

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

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|--------------------------------|---|
| Application number: | DA14/0209 |
| Description of development: | Construction and Embellishment of a Village Oval with Associated Multi Functional Outdoor Playing Surface, Amenities Block, Landscaping Works, Earthworks, Lighting, Car Parking and Recreational Equipment and Facilities. |
| Classification of development: | Class 10a , Class 6 , Class 9b |

DETAILS OF THE LAND TO BE DEVELOPED

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|--------------------|---|
| Legal description: | Lot 8 DP 1176874 |
| Property address: | 14 - 52 Cullen Avenue, JORDAN SPRINGS NSW 2747 2 - 20 Lakeside Parade, JORDAN SPRINGS NSW 2747 14 - 28 Cullen Avenue, JORDAN SPRINGS NSW 2747 30 - 34 Cullen Avenue, JORDAN SPRINGS NSW 2747 36 - 52 Cullen Avenue, JORDAN SPRINGS NSW 2747 |

DETAILS OF THE APPLICANT

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|-----------------|--|
| Name & Address: | St Marys Land Ltd PO Box 4 PARRAMATTA NSW 2124 |
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DECISION OF CONSENT AUTHORITY

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

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

| | |
|----------------------------------|----------------|
| Date from which consent operates | 15 August 2014 |
| Date the consent expires | 15 August 2017 |
| Date of this decision | 14 August 2014 |

POINT OF CONTACT

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

| | |
|---------------------------|---------------------|
| Assessing Officer: | Hannah Van De Werff |
| Contact telephone number: | (02) 4732 7714 |

NOTES

Reasons

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

Conditions

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

Certification and advisory notes

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

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

Review of determination

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

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional 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.

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

APPROVAL BODIES

| APPROVAL BODY NAME | DATE OF GENERAL TERMS OF APPROVAL | REF. NO. | NO. OF PAGES | RELEVANT LEGISLATION |
|---|--|---------------------|---------------------|-----------------------------|
| Department of Primary Industries Office of Water | 20 March 2014 | 10 ERM 2014/0199 | 4 | Water Management Act 2000 |
| | | | | |

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

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

| DRAWING | TITLE | ISSUE | DATE |
|---------------|---------------------------------------|-------|--------------|
| JOR-0003 | Location Plan | P4 | 11 June 2014 |
| JOR-0003 DA2 | Table of Contents | P4 | 11 June 2014 |
| JOR-0011 DA3 | Design Statement | P4 | 11 June 2014 |
| JOR-0011 DA4 | Landscape Masterplan | P4 | 11 June 2014 |
| JOR-0011 DA5 | Landscape Section Sheet 1 of 2 | P4 | 11 June 2014 |
| JOR-0011 DA6 | Landscape Section Sheet 2 of 2 | P4 | 11 June 2014 |
| JOR-0011 DA7 | Sports field dimensions | P4 | 11 June 2014 |
| JOR-0011 DA8 | Indicative Landscape Species Palette | P4 | 11 June 2014 |
| JOR-0011 DA9 | Indicative Landscape Material Palette | P4 | 11 June 2014 |
| JOR-0011 DA10 | Indicative Adizone Material Palette | P4 | 11 June 2014 |
| SK01 | Amenity Block - Suters Architects | C | 06 June 2014 |
| SK02 | Amenity Block - Suters Architects | B | 06 June 2014 |
| SK03 | Amenity Block - Suters Architects | B | 06 June 2014 |
| SK04 | Amenity Block - Suters Architects | B | 06 June 2014 |
| SK05 | Amenity Block - Suters Architects | B | 06 June 2014 |
| 934315/DA00 | Engineering - J. Wyndham Prince | B | 11 June 2014 |
| 934315/DA01 | Engineering - J. Wyndham Prince | C | 11 June 2014 |
| 934315/DA02 | Engineering - J. Wyndham Prince | C | 11 June 2014 |
| 934315/DA03 | Engineering - J. Wyndham Prince | D | 11 June 2014 |
| 934315/DA04 | Engineering - J. Wyndham Prince | B | 11 June 2014 |
| 934315/DA05 | Engineering - J. Wyndham Prince | C | 11 June 2014 |

- 2 A copy of the General Terms of Approval issued by the Office of Water under the Water Management Act 2000 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

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

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

- 4 The business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the business.
- 5 A separate development application for the erection of any sign or advertising structure, other than an

advertisement listed as exempt development, is to be submitted to Penrith City Council.

- 6 All materials and goods associated with the use of the amenities building shall be contained within the building at all times.
- 7 A baby care room shall be provided and maintained in accordance with Penrith City Council's Baby Care Rooms Development Control Plan 2002. Details are to be submitted to Penrith City Council as part of the Construction Certificate application.
- 8 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 9 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 10 *Angophora costata* as identified on the Indicative Tree List in Appendix D of the Development Application is to be replaced with *Eucalyptus tereticornis*.
- 11 Prior to the issue of a Construction Certificate, the following information and amendments are required to the amenities building, for submission to Councils Building Projects Co-Ordinator:
 - A statement of building design concept and material selection which demonstrates compliance with Councils Sustainable Building Policy.
 - The high level weldmesh panels nominate at the top of the amenity building walls are to be reduced in size to reduce vermin, rubbish and animals entering the roof. Alternatively the material selection is to be revised to comprise of expanded/perforated mesh.
 - Fibre cement sheeting above the kiosk is to a minimum of 12mm in thickness (to maintain the security of the building). All other areas are to be a minimum of 9mm thickness.
 - Metal wall cladding detail and sample is to be provided to Penrith City Councils Building Projects Co-ordinator for consideration and approval. The material selection is required to demonstrate it is vandal resistant.
 - Further detail is to be provided to Penrith City Council regarding the choice of paint finish for external steelworks, noting low or flat sheen is unsuitable in areas which may be prone to damage. A low maintenance finish is required to ensure the longevity of the external finishes.
 - Detail demonstrating the block walls around the kiosk extend to the roof.
 - The buildings roof design shall be amended to provide a sheltered walkway and/or continuous roof cover between the two function areas (kiosk and changerooms).
 - A detailed site plan demonstrating the extent of paving to the perimeter of the amenities building.
 - The amenities block shall not include any electric hand dryer in the public toilets
 - Detail of the junction for the top of the wall to mesh panel door shall be provided. The detail is required to demonstrate there area is flush and does not leave opportunity for birds to nest, syringes and rubbish to be stored.
 - The ventilation gap on the wall sheeting to the amenities building is to be removed.
 - The toilet cubicle walls are to be finished with tile from floor to ceiling for ease of cleaning and hygiene purposes.
 - Further detail is required for the hot water heater location and specification (i.e type of water heater).
 - LED lighting is to be provided throughout the amenities building.
 - All external downpipes should finish above ground level and have a grated drain and pit below.
 - The final design of the amenities building shall ensure there is no areas for birds to land, nest etc.
 - All external exposed steelwork shall be hot dipped galvanised and unpainted.
 - In the locations where external cladding tiles are grouted, epoxy grout shall be used to prevent graffiti and/or facilitate graffiti removal.
 - All external doors to be solid core, clad with a sheet of 1.2mm galvanised sheet metal cut the same size as the internal jamb opening.

- The locking system is to be on Council's Master Abloy Key System.
- All external gates and doors to have ADI locks and Council standard security shielding.
- An AMLAK key system is to be provided to the accessible WC
- Baby change facilities shall be provided to the amenities building
- All surfaces to be robust and washable.
- Ensure there are no nooks /crevices where rubbish or syringes/needles can be hidden.
- Minimise horizontal ledges where needles can be stored. If ledges are required provide slight slope to surface.
- The floor to all wet areas (including but not limited to the kiosk) is to be slip resistant tile to comply with relevant Australian Standards and HB197 Skirting: Cove skirting minimum 25mm radius.
- All fixings to post to be below ground ie/ fixings to be recessed – eliminate trip hazard
- The grout to wall tiles shall be dark grey to assist with graffiti removal.
- The amenities buildings must be of sturdy construction to prevent vandalism and damage. This includes toilets, taps, basins, doors, mirrors, Australian Standard locks, and lighting.
- The serving benches are to be provided at a minimum 600mm width

Or as otherwise agreed to by Council's Building Projects Coordinator as part of the construction certificate.

12 Prior to the issue of a Construction Certificate the following revisions shall be made to the site design and layout, for consideration and approval by Penrith City Council:

- The cricket pitch dimensions are to be 30m long and 3m wide.
- An accessible pathway from the accessible parking area to the shared pathway is to be provided as detailed in Condition 82 of this consent.
- An additional footpath linkage from the southern car park to the footpath running north/south on the western side of the proposal shall be provided.
- Further detail on seating is to be provided. The detail shall include the type of seating selection and its location within the site, the seating selection shall have regard to universal design principles (i.e. seating with support on both sides for people with Cerebral Palsy or MS as well as other form of seating to accommodate for wheelchair access).
- A lighting detail plan is to be provided and shall demonstrate lighting in accordance with:
 - Condition 26 of this consent;
 - AS 1158.3.2:2005 and Penrith City Council's Public Domain Lighting Policy 2004;
 - Illumination to the court areas and Playing fields shall be minimum 100 Lux.
 - Lighting shall be fitted with Penrith City Council approved SMS control system.
- A plan shall be provided detailing all fixtures and fittings such as furniture and seating for consideration and approval.
- A tap shall be provided close to the BBQ for maintenance purposes

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

14 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction.

15 **Prior to the formal hand over** of the building, oval, playground and landscape embellishment works, the applicant shall contact Council's City Parks Department for a final inspection to ensure all the works have been carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended and to the satisfaction of Penrith City Council's.

- 16 The landscape maintenance and handover of the Village Oval shall be undertaken in accordance with the St Marys Western Precinct - Landscape Maintenance and Handover Plan (part of the St Marys Western Precinct Plan) which includes an on-maintenance period of no less than 12 months.
- 17 No seating is permitted near change room and toilet facility areas
- 18 The gate to the northern carpark entry shall be locked daily outside of operating hours.
- 19 **Prior to the issue of a construction Certificate** further detail of the proposed drainage/irrigation system is to be provided to Penrith City Councils Parks Co-ordinator for consideration and approval. The irrigation will need to be linked back to the control system at Councils depot.
- 20 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those on the approved Tree Removal plan (plan # 934315/DA03 D) prepared by J. Wyndham Prince, 11/6/14) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 21 All tree protection measures outlined in the Arboricultural Impact Assessment (Arboreport, 20/2/2014) are to be implemented to their full extent unless otherwise amended by a subsequent report and plan in which case an amended Arboricultural Impact Assessment and Tree Management Plan is to be submitted to Penrith City Council for consideration and approval.
- 22 Felled trees are to be re-used within the Jordan Springs area as large-woody debris habitat features. This should ideally be within proposed natural areas such as the riparian corridor. Mulching is only to be carried out if necessary and all much is to be used within the Western Precinct and is not to be used in the Regional Park.
- 23 **Prior to the issue of a Construction Certificate**, the following matters are to be addressed by way of written agreement between Lend Lease and Penrith City Council:
 - A 12 month maintenance period shall apply to all works and embellishments resulting from this development, by which Lend Lease will have full care, control and Management of the lands, excluding authorisation for oval user groups which will rest with Penrith City Council.
 - The above 12 month period only commences at the time both Penrith City Council and Lend Lease agree that all works are complete having have been inspected by both parties, and without any rectification works being required.
 - At the conclusion of the 12 month maintenance period a final or hand over inspection is required to ensure all workings have been maintained and kept to satisfactory standard with no outstanding rectification works being required.
 - Prior to the handover of the site to Penrith City Council for ongoing maintenance, a landscape maintenance manual, Inspection reports, playground reports and all other associated documentation, including warranties shall be provided to Penrith City Council Parks Department.
- 24 **The applicant shall by practical completion and prior to the issue of an Occupation Certificate** for the amenities building have in place a Deed of Agreement between Penrith City Council and Lend Lease that indemnifies Council against any third party claims for the duration of the maintenance period or longer as specified, covering all lands and facilities associated with this development.
- 25 Prior to the removal of any trees associated with subdivision/development activities, an inspection for hollows and hollow dependent threatened fauna is to be undertaken under the supervision of a fauna ecologist. Any fauna found are to be relocated. Should juveniles be contained within the affected tree then clearing is to be

delayed until juveniles have vacated.

26 The applicant shall amend the development to incorporate the following details demonstrating compliance with the principles of Crime Prevention Through Environmental Design (CPTED) and re-submit with the application for a Construction Certificate:

(a) **Lighting**

- In accordance with the Public Domain Lighting Policy, only those areas intended for night-time use shall be lit.
- Any shared pathways intended for night time use must be lit to a minimum of P4 standard.
- Any lighting proposed for the car park should be to a minimum P12 Standard.
- The car park be locked after hours of intended use to prevent opportunities for loitering in vehicles.
- Landscaping of the car park, both peripheral and within the area, shall be laid out and does not reduce the specified level of lighting.
- Lighting must be vandal resistant and must not produce glare for nearby residential properties.

(b) **Access Control and Security**

- The car park shall be locked after hours of intended use to prevent vehicle access and opportunities for loitering and antisocial behaviour. Appropriate signage must be clearly displayed indicating opening and closing times.
- The amenities building must be of sturdy construction to prevent vandalism and damage. This includes toilets, taps, basins, doors, mirrors, Australian Standard locks, and lighting. Access to the amenities must be restricted after hours by way of secure locks and appropriate signage to indicate hours of use.
- Signage must be clearly displayed in amenities building to indicate the location of male, female and accessible toilets.
- Relocate the seating away from the toilets and change room areas of the amenities building to minimise gathering/loitering near the facility.

(c) **Landscaping**

- The plans indicate that high canopied vegetation will be present along pathways. Medium height vegetation and shrubs must be avoided along walkways and around facilities (e.g. playground, amenities building, BBQ area, seating) to maximise opportunities for passive surveillance and improve safety for users. Lower branches of large trees should also be regularly pruned to maintain clear sightlines for users of the space.
- New vegetation must take into consideration the position of lighting to maintain the effectiveness of lighting in the future.
- Vegetation must not impede visibility between the car park, recreational equipment including the 'Adizone' area, parkour area, fitness equipment, sporting oval and courts.
- Avoid medium height vegetation with top to bottom foliage.
- Trees with dense low growth foliage should be spaced or crow raised to avoid a continuous barrier.
- Sight lines should not be impeded by the implementation of the 'turf viewing mound' from behind the mound to the sporting oval to allow for passive surveillance at both sides of the mound.
- Avoid placing vegetation which impedes the view of the car park and entrance to the oval from the street.
- All new vegetation must take into consideration the position of lighting, so that vegetation does not reduce effectiveness of lighting in the future.

(d) **Vandalism**

- All fixtures in the BBQ and picnic area (tables, seating, BBQs, bins, awnings, lighting), amenities

- building and recreational equipment must be sturdy in construction to minimise vandalism and damage.
- Any blank surfaces associated with the telecommunication facility shall be treated with graffiti-resistant coatings to minimise graffiti and other forms of malicious damage.
- Graffiti and damage of any facilities within the open space shall be removed or repaired promptly. (This includes playground equipment, amenities, basketball court, football posts, BBQ area, telecommunications facility, bins, vegetation/landscaping, stone boulders, lighting, awnings, seating, and paved surfaces).
- Signage shall be provided to encourage people to use the rubbish bins provided or take their rubbish with them.
- The location of bins shall take into account the proposed use of each area within the site and be placed at key activity areas, such as the car park, amenities building, BBQ area and near seating to encourage proper disposal of rubbish and assist in litter prevention and preserve the amenity of public spaces.
- Provide information advising people where to go for help and how to report maintenance or vandalism problems.
- Any blank walls or large expanses of fencing should be 'green screened' however avoid this practice at toilet and change room amenities. ('Green Screening' is the use of wall hugging vegetation that cannot be hidden behind).
- Broken, damaged or vandalised equipment must be closed off until repaired or replaced.

(e) Safety, Security and Space Management

- The vegetation must be regularly maintained to ensure sight lines from the surrounding streets into the playground are maintained in accordance with CPTED principles.
- BBQ, picnic table and shade shelter areas must be positioned where there are clear sight lines to and from all areas of the park and surrounding streets.
- The two entrances into the playground must be clearly visible and legible to users both internally and externally.
- All play equipment, seating, fencing and surfaces must be regularly checked and cleaned to ensure that all surfaces and equipment are safe for children's use.
- Broken, damaged or vandalised equipment must be closed off until repaired or replaced.
- Information should be provided advising people where to go for help and how to report maintenance or vandalism problems.
- Any park furniture and play equipment must utilise vandal resistant treatments where possible, and should be constructed of sturdy materials to minimise opportunities for malicious damage, graffiti, vandalism and theft.
- Graffiti resistant coatings must be applied to any surfaces subject to graffiti to assist with removal.
- Signage must be provided to indicate the conditions of use of the play equipment. This includes the age-range of children that can safely use the equipment, hours of use, no food or drink to be consumed in the play area (particularly alcohol to prevent glass bottles and glasses in the play area), and the requirement that children must be supervised at all times by an adult/ parent or carer.
- All facilities must undergo regular landscaping and maintenance to ensure that the area remains aesthetically pleasing at all times, this will discourage anti-social behaviour and destruction of property.
- All facilities must undergo regular landscaping and maintenance to ensure that the area remains aesthetically pleasing at all times, this will discourage anti-social behaviour and destruction of property.

Heritage/Archaeological relics

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

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

Environmental Matters

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

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

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

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

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established**. 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.

- 30 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 31 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.
- 32 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.

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

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

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

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

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

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

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

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

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, 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."}

- 35 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to

surrounding properties.

- 36 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 37 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 38 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline".
- 39 All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":
- 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 that are carried out inside a building that 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 construction works.
- 40 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 a suitably qualified consultant, and may need to be amended to include any comments provided by Council. The NMP is to address all noise related aspects of the development (including the use of the oval, carparks and amenities building) and recommend any systems/controls to be implemented to minimise the potential for any adverse noise impact(s). Particular consideration needs to be given to the use of the facility early in the morning and late at night.

The approved Noise Management Plan is to be made available to and implemented by future owners, managers, operators and users of the site and be complied with at all times.

BCA Issues

- 41 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 and specifications accompanying the Construction Certificate application.
- 42 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 ensure the safety of 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 standard of performance for each measure.
- 43 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

(a) deal with each essential fire safety measure in the building premises, and
(b) be given:

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

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As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

44 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

Health Matters and OSSM installations

45 Prior to the operation of the food business the business must notify the NSW Food Authority of their details including:

(a) Contact details for the food business, including the name and address of the business and the proprietor of the business.

(b) The nature of the food business.

(c) The location of any other food premises associated with the food business, within the jurisdiction of NSW Food Authority.

Should these details change during the operation of the business the business operator must provide the NSW Food Authority with an update of these details.

Notification can be completed free of charge on the NSW Food Authority's Food Notify website at www.foodnotify.nsw.gov.au.

46 A hand wash basin must be provided within the food preparation area and be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

47 A hand basin must be located within the toilet cubicle. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot

water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

- 48 Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.
- 49 The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.
- 50 Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilation and extended at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

- 51 Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.
- 52 The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.
- 53 The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.
- 54 The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.

Construction

55 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.

56 Prior to the commencement of construction works:

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

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

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

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

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

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

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

57 A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate can be issued for the approved development.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

58 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 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.

Engineering

60 All roadworks, stormwater works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

61 **Prior to the issue of a Construction Certificate** for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the 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:

- Heavy Duty Vehicular Crossing in Greenwood Parkway
- Shared path/Cycleway in Alinta Promenade, Cullen Avenue and Greenwood Parkway
- Pram Ramp Connections in Alinta Promenade, Cullen Avenue and Greenwood Parkway

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, Engineering Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. 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.
2. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

62 **Prior to the issue of a Construction Certificate** for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J. Wyndham Prince, job number 934215, plan reference DA00-B, DA01-C, DA02-C, DA03-D, DA04-B and DA05-C and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- 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 certification relied upon.

Note:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

63 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J. Wyndham Prince, job number 934215, plan reference DA00-B, DA01-C, DA02-C, DA03-D, DA04-B and DA05-C.

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.

64 **Prior to the issue of a 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 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 Assessment Act 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 works or clearing associated with the subdivision.

66 All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for 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 Principal Certifying Authority.

- 67 **Prior to the issue of a Final Sign-off being obtained from Penrith City Council**, 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.
- 68 **Prior to the issue of a Final Sign-off being obtained from Penrith City Council**, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.
- 69 **Prior to the issue of a Final Sign-off being obtained from Penrith City Council**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

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

- 70 **Prior to the issue of a Final Sign-off being obtained from Penrith City Council**, any installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.

- 71 **Prior to the issue of a Final Sign-off being obtained from Penrith City Council**, a maintenance bond is to be lodged with Penrith City Council for all civil works. The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

- 72 **Prior to the issue of a Final Sign-off being obtained from Penrith City Council**, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- c) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage

within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.

d) Documentation for all road pavement materials used demonstrating compliance with Council's Engineering Construction Specification for Civil Works.

e) Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and 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

f) Structural Engineer's construction certification of all structures

73 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council prior to the issue of a Construction Certificate. The bond is based upon the estimated value of the works with a bond of \$24,000.00 payable for the subject development. The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works. Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

74 The portion of the internal 2.5 metre wide footpath to the south of the turnhead (behind the bollard area) shall be constructed to a level of durability to accommodate service and emergency vehicle crossing.

75 **Prior to the issue of a Construction Certificate** signage detail shall be provided to the PCA, the detail shall include:

- Perimeter and internal signage nominating points of access for emergency and service vehicles
- Bin storage areas
- The location of male, female and accessible toilets
- Carpark opening and closing times
- Building Identification Signage and signage listing contact details for maintenance, security, council, police, fire and any other relevant emergency services
- Warning signs in relation to prohibited activities within the area.

The nominated signage plan shall identify the location, height and number of signs on the site and shall be implemented **prior to the issue of a Final Occupation Certificate**.

76 All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of the works.

77 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that pram ramps have been provided in the perimeter shared path opposite/perpendicular to existing pram ramps in Alinta Promenade, Greenwood Park Way and Cullen Avenue

78 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that a pram ramp is install at the mid point (eastern) of the parking module, providing an accessible path to the shared path. The

additional pram ramp shall not be impeded by a parking space, and appropriate line-marking shall be installed. Pram ramps shall also be provided in the shared areas linking up to the shared paths. The development shall still provide 50 car spaces which includes the 4 Accessible car spaces.

- 79 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure all pram ramps contained within the parking module, recreational areas and contained within the road reserve have been designed at a 1:8 grade (vertical:horizontal). Any pathway alignment adjustment necessary to obtain 1:8 grade pram ramps shall be undertaken.
- 80 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that a catch drain is provided along the northern side of the car park that fronts Cullen Avenue. This shall ensure that flows from the sports field/embankment are captured and discharged by an appropriate system.
- 81 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that if grades are steeper than 1:5 (vertical:horizontal) that they are mass planted
- 82 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the pipelines discharging into the channel which are covered in the stacked rock headwall are detailed as Reinforced (steel) Concrete Pipes.

Landscaping

- 83 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.

i. Implementation Report

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

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

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development and prior to final handover to Penrith City Council, 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.

- 84 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.
- 85 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.

- 86 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Council's Landscape Development Control Plan.
- 87 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 88 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 89 The Tree Management Plan prepared by Arboreport requires updating and shall be resubmitted to Council for approval. The trees identified for retention by the revised Tree Removal Plan dated 11 June 2014) (Reference 934315/DA03, Rev D, prepared by J Wyndham Prince) shall be retained and duly protected during the construction of the development. Tree protection measures shall:
- be installed before any works can commence on site including the clearing of site vegetation, and
 - comply with the standards prescribed by the Tree Management Plan, and
 - be certified by the author of the Tree Management Plan (TMP) before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".
- 90 Prior to the issue of a Construction Certificate, a revised Landscape Concept Plan shall be provided to Penrith City Council for consideration and approval. The plan shall include the following key elements:
- Additional tree planting is to be provided within the learn to ride playground. The plant location and specie selection shall have regard to sight lines from supervising areas to the learn to ride playground and its surrounds. The objective of the additional planting is to provide natural shading devices to the users of the playground.
 - Vegetation must not impede visibility between the carpark, recreational areas, sporting ovals and courts.
 - Specie selection shall avoid medium height vegetation with top to bottom foliage
 - Trees with dense low growth foliage should be spaced
 - Avoid placing vegetation which impedes the view of the car park and entrance to the oval from the street.
 - All new vegetation must take into consideration the position of lighting, so that vegetation does not reduce effectiveness of lighting in the future.
 - Detail of the play equipment and furniture to be contained in the playground is to be provided for consideration and approval by Penrith City Council.
- 91 The recommendations contained with the Arborist Report are to be implemented as part of the approved works, including but not limited to the following key recommendations:
- Evidence the stored chemicals under Tree No 6 have been safely and efficiently removed from the site and/or disposed in accordance with relevant legislative requirements.
 - Tree Management and Protection Measures for the trees earmarked for retention should be implemented on site as soon as possible.
 - The path location shall be modified to ensure the retention of Tree No 6

92 **Prior to the issue of a Construction Certificate** further detail of the proposed drainage/irrigation system is required. The irrigation will need to be linked back to the control system at Councils depot.

Payment of Fees

- 93 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 94 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

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

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

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

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

Information to accompany the Notice of Commencement

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

SIGNATURE

| | |
|------------|---------------------|
| Name: | Hannah Van De Werff |
| Signature: | |

For the Development Services Manager