

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

JRPP Ref. No.:	2017SWT005
Application number:	DA17/0334
Description of development:	Six (6) Storey Mixed Use Development including Ground Floor Retail Tenancies & Supermarket, First Floor Office Floor Space & Child Care Centre, 62 Residential Apartments & Related Resident Facilities & Basement, Level 1 & Level 2 Car Parking
Classification of development:	Class 2 , Class 5 , Class 6

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 3003 DP 1184498
Property address:	184 Lord Sheffield Circuit, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	St Hilliers Property (Frank Katsanevas) C/- Urbis (Ryan Macindoe) Level 23, 201 Sussex Street SYDNEY NSW 2000
-----------------	---

DECISION OF CONSENT AUTHORITY

Penrith Council has determined to grant “Deferred commencement” consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. In accordance with Section 81(1) (a) 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 12 months from 19 October 2017.

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

In accordance with Section 23G and 81(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation in attachment 1.

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

Date from which consent operates	19 October 2017
Date the consent expires	19 October 2022
Date of this decision	11 October 2017

POINT OF CONTACT

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

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

NOTES

Reasons

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

Conditions

Your attention is drawn to the conditions of consent listed in Schedule 1 requiring compliance prior to the development consent becoming operational. Council will issue a 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

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

Appeals in the Land and Environment Court

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

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

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

Designated development

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

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

Sydney West Planning Panels

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

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

Schedule 1 (Deferred Commencement)

- 1 An acoustic report prepared by a suitably qualified acoustic consultant is to be submitted to Penrith City Council for approval. The report is to consider the criteria, findings and recommendations detailed within the "Thornton Lot 3003 DP1184498, Lord Sheffield Circuit, Penrith Noise Impact Assessment" prepared by Acoustic Logic and dated 28/08/2017 (Document Reference: 20170322.1/2808A/R3/BW) and is to provide a further comprehensive noise and vibration assessment of the development as a whole, including all non-residential components. The acoustic report is to assess the noise and vibration levels and associated impacts of the non-residential uses upon residential tenancies within the development, as well as adjoining nearby future receivers. This is to include, but not be limited to, an assessment of all commercial/retail premises, child care centre, gym, lap pool and associated equipment, communal area, as well as mechanical plant and equipment, and waste management and collection areas. The report is to include (but not be limited to) consideration of the Industrial Noise Policy, the AAAC Guideline for Child Care Centre Acoustic Assessment 2013, AS2107:2000, the EPA Assessing Vibration: A Technical Guideline", as well as the criteria established in the Noise Impact Assessment prepared by Acoustic Logic and dated 28/08/2017.

If Council is not the certifier issuing the Construction Certificate, then a copy of the report approved by Council should be submitted to the certifier, prior to the issue of a Construction Certificate.

- 2 This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

A1. Sydney Trains has an 11kV and 66kV underground electrical cable and existing aerial electrical easement. Subject to the extinguishment of the High Voltage HTTL Aerial Electrical Easement and subsequent immediate registering of the proposed replacement HTTL Electrical Cable Easement, the Applicant shall undertake, prepare and provide the following documentation to Sydney Trains for review and approval/certification:

Sydney Trains has an 11kV and 66kV underground electrical cable and existing aerial electrical easement. Subject to the extinguishment of the High Voltage HTTL Aerial Electrical Easement and subsequent immediate registering of the proposed replacement HTTL Electrical Cable Easement, the Applicant shall undertake, prepare and provide the following documentation to Sydney Trains for review and approval/certification:

1. The Applicant shall undertake a detailed services search to establish the existence and exact location of any rail services within or near to the development site. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling.

a) The applicant must discuss with Sydney Trains the method of undertaking the services search prior to conducting the search.

2. Upon completion of the detailed services search, the Applicant is to provide to Sydney Trains a report regarding:

- a) The established existence and exact location of any rail services
- b) Potential risk impact of the services on the proposed development
- c) Potential risk impact of the proposed development on any rail services
- d) Compliance with AS 7000
- e) Compliance with ISSC 20
- f) Compliance with the Safe Approach Distances (SADs) in the Sydney Trains Document titled "SMS-06-GD-0268 – Working Around Electrical Equipment"

g) Compliance with relevant Transport for NSW Asset Standards Authority standards/guidelines.

Should the existing High Voltage HTTL Aerial Electrical Easement not be approved for extinguishment and subsequent immediate registering of the proposed replacement HTTL Electrical Cable Easement, then revised plans taking into account the existing High Voltage HTTL Aerial Electrical Easement need to be submitted.

A2. The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items:

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following final version items:

1. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
2. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
3. Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains deferred commencement A1 and A2 approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the plans as listed below and as stamped 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.

<u>Plan</u>	<u>Numbered</u>	<u>Drawn By</u>	<u>Dated</u>
Basement 01 Plan	1099 (Issue D)	Crone Architects	7 September 2017
Ground Floor Plan	1100 (Issue C)	Crone Architects	7 September 2017
Level 01 Plan	1101 (Issue C)	Crone Architects	7 September 2017
Level 02 Plan	1102 (Issue C)	Crone Architects	7 September 2017
Level 03 Plan	1103 (Issue C)	Crone Architects	7 September 2017
Level 04 Plan	1104 (Issue C)	Crone Architects	7 September 2017
Level 05 Plan	1105 (Issue B)	Crone Architects	7 September 2017
Level 06 Plan	1106 (Issue B)	Crone Architects	7 September 2017
Roof Plan	1107 (Issue B)	Crone Architects	7 September 2017
East Elevation Plan	2000 (Issue A)	Crone Architects	7 April 2017
South Elevation Plan	2001 (Issue A)	Crone Architects	7 April 2017
West Elevation Plan	2002 (Issue A)	Crone Architects	7 April 2017
North Elevation Plan	2003 (Issue A)	Crone Architects	7 April 2017
Elevations Detail Plan	2050 (Issue A)	Crone Architects	7 April 2017
Elevations Detail Plan	2051 (Issue A)	Crone Architects	7 April 2017
Section AA Plan	3000 (Issue B)	Crone Architects	7 September 2017
Section BB Plan	3001 (Issue B)	Crone Architects	7 September 2017
Waste Management Plan	-	Elephants Foot	27 March 2017
Landscape Design Report for Lot 3003	Issue A	Urbis	18 April 2017

- 2 The proponent is to comply with the applicable conditions of consent of the Major Projects Approval No. MP10-0075 and the Statement of Commitments included within Schedule 3 of MP10-0075, in particular, those related to site contamination, unexpected finds and the discovery of unexploded ordinance.
- 3 Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:

- Name of responsible company and relevant contact details.
- Dimensions (height, length, etc.)
- Position and orientation of boom/jib and counter boom/jib
- Length of time that such a crane or structure will be erected on site.
- The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counter boom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at all times of the day and night, should be positioned so that when displayed it is visible from all directions.
 - When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
 - No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.
- 4 Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

- 5 A minimum of 7 apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability and in accordance with the stamped approved plans. The adaptable units shall each be allocated an accessible car parking space compliant with AS 2890.6 and shall be evenly distributed throughout the building and not be concentrated in any one area or level.

The Construction Certificate application must be accompanied by certification from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299-2009). A Compliance Certificate in this regard, shall be provided **prior to the issue of an Occupation Certificate.**

- 6 **Prior to the issue of an Occupation Certificate**, the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or damage.

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

The document can be downloaded from Council's website. The original signed copy is to be provided to Penrith City Council **prior to the issue of an Occupation Certificate.**

- 7 In accordance with the Schedule 3 of the Statement of Commitments attached to the Major Projects Approval No. MP10-0075, evidence of the preparation of a Transport Access Guide document, that is to be made available to residents of the development, is to be provided to the Principal Certifying Authority **prior to the issue of the Occupation Certificate.**
- 8 **Prior to the issue of an Occupation Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 9 **Prior to the issue of a Construction Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 10 A Final Schedule of Materials and Finishes is to be submitted to and approved by Penrith City Council prior to the issue of the Construction Certificate.
- 11 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council and other plans or documents approved in respect to Schedule 1 by Council or an accredited Certifier, except as may be amended in red on the attached plans and by the following conditions.
- 12 This development consent relates to the construction of the apartments building, supermarket and the pedestrian through-site link only. A separate development application shall be submitted to Penrith City Council for any future development of the site not covered by this consent. No approval is granted for the use of any commercial spaces on the ground and first floors other than the supermarket as indicated on plans or referenced within supportive reports or documentation.
- In the case of the proposed child care centre, any future application for that proposal is to provide adequate arrangements for set down and pick up parking facilities to service the child care centre.
- 13 All civil engineering construction works shall be carried out substantially in accordance with Penrith City Council's Guidelines for Engineering Works for Subdivisions and Developments Part 2 - Construction.
- 14 **Prior to the commencement of any fit-out works or occupation**, a separate development application is to be obtained from Penrith City Council for the use of each commercial tenancy other than the supermarket, within the building.
- 15 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 16 A separate development application for the erection of any sign or advertising structure, other than an advertisement listed as exempt development under the State Environmental Planning Policy (Exempt and Complying Developments Codes) 2008, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014
- 17 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 18 A **Construction Certificate** shall be obtained prior to commencement of any building works.

- 19 In the event of Council receiving complaints regarding excessive odour from the garbage bay area, the person(s) in control of the premises shall at their own cost arrange for an environmental investigation to be carried out (by a suitably qualified person) and submit a report to Council specifying the proposed methods for the control of odour emanating from the garbage bay area
- 20 The following Crime Prevention Through Environmental Design matters are to be incorporated in the design of the buildings:
- (a) User/sensor electronic security gates shall be installed at the basement carpark entrances/exits.
 - (b) The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism is to be removed and or repaired immediately.
 - (c) Each individual apartment is to be clearly numbered and each level of the building is to be easily identifiable when viewed from the lift.
- 21 Car parking and vehicle access points, pedestrian pathways, lobby areas, stairwells, garbage rooms, laneways and pedestrian access routes in outdoor public spaces should be lit to the minimum of Australian Standard 1158 and the following design requirements:
- (a) Lighting is to be consistent in order to reduce the contrast between shadows and illuminated areas.
 - (b) Lighting is to be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Advisory Notes:

- Lighting should be directed towards access/egress routes to illuminate potential offenders, rather than towards the building or observation points.
- Lighting is to take into account vegetation and landscaping that may act as an entrapment point and should be designed to avoid vandalism.
- Where appropriate movement sensor lighting may be incorporated.
- Lighting shall be maintained and kept in good working order.
- Appropriate directional signage is to be installed to assist with way-finding.
- All surfaces in the car parking areas should be light in colour to reflect as much light as possible.

22

The following conditions from Sydney Trains shall be satisfied as part of this application:

- If required by Sydney Trains, prior to the commencement of works, prior to the issue of the Occupation Certificate, or at any time during the excavation and construction period deemed necessary by Sydney Trains, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
- The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
 - o Machinery to be used during excavation/construction.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a

Construction Certificate.

- The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works including any potential impact/ risk to the Rail Corridor land and Sydney Trains assets (including the 11kV and 66kV undergrounded cables) are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for public liability insurance cover. If insurance cover is deemed necessary this insurance be for sum as determined by Sydney Trains and shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Engineering Management Interfaces to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
- If required, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Engineering Management Interfaces to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- Prior to the commencement of works the Applicant shall peg-out the easement and common property boundary with RailCorp's land. This work is to be undertaken by a registered surveyor.

Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted. □ Prior to the commencement of works appropriate fencing is to be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

- The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to

be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

- The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Occupation Certificate. The Principal Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.
- Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to Sydney Trains and Council. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into Sydney Trains property or easements, unless agreed to be these authorities. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied
- No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Trains. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.
- Sydney Trains or Transport for NSW (TfNSW), and persons authorised by those entities for the purpose of this condition, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
- The developer shall make provision for easy and ongoing access by rail vehicles, plant and equipment to support maintenance and emergency activities.

- Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.
- No rock anchors/bolts are to be installed into Sydney Trains property or easements.
- No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.
- Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- During all stages of the development, environmental legislation and regulations will be complied with.
- During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- During all stages of the development, extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.
- Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains must be submitted to Council for its records prior to the issuing of a Construction Certificate.

- Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.
- 23 Any plant or unsightly structures installed on the external facades or rooftop must be screened from view.
- 24 Prior to the issue of Construction Certificate the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B - 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J.Wyndham Prince, reference 9470Rpt1B dated 17 October 2012.
- 25 A detailed Management Strategy is to be submitted **prior to Construction Certificate** that details how the wetland and central water feature will be protected from pollutants and sediment during the building construction stages.

Environmental Matters

- 26 Erosion and sediment control measures shall be installed **prior to the commencement of works on site**. 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 phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 27 Dust suppression techniques are to be employed during demolition and construction activities to reduce any potential nuisances to surrounding properties.
- 28 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 29 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 30 All excavated waste must be properly classified, and all excavated waste, including contaminated soil, is to be lawfully transported and disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful transportation and disposal of the waste, including any contaminated soil. No contaminated soil is to be retained on site.

- 31 All mechanical plant and equipment is to comply with the noise criteria outlined in the Council approved Noise Impact Assessment/Acoustic Report.

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 on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Certificate is to outline that all plant and equipment has been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

- 32 The installation of a wash bay will require consent from Penrith City Council.
Any proposed vehicle wash bay is to be installed and connected to the sewer in accordance with Sydney Water's requirements.
Where a wash bay is proposed, 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.

- 33 No waste water resulting from, or associated with, the excavation and construction phase of the development, is permitted to enter Council's stormwater system. All waste water from the site is to be removed by a licensed transporter and disposed of at an EPA licensed waste facility. All receipts and supporting documentation must be retained in order to verify lawful disposal of waste water and are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to both Council and the Certifying Authority prior to the commencement of works.

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.

- 34 The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.

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

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

the environment.

An appropriately qualified person/s shall:

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

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

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

{Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

- 36 **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 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.

- 37 **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 findings and recommendations of the Council approved Noise Impact Assessment/Acoustic Report, and the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009 and "Assessing Vibration: a technical guideline".

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

- 38 **Prior to the issue of an Occupation Certificate**, a qualified acoustic consultant shall certify that the development has been constructed to meet the indoor design sound levels in accordance with the Council approved acoustic report. The certification shall be submitted to the Principal Certifying Authority. A copy of the certification together with the Occupation Certificate shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

- 39 Garbage rooms within buildings shall have masonry walls with smooth face cement rendering to the full

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

- 40 **Upon completion of the removal of the carpark area**, and prior to any other development works commencing (other than carpark removal works), the remaining underlying soils are to be investigated, sampled and tested by an appropriately qualified environmental consultant. The environmental consultant is to ensure that adequate assessment, including soil sampling and analysis, is undertaken to determine the suitability of the site for the proposed use. The investigation work is to be in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPM 2013] and applicable NSW EPA contaminated land guidelines and a report submitted to Council for consideration and approval.

The contamination assessment is to be provided to Penrith City Council for approval. If Penrith City Council is not the certifying authority, a copy of Council's approval is to be submitted to the Private Certifying Authority. No works (other than carpark removal works) are to commence until the contamination assessment has been submitted to and approved by Penrith City Council.

Should it be identified that remediation works are required to be undertaken, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works.

An appropriately qualified person/s shall:

1. Supervise the investigation works.
2. Supply Council with a copy of any relevant documentation for further testing carried out during the site investigation works.
3. Address off site impacts and proposed management strategies where relevant.
4. (after completion of works) Certify by way of a Compliance Certificate or other written documentation that the site will not pose an unacceptable risk to human health or the environment and is suitable for the proposed residential land use. A copy of the Compliance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

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

- 41 In the event of ongoing noise complaints relating to the development being received by Council, the owner

and/or occupier of the development maybe required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council for approval within 45 days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

- 42 A Noise Management Plan (NMP) 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 the Childcare Centre component of the development [and any other non-residential component(s) as required by Council] and is to :

- address all noise related aspects of the development's operational phases, including, but not limited to:
 - 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); 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.

- 43 The waste collection room located on ground floor is to be constructed in accordance with the provisions outlined in section 4.4.2 of the 'Residential Flat Building Developments Waste Management Guideline' document. Amended plans to be submit to Council for approval prior to the issue of the Construction Certificate.
- 44 The on-site waste collection infrastructure to permit the collection of integrated auger compactors shall be built in accordance with section 7.2 and 7.3 of the 'Residential Flat Building Developments Waste Management Guideline' document. .
- 45 The turn table located on ground floor is to incorporate a hydraulic override system in accordance with section with 3.2.5 of the 'Residential Flat Building Developments Waste Management Guideline' document.
- 46 The two chute rooms located in basement 1 are to be constructed in accordance with the provisions

outlined in section 4.4.1 of the 'Residential Flat Building Developments Waste Management Guideline' document. Amended plans to be submitted to Council for approval prior to the issue of the Construction Certificate.

- 47 The bulky waste room located on ground floor to be constructed in accordance with the provisions outlined in section 4.4.3 of the 'Residential Flat Building Developments Waste Management Guideline' document. Amended plans to be submitted to Council for approval prior to the issue of the Construction Certificate.

BCA Issues

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

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

Utility Services

- 50 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 any Occupation Certificate.

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council must be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council. Confirmation is to be provided that a blast wall or other protective structure is/is not required.

- 52 **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.

- 53 In the event that a hydrant booster is necessary to service the development, the booster shall be integrated into the design of the building. **Prior to the issue of a Construction Certificate**, Penrith City Council must be consulted over the proposed location of the booster as the location of the booster may impact on other services and building, driveway or landscape design already approved by Council. Confirmation is required with regard to any heat shield or other such structures required.

Construction

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

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

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

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

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

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

55 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, 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.

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

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

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

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

Swimming Pools

57 When the swimming pool construction has reached a stage where the pool is capable of holding water, the pool area shall be restricted from access in accordance with AS1926 "Swimming Pool Safety". Restriction of access to the pool area shall also comply with the Swimming Pools Act, 1992.

58 The swimming pool is to be surrounded at all times by a child-resistant barrier that:

- separates the swimming pool from any moveable dwelling, hotel or motel situated on the premises and from any place (whether public or private) adjoining the premises, and
- is located immediately around the swimming pool, and
- contains within its bounds no structure apart from the swimming pool and such other structures (such as diving boards and pool filtration plants) as are wholly ancillary to the swimming pool, and
- is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".

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

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

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

Engineering

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

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

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

- 61 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of civil works which include vehicular crossings and the alterations to pedestrian crossings in Dunshea Street.

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- 62 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by AT&L, reference number 17-450, drawings DAC101 to DAC111 revision P1, dated 28/06/2017.

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.

- 63 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (at&I), reference number (17-450), revision (P1), sheets DAC102-DAC111 dated (28.03.2017).

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

- 64 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.
- 65 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include, but not limited to the following: vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking

management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. for patrons. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

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

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

- 66 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.
- 67 All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.
- 68 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.
- 69 Prior to the issue of any 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
- 70 Prior to the issue of any Construction Certificate, in order to facilitate pedestrian movements from the north of the site, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of civil works for the construction of two (2x) pedestrian facilities on Lord Sheffield Circuit, including street-lighting for each facility, linking the site with pedestrian pathways via the existing pram ramps situated 9m and 41m (respectively) east of the intersection with Dunshea Street (at no cost to Council). Each of the two facilities is to consist of four (4x) kerbside pedestrian blister islands, each 2m (width) by 4m (length), tapered on approach and departure.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice (with design, signage and line marking associated with the facilities to be subject to approval by Council's Local Traffic Committee).

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- 71 The size of the largest vehicle to enter the site shall be restricted to 12.5m due to the length limitations of the proposed truck turntable.
- 72 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of civil works for the construction of a roundabout at the intersection of Thornton Drive and Coombewood Avenue (at no cost to Council).

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice (with design, signage and line marking associated with the facilities to be subject to approval by Council's Local Traffic Committee).

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- 73 Prior to the issue of any Occupation Certificate, RMS approved pedestrian fencing is to be installed along the kerb edge on both sides of Dunshea Street (extending around the southern corner to the bike parking section to prevent pedestrians crossing at the corner), fronting the commuter car park, directing pedestrians to the proposed relocated pedestrian crossing/s on Dunshea Street. To accommodate the pedestrian fencing, the existing footpath (fronting the commuter car park on the western side of Dunshea Street) is to be widened to be an accessible 1.5m wide (minimum) path, with associated pram ramps.
- 74 All servicing of the site by heavy vehicles, including (but not limited to) deliveries to commercial tenancies, must be undertaken via the proposed service vehicle driveway and turntable, with a plan of management to be provided indicating how the use of the service driveway/turntable is to be facilitated between all users.

- 75 Prior to the issue of any Occupation Certificate, the driveway to/from the loading dock area is to be fitted with appropriately placed access-point traffic light system to ensure that heavy vehicles do not simultaneously traverse the driveway/ramp in opposing directions.
- 76 All vehicles are to enter and exit the site in a forward direction.
- 77 Prior to the issue of any Construction Certificate, to facilitate pedestrian movements to the west and east of the site, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of civil works for the construction of three (3) compliant on-road raised-threshold pedestrian crossings, including compliant street-lighting at each facility, (two on Dunshea Street and one on Lord Sheffield Circuit) linking to proposed internal footways at ground level (at no cost to Council).

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice (with design, signage and line marking associated with the facilities to be subject to approval by Council's Local Traffic Committee).

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
 - b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
 - c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- 78 The required sight lines around driveway entrances are not to be compromised by landscaping, fencing, signage or other obstructions.
- 79 The subleasing of car parking spaces is not permitted by this consent, and all car parking spaces are to be linemarked and dedicated for the parking of vehicles only and not to be used for storage of materials/products/waste materials/etc.
- 80 The use of the Transport for NSW (TfNSW) Penrith Station Commuter Car Park for overflow/supplementary car parking is not permitted by this consent.
- 81 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access (including the service vehicle driveway to the loading dock area), circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS2890.1, AS2890.2, AS2890.6 and Council's requirements.

Landscaping

- 82 All landscape works are to be constructed in accordance with the stamped approved plan Landscape Design Report by Urbis and dated 18 April 2017 and Penrith Council's Development Control Plan 2014.

Landscaping shall be maintained:

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

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

- 83 The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

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

i. Implementation Report

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

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

ii. Maintenance Report

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

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

- 85 All plant material associated with the construction of approved landscaping is to be planted in accordance with Penrith Development Control Plan 2014.

- 86 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

- 87 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space as required under Major Projects Approval No. MP10-0075. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$113,956.00 is to be paid to Penrith City Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews).

If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan and conditions of the Major Projects Approval No. MP10-0075. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule and under major projects approval No. MP10-0075. Council should be contacted prior to payment to ascertain the rate for the current quarterly period.

The Section 94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

The Major Projects Approval No. MP10-0075 may be viewed via the Department of Planning and Environment's Major Projects website <http://majorprojects.planning.nsw.gov.au/>.

Payment of Fees

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

Certification

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

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

Information to accompany the Notice of Commencement

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

- 91 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the building.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

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

SIGNATURE

Name:	Clare Aslanis
Signature:	

For the Development Services Manager