use of concrete seating is to be removed and replaced with seating of an alternative material that is more inclusive. Seating is to include backs, armrests and spaces beside for inclusive use.
- The provision of street trees and turf are to be provided between the kerb and gutter and pedestrian path. No street trees in verges is permitted.
- Street trees are to be consistent with the St Marys Development Control Strategy.
- General waste and recycling bins are to be provided within the Central Park area.
- Fencing details and security measures to be implemented within the Central Park to ensure the area is retained as open space
- Picnic table settings shall be designed to be accessible.
- Raised tree planters are to be avoided in deep soil areas.

110 **L Special Condition - Community Management Statement**

Prior to the release of an Occupation Certificate, a community management plan is to be prepared in relation to the development detailing the management of the common open space for the occupants of the residential units and associated visitors.

Subdivision

111 **M Special - 88B Restriction**

Prior to the release of an Occupation Certificate, an 88B restriction is to be registered against the property detailing the management of the common open space for the maintenance and benefit of the occupants of the development and their visitors.

Development Contributions

112 **N001 - Section 94 Contribution District Open Space**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. The current rates detailed in the accompanying schedule attached to this Notice, \$740,484.00 is to be paid to Council prior to the Occupation Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarter, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates or contribution amount are listed in Council's Fees and Charges Schedule.

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

Alternatively, evidence is to be provided detailing that the expected dwelling density has been included within a Voluntary Planning Agreement between Lend Lease and Penrith City Council.

113 [N001 - Section 94 Contributions Cultural Facilities](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities rates detailed in the accompanying schedule attached to this Notice, \$68,983.00 is to be paid to Council prior to a Construction Certificate issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution are detailed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at 601 High Street, Penrith.

Alternatively, evidence is to be provided detailing that the expected dwelling density has been included within calculated in the Voluntary Planning Agreement between Lend Lease and Penrith City Council.

Certification

114 [Q006 - Occupation Certificate \(Class 2 - 9\)](#)

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions relating to the operation of the development, are outstanding, and the development does not comply with the Environmental Planning and Assessment Act and Regulation.

115 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

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 Environmental Planning and Assessment Act 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 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) the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.