

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/0026.02
Proposed development:	Modifications to Approved Mixed Use Development
Property address:	1 - 39 Lord Sheffield Circuit, PENRITH NSW 2750
Property description:	Lot 3105 DP 1184499
Date received:	14 February 2017
Assessing officer	Clare Aslanis
Zoning:	Zone B2 Local Centre - LEP 2010
Class of building:	Class 2
Recommendations:	Approve

Executive Summary

Council is in receipt of a modification to a development application for an awning over commercial tenancies at the approved mixed use development at 1 - 39 Lord Sheffield Circuit, Penrith. Under Penrith Local Environmental Plan 2010, the proposal relates to the subdivision of the previously approved mixed use development. The subject site is zoned B2 Local Centre and the proposal is a permissible land use in the zoning with Council consent.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Background

The Joint Regional Planning Panel approved a Mixed Use Development - One (1) Ground Floor Commercial/Retail Tenancy, 268 Residential Apartments & Associated Car Parking, Landscaping & Drainage Works via DA15/0026 on 17 December 2015. The subject development application relates the approved buildings.

Site & Surrounds

The 40 hectare North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the north of the Penrith City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 and North West Draft Subregional Strategy.

The greater locality is characterised by a mixture of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New industrial development is located immediately to the west of the site with the residential suburb of Penrith located further to the east.

The land subject to this application is located on 1 - 39 Lord Sheffield Circuit, Penrith. The site is a rectangular shaped allotment, approximately 6370m² in size and orientated in a predominately south-north direction and opposite the Penrith railway station commuter car park. The site is adjacent the Penrith Rail Station Commuter carpark. The site is clear of vegetation and does not contain any existing structures

Proposal

The approved development sought consent for the construction of a nine (9) storey mixed use development which includes the following aspects:

- 268 units across three buildings which sit on a ground floor level podium, including 134 affordable housing units (10 x social & 124 affordable) distributed evenly throughout the development;
- One (1) commercial/retail tenancy at ground level (111 m²);
- 270 car parking spaces across two levels (Ground & Basement 1), including 26 accessible car parking spaces;
- Landscaped courtyards and common open space areas (at ground and first floor level);
- Provision for onsite waste collection including a waste chute system with 5 waste rooms, one centralised collection room and bulky waste storage area; and
- Detailed drainage design for the site.

The modification to the above development includes:

- The installation of an awning above the approved ground floor tenancy.
- The Awning is to have a depth of 2.5m and an overall length of 18m. The installation of the awning will allow minimal tinting on the tenancy "shop front", thus minimising potential visual impact when viewed from the public domain.
- An additional door is proposed to provide access from the tenancy through to the car park.
- An additional door is proposed to provide access from the foyer/lobby area through to the car park
- The accessible amenities are proposed to be located in the car park behind the tenancy.
- A minor reconfiguration of parking spaces is proposed behind the tenancy. There are no changes to the originally approved parking numbers.
- A sink is proposed to be installed in the cleaner's room.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

• Section 96(1A) - Modifications involving minimal environmental impact

The proposal has been assessed having regard to Section 96(1A) as follows:

(a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposed modification only involves the installation of an awning of the commercial tenancy with changes to locations of doors and reconfiguration of the car parking of the approved development. This change will have minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

The modification proposes no change to the land use. The proposed modification is the same development as originally approved.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The subject application was not required to be notified in accordance with Penrith Development Control Plan as there are no external changes to the building.

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The proposed modification is considered to not diminish the approved development's compliance with this plan.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	N/A
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

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

The proposed awning is unlikely to have any significant adverse impacts on the building nor its locality. The minor change will serve to improve the amenity if the visiting the site.

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

The proposed modification does not diminish the site's suitability for this development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2010, the proposed development modification did not warrant notification to nearby and adjoining residents.

Referrals

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

Referral Body	Comments Received
Traffic Engineer	
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Waste Services	Not supported
Community Safety Officer	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies.

The proposed design is site responsive, complies with key development standards and is in the public interest.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA15/0026.02 for installation of an awning and modified window and door arrangements at 1 - 39 Lord Sheffield Circuit PENRITH, be approved subject to the attached conditions.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, the BASIX & ABSA Certificates and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing	Drawing Ref	Revision	Prepared By	Dated
Architectural Plans	DA-000 to DA004	B	Robertson + Marks	4/12/2015
Architectural Plans	DA-100 to DA110	B	Robertson + Marks	4/12/2015
Architectural Plans	DA-200 to DA-202	B	Robertson + Marks	4/12/2015
Architectural Plans	DA-300 to DA-301	B	Robertson + Marks	4/12/2015
Architectural Plans	DA-400	B	Robertson + Marks	4/12/2015
Architectural Plans	DA-500 to DA-501	B	Robertson + Marks	4/12/2015
GA Level 1 East	PEN AR WD-103/P	P	Robertson + Marks	3/02/2017
Awning Plan	15134-S11.01	A	Structural Design Solutions	2/11/2016
Landscape Plans	L-DA-3 to L-DA-20	B	Turf	13/11/2015
Stormwater Management Plans	C002	A	Meinhardt Australia Pty Ltd	13/11/2015
Stormwater Management Plans	C003	C	Meinhardt Australia Pty Ltd	16/11/2015
Stormwater Management Plans	C004	B	Meinhardt Australia Pty Ltd	13/11/2015
Stormwater Management Plans	C005	A	Meinhardt Australia Pty Ltd	13/11/2015

As amended under S96 of the Environmental Planning and Assessment Act 1979 on 9 May 2017.

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A038 - LIGHTING LOCATIONS

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

4 A039 - Graffiti

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

5 A046 - Obtain Construction Certificate before commencement of works

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

6 A Special (BLANK)

Prior to the issue of the relevant Construction Certificate, details of the units to be provided as affordable housing shall be submitted to Penrith City Council. **Prior to the issue of an Occupation Certificate**, a restriction shall be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the Conveyancing Act 1919, that will ensure that the requirements of Clause 17(1) of State Environmental Planning Policy 2009 are met.

7 **A Special (BLANK)**

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 Flat Development.

8 **A Special (BLANK)**

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 Flat Development.

9 **A Special (BLANK)**

Prior to the issue of a Construction Certificate, an amended schedule of external materials and finishes shall be submitted to Penrith City Council for approval. This shall include provision for architectural/design treatments to the recessed ground floor blank walls presenting to Lord Sheffield Circuit.

10 A Special BLANK

Prior to the issue of a Construction Certificate, the following Crime Prevention Through Environmental Design measures shall be incorporated into the development:

- Car Parking**
 - A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
 - All areas of the car park (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with consistent lighting to prevent shadowing or glare.
 - Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.
 - All surfaces in the car park should be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.
- Residential Developments Building Identification**
 - Each building entry should clearly state the unit numbers accessed from that entry.
 - Each individual dwelling should be clearly numbered.
 - Unit numbers should be clearly provided on each level.
- Building Security & Access Control**
 - Intercom, code or swipe card locks or similar must be installed for main entries to buildings including car parks.
 - Main entry doors for apartment buildings should be signed requesting residents to not leave doors wedged open.
 - Australian Standard 220 door and window locks must be installed in all dwellings including doors onto balconies, to minimise the risk of break and enter offences.
 - If security grills are used on windows they should be operable from inside in case of emergencies.
 - Ensure skylights and /or roof tiles cannot be readily removed or opened from outside.
 - Consider monitored alarm systems.
 - CCTV cameras must be provided to public areas of the development. As a minimum, cameras must be positioned to provide coverage of vehicular and pedestrian entry/exit points (including entries/exits to buildings), key thoroughfares and activity nodes as well as all areas of the car park. Signage must be provided to indicate that CCTV cameras are in operation.
- Graffiti/Vandalism**
 - Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, commercial tenancies and common areas. This includes reporting incidents to police and/or relevant authorities.
 - Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls, the architectural screen shielding the car park etc.
- Way Finding/Finding Help**
 - Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
 - Signs should indicate how to report maintenance problems in the complex.
 - Signs throughout the development should be large and legible, and strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
- Fencing**
 - Front fences should preferably be no higher than 1.2 metres. Where a higher fence is proposed, it will only be considered if it is constructed of open materials e.g. spaced pickets, wrought iron etc.
 - Fence design to the ground floor units should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide.

Heritage/Archaeological relics

11 C003 - Uncovering relics

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

12 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved 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.

13 D009 - Covering of waste storage area

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that 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.

14 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed 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.

15 D013 - Approved noise level 1

Noise levels from and within the premises shall not exceed the relevant noise criteria detailed in "Acoustic Assessment: Proposed Residential Development The Sheffield, Thornton, Lot 3105, Lord Sheffield Circuit, Penrith" prepared by SLR Consulting Australia Pty Ltd dated 10 November 2015 (Ref. 610.15591-R1).

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

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria, and that all mechanical plant has been installed to meet the noise criteria, in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

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

16 D026 - Liquid wastes

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

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

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

17 D - Dust

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

18 **D - Mud/Soil**

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

19 **D Special BLANK**

Vehicle wash bays are to be installed and connected to the sewer in accordance with Sydney Water's requirements. The Section 73 Certificate issued by Sydney Water for the discharge of vehicle wash bay wastewater from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

20 **D Special BLANK**

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 on the site are to cease immediately and the Unexpected Finds Protocol in Attachment B of 'Re: Review of Site Audit Statement and Site Audit Report - Lot 3105 Lord Sheffield Circuit, Penrith, NSW' prepared by Trace Environmental dated 6 November 2015 (Ref. 12.07) is to be implemented.

Council's approval of the Unexpected Finds Protocol does not grant development consent for any remediation works required to be carried out on site. All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55- Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

21 **D Special BLANK**

Prior to the issue of the Construction Certificate, a Construction Noise Impact Assessment and Management Plan is to be prepared and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline".

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

BCA Issues

22 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

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

(b) be given:

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

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

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of 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.

23 E01A - BCA compliance for Class 2-9

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia 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

24 G002 - Section 73 (not for

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

25 G004 - Integral Energy

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.

Construction

26 H001 - Stamped plans and erection of site notice

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.

27 H002 - All forms of construction

Prior to the commencement of construction works:

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

28 H025 - Construction of garbage rooms

The following waste requirements are to be detailed in the Construction Certificate documentation and shown on the relevant plans:

(a) All garbage rooms shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor.

(b) 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.

(c) Access doors to the garbage store rooms shall be tight fitting solid core or of non-combustible construction.

(d) A mini platform lift shall be provided from the waste room to the vehicle turntable.

(e) The doors to the collection room shall swing 180 degrees to allow them to be flush against the walls during transportation of bins to this room. The doors shall be lockable through an abloy key system.

(f) A dual chute compaction system shall be implemented for the development.

(g) The chute location shall be nominated on the plans.

(h) The development shall be designed to accommodate 29 x 1,100 litre bins.

29 H029 – Ventilation equipment

Any mechanical ventilation equipment, ducts, air conditioner services and the like shall be contained within the building.

30 [H041 - Hours of work \(other devt\)](#)

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.

31 [H Special \(BLANK\)](#)

Prior to the issue of a **Construction Certificate**, certification shall be provided from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS4299-2009).

Engineering

32 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

Prior to the issue of a Construction Certificate, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

33 [K202A - Infrastructure Bond](#)

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 shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the 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.

34 [K209 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Meinhardt Australia Pty Ltd, Reference Number No.114824, Revision C, dated 16.11.2014.

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.

35 [K211 - Stormwater Discharge – Basement Car parks](#)

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

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

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 and Penrith City Council's Development Control Plan.

37 **K302 - Traffic Control Plan**

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

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

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

38 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

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.

39 **K Special (BLANK)**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

40 **K Special (BLANK)**

Bicycle parking to be in accordance with AS2890.3-1993 *Bicycle Parking Facilities*.

41 **K Special (BLANK)**

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

42 **K Special (BLANK)**

Kerblines, at car park access driveway (at Dunshea Street), to be 0.5m on either side.

43 **K Special (BLANK)**

Kerblines to be provided at waste service vehicle access driveway (Combewood Avenue) to be 1.5m splay on northern side of driveway (in addition to proposed driveway width) to assist heavy vehicle turning movements.

Landscaping

44 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan and Section C6 Landscape Design of Penrith 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.

45 [L003 - Report requirement](#)

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 appropriately qualified landscape professional.

i. Implementation Report

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

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

ii. Maintenance Report

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

iii. 3 Year Landscaping Report

Three years after an Occupation Certificate was issued for the development, a Landscaping Report is to be submitted to Penrith City Council for consideration and approval, certifying to one of the following:

- (a) The landscaping on site has matured and is in accordance with the original landscape approval.
- (b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

46 [L005 - Planting of plant](#)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Section C6 Landscape Design of Penrith Development Control Plan 2014.

47 [L006 - Aust Standard](#)

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

Development Contributions

48 [N001 - Section 94 contribution \(apply separate condition for each Contribution Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$478,648.00 is to be paid to Penrith City Council prior to the issue of the first Occupation Certificate for the development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

Payment of Fees

49 [P001 - Costs](#)

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

50 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

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

51 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

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.

52 **Q05F - Occupation Certificate for Class10**

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 buildings.

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.

53 **Q Special (BLANK)**

Any reference in this consent to a Construction Certificate or Occupation Certificate is to be read as applying to the relevant Construction Certificate or relevant Occupation Certificate for the relevant stage of works (with the exception of Condition 48 which requires the payment of Section 94 contributions prior to the issue of the first Occupation Certificate). This consent permits the issue of early works Construction Certificates and/or staged Construction Certificates and any conditions referring to the relevant stage are to be read as applying to the relevant Construction Certificate for the relevant stage.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

E11 Penrith

The proposal is consistent with Figure E11.49 - Village Centre Frontage Types as the location of the proposed awning is identified within this image as an ideal location for 'Intermittent awning'. The simple style of the of the awning within this location does not contravene any controls within this section of the development control plan.