

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA18/0999.04
Description of development:	Section 4:55(1A) Modifications to Stage 3 (Buildings F & G) of Approved Mixed Use Residential & Retail Development including Addition of Communal Facilities in Basement & Related Basement Reconfiguration, Changes to Unit Mix & Reduction in Unit Numbers from 320 Apartments to 316 Apartments, New Communal Open Space Area & Rooftop Communal Open Space (Building F) & Modified External Building Design, Materials & Finishes.
Classification of development:	Class 2 , Class 6 , Class 7a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 53 DP 1246141 Lot 55 DP 1246141 Lot 56 DP 1250704 Lot 57 DP 1250704 Lot 58 DP 1250704 Lot 52 DP 1246141
Property address:	123 Mulgoa Road, PENRITH NSW 2750 405 Jamison Road, PENRITH NSW 2750 123 Mulgoa Road, PENRITH NSW 2750 123 Mulgoa Road, PENRITH NSW 2750 123 Mulgoa Road, PENRITH NSW 2750 123 Mulgoa Road, PENRITH NSW 2750 123 Mulgoa Road, PENRITH NSW 2750 123 Mulgoa Road, PENRITH NSW 2750 123 Mulgoa Road, PENRITH NSW 2750 4 Retreat Drive, PENRITH NSW 2750 6 Retreat Drive, PENRITH NSW 2750 2 Retreat Drive, PENRITH NSW 2750 8 Retreat Drive, PENRITH NSW 2750 14 Ransley Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Esq1818 Pty Ltd C/- Think Planners PO Box 121 WAHROONGA NSW 2076
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DECISION OF CONSENT AUTHORITY

In accordance with Sections 4.18(1) (a) and 4.55 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	27 August 2019
Date the consent expires	27 August 2024
Date of this decision	27 August 2019 as amended on 24 February 2020 and 26 March 2021 under Section 4.55 of the Environmental Planning and Assessment Act.

POINT OF CONTACT

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

Assessing Officer:	Wendy Connell
Contact telephone number:	+612 4732 7908

NOTES

Reasons

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

Conditions

Your attention is drawn to the attached conditions of consent in 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 Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the stamped approved plans and documents, the application form, 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 Name	Drawn by	Drawing No.	Dated
Architectural Plans			
General Arrangement Basement 01	Turner	DA-110-010 Rev. P16	18.03.21
General Arrangement Ground Level	Turner	DA-110-020 Rev. P20	25.09.20
General Arrangement Level 01	Turner	DA-110-030 Rev. P14	25.09.20
General Arrangement Level 02	Turner	DA-110-040 Rev. P8	25.09.20
General Arrangement Level 03	Turner	DA-110-050 Rev. P8	25.09.20
General Arrangement Level 04	Turner	DA-110-060 Rev. P9	25.09.20
General Arrangement Roof	Turner	DA-110-070 Rev. P9	25.09.20
General Arrangement Building C Basement Level	Turner	DA-112-010 Rev. P6	22.03.19
General Arrangement Building C Ground Level	Turner	DA-112-020 Rev. P18	18.03.21
General Arrangement Building C Level 1	Turner	DA-112-030 Rev. P11	20.03.19
General Arrangement Building C Level 2	Turner	DA-112-040 Rev. P7	08.03.19
General Arrangement Building C Level 3	Turner	DA-112-050 Rev. P7	08.03.19
General Arrangement Building C Level 4	Turner	DA-112-060 Rev. P7	08.03.19
General Arrangement Building C Roof	Turner	DA-112-070 Rev. P1	08.03.19
General Arrangement Building D & E Basement Level	Turner	DA-112-110 Rev. P17	18.03.21
General Arrangement Building D & E Ground Level	Turner	DA-112-120 Rev. P17	14.06.19
General Arrangement Building D & E Typical Levels	Turner	DA-112-130 Rev. P9	14.06.19
General Arrangement Building D& E Level 4	Turner	DA-112-140 Rev. P9	06.06.19
General Arrangement Building F Basement Level	Turner	DA-112-210 Rev. P11	18.03.21
General Arrangement Building F Ground Level	Turner	DA-112-220 Rev. P13	25.09.20
General Arrangement Building F Levels 1 - 3	Turner	DA-112-230 Rev. P10	25.09.20
General Arrangement Building F Level 4	Turner	DA-112-260 Rev. P9	25.09.20
General Arrangement Building F Roof Plan	Turner	DA-112-270 Rev. P3	25.09.20
General Arrangement Building G Basement Level	Turner	DA-112-310 Rev. P14	18.03.21
General Arrangement Building G Ground Level	Turner	DA-112-320 Rev. P16	18.03.21
General Arrangement Building G Level 1 - 3	Turner	DA-112-330 Rev. P10	25.09.20

General Arrangement Building G Level 4	Turner	DA-112-360 Rev. P10	25.09.20
General Arrangement Building G Roof	Turner	DA-112-370 Rev. P4	25.09.20
Site Elevations	Turner	DA-250-010 Rev. P7	06.06.19
Site Elevations	Turner	DA-250-020 Rev. P5	25.09.20
Building C Elevations	Turner	DA-251-010 Rev. P7	06.06.19
Building C Elevations	Turner	DA-251-015 Rev. P8	06.06.19
Building D Elevations	Turner	DA-251-020 Rev. P8	06.06.19
Building E Elevations	Turner	DA-251-030 Rev. P7	06.06.19
Building F Elevations	Turner	DA-251-040 Rev. P10	18.03.21
Building G Elevations	Turner	DA-251-050 Rev. P10	25.03.20
Site Sections	Turner	DA-350-010 Rev. P7	25.09.20
Façade Sections Amenity Section 01	Turner	DA-351-010 Rev. P1	25.09.20
Façade Sections Amenity Section 02	Turner	DA-351-020 Rev. P1	25.09.20
Façade Sections Façade Section 4	Turner	DA-351-040 Rev. P1	25.09.20
Façade Sections Façade Section 5	Turner	DA-351-050 Rev. P1	25.09.20
Typical Façade Sections Façade Section 1	Turner	DA-351-010 Rev. P4	22.03.19
Typical Façade Sections Façade Section 2	Turner	DA-351-020 Rev. P3	08.03.19
Ramp Sections	Turner	DA-360-010 Rev. P7	25.09.20
Adaptable & Livable Apartment Plan	Turner	DA-800-010 Rev. P9	25.09.20
Adaptable & Livable Apartment Plan	Turner	DA-800-011 Rev. P3	25.09.20
Adaptable & Livable Apartment Plan	Turner	DA-800-012 Rev. P3	25.09.20
Adaptable & Livable Apartment Plan	Turner	DA-800-013 Rev. P1	25.09.20
Materials & Finishes	Turner	DA-910-001 Rev. P4	25.09.20

Amended Architectural Plans

General	Turner	DA-000-001 Rev. P7	30.07.19
Building Separation Plan	Turner	DA-100-003 Rev. P4	30.07.19
Apartment Amenity Diagram	Turner	DA-720-008 Rev. P6	14.06.19
Ground Level			
General Arrangement Plan Building C Levels 1-2	Turner	DA-112-040 Rev. P8	08.03.19 (Rev. P7)
General Arrangement Plan Building C Levels 3	Turner	DA-112-050 Rev. P8	08.03.19 (Rev. P7)
General Arrangement Plan Building C Levels 4	Turner	DA-112-060 Rev. P8	08.03.19 (Rev. P7)
General Arrangement Plan Building D & E Ground Level	Turner	DA-112-120 Rev. P18	21.06.19 (Rev. P17)
General Arrangement Plan Building D & E Level 1	Turner	DA-112-130 Rev. P10	14.06.19 (Rev. P9)
General Arrangement Plan Building D & E Level 2	Turner	DA-112-131 Rev. P1	14.06.19 (Rev. P9)
General Arrangement Plan Building D & E Level 3	Turner	DA-112-132 Rev. P1	14.06.19 (Rev. P9)
General Arrangement Plan Building D & E Level 4	Turner	DA-112-140 Rev. P10	06.06.19 (Rev. P9)

Building C Apartment Plan Amendments Level 1 - 3	Turner	DA-410-010 Rev. P1	30.07.19
Building C Apartment Plan Amendments Level 4	Turner	DA-410-020 Rev. P1	30.07.19
Building D Apartment Plan Amendments Ground Floor – Level 1	Turner	DA-410-110 Rev. P1	30.07.19
Building E Apartment Plan Amendments Ground Floor	Turner	DA-410-210 Rev. P1	30.07.19
Building E Apartment Plan Amendments Level 1 -3	Turner	DA-410-220 Rev. P1	30.07.19
Building F Apartment Plan Amendments Ground Floor – Level 4	Turner	DA-410-310 Rev. P1	30.07.19
Building G Apartment Plan Amendments Ground Floor	Turner	DA-410-410 Rev. P1	30.07.19
Building G Apartment Plan Amendments Level 1 - 3	Turner	DA-410-420 Rev. P1	30.07.19
Building G Apartment Plan Amendments Level 4	Turner	DA-410-430 Rev. P1	30.07.19
ADG Balcony Calculation Building C Typical	Turner	DA-760-010 Rev. P2	24.07.19
ADG Balcony Calculation Building D & E Typical	Turner	DA-760-020 Rev. P2	24.07.19
ADG Balcony Calculation Building F Typical	Turner	DA-760-030 Rev. P2	24.07.19
ADG Balcony Calculation Building G Typical	Turner	DA-760-040 Rev. P2	24.07.19

Landscaping Plans

Landscape Plan: Overall	Oculus	OC-L-100 Rev. D	13.10.20
Landscape Plan: Address & Loop	Oculus	OC-L-101 Rev. D	13.10.20
Landscape Plan: Building C	Oculus	OC-L-102 Rev. B	14.06.19
Landscape Plan: Riparian Corridor	Oculus	OC-L-103 Rev. D	13.10.20
Landscape Plan: Pocket Park/Pool Podium, Buildings D & E	Oculus	OC-L-104 Rev. C	14.06.19
Landscape Plan: Level 4 Rooftop Garden, Building D	Oculus	OC-L-105 Rev. B	14.06.19
Landscape Plan: Level 1 Podium, Building G	Oculus	OC-L-106 Rev. B	14.06.19
Landscape Plan: Level 4 Rooftop Garden, Building G	Oculus	OC-L-107 Rev. A	14.06.19
Landscape Plan: Level 4 Rooftop Garden Building F	Oculus	OC-L-108 Rev. A	13.10.20
Landscape Plan: Typical Façade Planting, building F & G	Oculus	OC-L-109 Rev. A	13.10.20
Landscape Plan; Level 4 Penthouse Garden, Building G	Oculus	OC-L-110 Rev. A	13.10.20
Indicative Section AA	Oculus	OC-L-200 Rev. B	14.06.19
Indicative Sections BB and CC	Oculus	OC-L-201 Rev. D	13.10.20
Indicative Section DD	Oculus	OC-L-202 Rev. C	14.06.19
Indicative Section EE	Oculus	OC-L-203 Rev. C	14.06.19
Indicative Section FF	Oculus	OC-L-204 Rev. B	14.06.19

Indicative Section GG: Level 4 Penthouse Terraces & Pedestrian Link, Building G	Oculus	OC-L-205 Rev. B	13.10.20
Indicative Materials	Oculus	OC-L-300 Rev. B	14.06.19
Indicative Plant Schedule	Oculus	OC-L-301 Rev. B	14.06.19
Indicative Plant Schedule: Reserve & Level1, Building C	Oculus	OC-L-302 Rev. B	14.06.19
Indicative Plant Schedule: Pocket Park/Pool Podium (Building D & E)	Oculus	OC-L-303 Rev. B	14.06.19
Indicative Plant Schedule: Building Façade Planter & Penthouse terrace	Oculus	OC-L-304 Rev. A	13.10.20
Exiting Tree Summary: Existing Trees to be removed & their replacement	Oculus	OC-L-305 Rev. A	13.10.20

Civil Engineering

Basement Detail & Cut/Fill Plan Sheet 1	J.Wyndham Prince	110251/DA102 Rev. E	12.06.19
Basement Detail & Cut/Fill Plan Sheet 2	J.Wyndham Prince	110251/DA103 Rev. E	12.06.19
Ground Level Detail Plan Sheet 1	J.Wyndham Prince	110251/DA104 Rev. E	12.06.19
Ground Level Detail Plan Sheet 2	J.Wyndham Prince	110251/DA105 Rev. E	12.06.19
Site Longitudinal Sections	J.Wyndham Prince	110251/DA106 Rev. E	12.06.19
Road Longitudinal Sections Sheet 1	J.Wyndham Prince	110251/DA107 Rev. D	12.06.19
Road Longitudinal Sections Sheet 2	J.Wyndham Prince	110251/DA108 Rev. D	12.06.19
Ramp Details 1,2 & 3	J.Wyndham Prince	110251/DA109 Rev. D	12.06.19
Drainage Strategy Plan Sheet 1	J.Wyndham Prince	110251/DA110 Rev. E	12.06.19
Drainage Strategy Plan Sheet 2	J.Wyndham Prince	110251/DA111 Rev. E	12.06.19
Catchment Plan	J.Wyndham Prince	110251/DA112 Rev. E	12.06.19
Drainage Long Section (20% AEP) Sheet 1	J.Wyndham Prince	110251/DA113 Rev. D	12.06.19
Drainage Long Section (20% AEP) Sheet 2	J.Wyndham Prince	110251/DA114 Rev. D	12.06.19
Drainage Long Section (20% AEP) Sheet 3	J.Wyndham Prince	110251/DA115 Rev. B	12.03.19
Drainage Long Section (20% AEP) Sheet 4	J.Wyndham Prince	110251/DA116 Rev. B	12.03.19
Drainage Long Section (20% AEP) Sheet 5	J.Wyndham Prince	110251/DA117 Rev. D	12.06.19
Drainage Long Section (20% AEP) Sheet 6	J.Wyndham Prince	110251/DA118 Rev. C	12.03.19
Drainage Long Section (20% AEP)	J.Wyndham Prince	110251/DA119 Rev. C	12.03.19

Drainage Long Section (20% AEP)	J.Wyndham Prince	110251/DA120 Rev. C	12.03.19
Channel Works	J.Wyndham Prince	110251/DA121 Rev. E	12.06.19
Soil & Water Management Notes	J.Wyndham Prince	110251/DA122 Rev. C	12.03.19
Soil & Water Management Plan	J.Wyndham Prince	110251/DA123 Rev. E	12.06.19
Existing Services Plan	J.Wyndham Prince	110251/DA124 Rev. E	12.06.19

Document Name	Written by	Document/Certificate No.	Dated
NatHERS and BASIX Assessment – Stage 3 Building F & G	Efficient Living	NatHERS 0003928930 BASIX 000367970	Issue D 11.12.20
NatHERS and BASIX Assessment – Stage 2B Building D & E	Efficient Living	NatHERS 003926800 BASIX 000396800	Issue C 11.06.19
NatHERS and BASIX Assessment – Stage 2A Building C	Efficient Living	NatHERS 003922420 BASIX 0003922420	Issue C 11.06.19
Traffic and Parking Impact Assessment Statement	GHD	21/25061 220779_Rev6	13.06.19
Operational Waste Management Plan	Waste Audit and Consultancy Services	-	June 2019
Demolition and Construction Waste Management Plan	Waste Audit and Consultancy Services	-	March 2019
DA Acoustic Assessment - Aspire Stages 2 & 3	Acoustic Logic	20201410.1/202A/RN/SN	02.02.21
Stage 1 Contamination Assessment	Ground Technologies Pty Ltd	GTE774-R02 Rev 3	11.02.19
Conditions in accordance with the State Environmental Planning Policy (Infrastructure) 2007	Roads & Maritime Services	SYD18/01710/02	1 August 2019

Staging Plans			
Staging Diagrams	Turners	DA-810-005 Rev. P2	26.11.19
Stage 2A Plan Layout	J Wyndham Prince	110251/DA200 Rev. C	01.11.19
Stage 2B Plan Layout	J Wyndham Prince	110251/DA201 Rev. D	19.11.19
Stage 3A Plan Layout	J Wyndham Prince	110251/DA202 Rev. C	01.11.19
Stage 3B Plan Layout	J Wyndham Prince	110251/DA203 Rev. C	01.11.19

For the avoidance of doubt, unless specified, any reference to a Construction Certificate or Occupation Certificate is a reference to the Construction Certificate or Occupation Certificate for the relevant stage of the development and each condition of consent is only required to be satisfied as it relates to that stage of the development shown on the approved staging plan. The staging of Roads for the development is as follows:

- Section 1 of Road 1 is to be completed prior to the issue of an Occupation Certificate for development stage 2A/2B
- Section 2 of Road 1 is to be completed prior to the issue of an Occupation Certificate for development stage 3A
- Section 3 of Road 1 is to be completed prior to the issue of an Occupation Certificate for development stage 3B

As amended on 24 February 2020 and 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 2 **Prior to the issue of a Construction Certificate**, a full set of revised architectural plans, incorporating amended plans outlined in Condition 1, is to be provided to the Principal Certifying Authority.
- 3 Prior to occupation of the retail tenancies within the building, a separate development approval is to be obtained from Penrith City Council to use each tenancy within the building/complex.
- 4 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 5 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 6 The development must be in accordance with the General Terms of Approval issued by Natural Resources Access Regulator in its letter dated 9 January 2019.
- 7 Alternate access arrangements to Council's Gross Pollutant Trap asset, located within the riparian corridor, must be designed to Council's specifications and submitted for approval by the Development Services Manager at Penrith City Council. Confirmation from Penrith City Council, confirming satisfactory arrangements have been made is to be provided to the Principal Certifying Authority, **prior to the issue of a Construction Certificate for Stage 2B and Section 1 of Road 1.**

As amended on 24 February 2020 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 8 A Public Art Strategy is to be submitted to the Development Services Manager at Penrith City Council. Confirmation from Penrith City Council, confirming that the Public Art Strategy has been reviewed and endorsed, is to be provided to the Principal Certifying Authority, **prior to the release of the first Construction Certificate.**

The Strategy is to be prepared in accordance with the requirements of the Penrith Development Control Plan 2014, and in particular, is to comply with the Controls of Part B, Section E13 of the Chapter of the DCP. The Strategy is to be prepared by a specialist art consultant for the whole Panthers Penrith Precinct.

Prior to the issue of an Occupation Certificate for the relevant stage, implementation of the Public Art Strategy including the installation of any art works is to be completed.

As amended on 24 February 2020 and 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 9 During the demolition and construction phase, no vehicle access to the development site is permitted from the privately owned section of Retreat Drive.

- 10 **Prior to the issues of an Occupation Certificate**, the Principal Certifying Authority must be satisfied that the boardwalk within the riparian corridor is a minimum of 3m shared pathway width for the full length of the boardwalk.
- 11 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority must be satisfied that effective wayfinding signage is incorporating from the 'gatehouse' entry point for Buildings E to the individual building entry ways.
- 12 **Prior to a Construction Certificate** being issued, Lots created under DA18/1245 must be registered with the NSW Land Registry Services.
- 13 The amended Voluntary Planning Agreement in accordance with the Letter of Offer from Panthers Rugby League Club, dated 2 August 2017 known as the 'Planning Agreement - Road Works' is to be executed by Panthers Rugby League Club, Penrith City Council and the Roads and Maritime Services **prior to the issue of the first Construction Certificate**. A copy of the signed and executed Planning Agreement is to be provided to the Principal Certifying Authority.

The Principal Certifying Authority shall be provided with a Schedule of current development applications, active consents and construction certificates (issued, yet to be issued and those that have been lodged, yet remain unissued). The Schedule is to indicate a tally of gross floor area for each development and is to provide written evidence, details and confirmation that the requirements and obligations required by the executed VPA have been met and if required, have been undertaken and/or completed. A copy of this Schedule is to be provided to all parties being signatory to the VPA, **prior to the issue of each Construction Certificate** for the development.

As amended on 24 February 2020 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 14 **Prior to the issue of a Occupation Certificate**, the Principal Certifying Authority is to ensure that the amended Voluntary Planning Agreement known as 'Planning Agreement - Road Works' is executed by Panthers Rugby League Club, Penrith City Council and the Roads and Maritime Services, and that all the applicable requirements of the Planning Agreement - Road Works, have been undertaken and are met.
- 15 **Prior to the issue of a Construction Certificate**, details and plans of the proposed construction fencing and hoarding are to be submitted to and approved by the Development Services Manager at Penrith City Council.

Hoarding or site fencing and associated structures are to be of high quality and are to be recessive in colour and sturdy and semi-permanent in material. A photomontage or similar is to be provided which indicated all proposed heights, materials and colours, images and artwork. No advertising is permitted to be installed or included on the hoarding/site fencing. Sales and branding information is limited to 20% coverage for each elevation.

- 16 Works within the riparian corridor (Lot 58 DP 1250704) are to be complete in accordance with the approved Staging Plan and completed **prior to the issue of an Occupation Certificate for the relevant stage**.

As amended on 24 February 2020 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 17 Prior to the erection of any crane or any temporary construction structure at a height greater than the road of

the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:

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

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

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counter boom/jib. Such lighting, which should be displayed at all times of the day and night, should be positioned so that when displayed it is visible from all directions.
- When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
- No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

- 18 A minimum of 32 apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability. The adaptable units shall each be allocated on accessible car parking space compliant with AS 2890.6. The Construction Certificate must be accompanied by certification from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable units are capable of being modified, when required by the occupant, to comply with the Australian Housing Standards (AS 4299-2009). A compliance Certificate in this regard shall be provided **prior to the issue of an Occupation Certificate**.

As amended on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 19 **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 Schedule 1 of the State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.
- 20 **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 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 Schedule 1 of the State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.
- 21 All mechanical ventilation equipment, ducts, air conditioner services and the like shall be shown on the Construction Certificate documentation as being contained within the building. Gutters and down pipes shall be integrated into the architecture of the buildings. Any plants or unsightly structures installed on the rooftop must be screened from view.
- 22 **Prior to the issue of a Construction Certificate**, a final schedule of external materials and finishes is to be submitted to and approved by the appointed certifying authority which is consistent with the finishes detail depicted on the architectural drawings.

23 Prior to the issues of an Occupation Certificate floodway signage is to be provided along the riparian corridor.

Consult with Penrith City Council's Engineering department for specification relating to signage requirements.

24 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Basement Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car parks, including the lifts and stairwells, to minimise opportunities for unauthorised access.
- All areas of the car parks must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the buildings including the car parks.
- Australian Standard 220 – door and window locks must be installed in all dwellings and retail premises.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Letter boxes must be incorporated within the main entry to each building, with access for residents from the rear (from within a secure building), and with no front flap lock on the boxes that can be easily broken.

Graffiti/Vandalism

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

Landscaping

- All vegetation throughout the site must be regularly pruned to ensure that sight lines are maintained. This is specifically important around the boardwalk area (adjacent to the riparian zone) to minimise opportunities for loitering.

Demolition

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

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

- 26 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

- 27 Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Heritage/Archaeological relics

- 28 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

- 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.

- 30 No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

31 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.

32 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.

33 Noise levels from and within the premises shall not exceed the relevant noise criteria detailed in 'Aspire, Stages 2 & 3, DA Acoustic Assessment' prepared by Acoustic Logic Consultancy Pty Ltd dated 2 February 2021 (Ref. 20201410.1/0202A/R1/SN).

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 each Construction Certificate application.

A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate for each relevant stage.**

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

As amended on 24 February 2020 and 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

34 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.

35 An appropriately qualified person/s (as defined in the Penrith Development Control Plans) shall:

- Supervise all filling works.
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
 - be prepared by an appropriately qualified person (as defined in the Penrith Development Control Plans)

with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),

- clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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.
- 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 2014 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, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

- 36 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
- 37 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 38 **Prior to the issue of a Construction Certificate for the relevant stage**, a Construction Noise Impact Assessment and Management Plan is to be prepared by a suitably qualified acoustic consultant and be approved by the Development Services Manager at Penrith City Council. 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" 2009.

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

As amended on 24 February 2020 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 39 All mechanical plant and equipment is to comply with the noise criteria outlined in 'Aspire, Stages 2 & 3, DA Acoustic Assessment' prepared by Acoustic Logic Consultancy Pty Ltd dated 2 February 2021 (Ref. 20201410.1/0202A/R1/SN).

Prior to the issue of the Construction Certificate for the relevant stage, further details on the type and location of all mechanical plant and equipment associated with the development is to be approved by the Development Services Manager at Penrith City Council. Suitable data and information on the noise impacts

associated with this plant and equipment, as reviewed by an acoustic consultant, is also to be supplied to demonstrate compliance with the established noise criteria.

As amended on 24 February 2020 and 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 40 Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.
- 41 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

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

- 42 The following waste management requirements must be complied with and details of compliance demonstrated to Council prior to the issue of a Construction Certificate:
- All on-site waste collection infrastructure, doors and access points (waste collection room, bulky goods collection room, loading bay and electric tug bay) are to be locked/accessed through Council's Abloy key system. System specifications are outlined in Section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document.
 - All on-site waste collection infrastructure (waste collection room, bulky goods, loading bay, residential caretaker/chemical storage and electric tug bay) are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing is to be installed to support the use of hose facilities.
 - The chute inlets on each residential level are to be located within cupboards (maximum depth of 150mm) and incorporate dual self-closing sealed doors, ventilation, waterproofing and permit accessible resident access.
 - All on-site waste collection infrastructure (waste collection room, bulky goods, loading bay, residential caretaker/chemical storage and electric tug bay) are to provide:
 - Automatic lighting and mechanical ventilation
 - 180-degree outwards opening dual doors
 - Unobstructed internal height clearances of 2600mm free from external services and utilities
 - 1800mm unobstructed access corridor to permit the movement of on-site waste collection infrastructure for the caretaker and Council's collection contractors
 - A residential caretaker's/chemical storage room to be provided within basement 1 with a minimum internal width of 1800mm, minimum area of 5m² and permit access via a 1800mm wide access corridor.
 - All chute room/s are to provide minimum unobstructed clearances to permit a safe and efficient waste collection service in accordance with Section 3.7.1 of the 'Residential Flat Building Waste Management Guideline' document.
 - Bin tug specifications and supporting trailer attachment are to be submitted to permit the scheduled movement (in accordance with Council's collection frequencies) of 1100L bins and bulky goods items to the designated collection areas within Buildings D & E.
 - The bulky goods collection room is to be accessed by an automated self-closing/opening roller door system accessed through Council's Abloy key system.

As amended on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

43 **Prior to the issue of an Occupation Certificate**, the following is to be submitted to and approved by Penrith City Council:

- The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's waste collection service. This is to include Council being provided with indemnity against claims for loss and damage.
- Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.
- Council's Waste and Resource Recovery Department is to conduct a site inspection of the on-site infrastructure with Council's current collection contractors. The inspection to review the on-site infrastructure is for the provision of a safe and efficient waste collection service in accordance with the stamped plans and Council's policy provisions.
- The assigned strata manager for the development and direct contact details are to be provided to Council's Waste Services Department prior to the issue of an Occupation Certificate.

As amended on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

44 **Prior to the commencement of works**, including the removal of any trees associated with approved development activities, an inspection for resident threatened fauna (including inspection of all hollows) 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. WIRES are to be contacted in the case of any injured fauna.

BCA Issues

45 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.

- 46 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

- 47 Cooling Towers and Warm Water Systems are to be registered with Penrith City Council by completing the "Regulated Systems Premises - Registration Form". This form is to be returned to Council prior to the issuing of the Occupation Certificate and operation of the system. The occupier of the premises must notify Council within 7 days of any change of details.

Air-Handling Systems, Hot-Water Systems, Humidifying Systems, Warm-Water Systems and Water-Cooling Systems shall be operated and maintained in accordance with the *Public Health Act, 2010*, *Public Health Regulation, 2012* and any relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health. This includes:

- There must be safe and easy access to a regulated system (as defined in the *Public Health Act, 2010*) for the purpose of the cleaning, inspection and maintenance of the system.
- A water-cooling system must be equipped with a disinfection procedure that is in operation at all times and that is designed to control microbial growth so that:
 - (a) the level of Legionella in the system is not more than 10 colony-forming units per millilitre, and
 - (b) the heterotrophic plate count in the system is not more than 100,000 colony-forming units per millilitre.

Air-Handling Systems, Hot-Water Systems, Humidifying Systems, Warm-Water Systems and Water-Cooling Systems must be installed in accordance with AS/NZS 3666.1:2011 "Air-Handling and Water Systems of Buildings—Microbial Control—Design, Installation and Commissioning", as applicable to the specific system. An air-handling system must be fitted with supply air filters. This includes:

- The Regulated System shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the Cooling Tower is a minimum 6m away from occupied areas, pedestrian thoroughfares, trafficable areas, air intakes including lift vents and building openings.
- When an Air Handling, Hot Water, Humidifying, Warm Water or Water Cooling System is installed a certificate is to be obtained certifying that the system has been installed in accordance with the *Public Health Act, 2010*, *Public Health Regulation, 2012* and AS/NZS 3666.1:2011 "Air-Handling and Water Systems of Buildings—Microbial Control—Design, Installation and Commissioning".

Utility Services

48 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The proponent is advised to make an early application for this certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and building, driveways or landscape designs.

Applications 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.**

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

50 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

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

Construction

51 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.

52 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.

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

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

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

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

Swimming Pools

- 54 When the swimming pool construction has reached a stage where the pool is capable of holding water, the pool area shall be restricted from access in accordance with AS1926 "Swimming Pool Safety". Restriction of access to the pool area shall also comply with the Swimming Pools Act, 1992.
- 55 At all times, the swimming pool is to be surrounded by a child-resistant barrier that:
- separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises, and
 - is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".
- 56 The following means of access to the swimming pool shall be restricted to:
- (a) For each doorway giving access to the swimming pool:
- the door or, if there is a security door in addition to another door then either of those doors must be kept child-safe by means of a lock, latch, bolt, chain or another child-resistant device located at least 1.5 metres above finished floor level, and
 - there must not, on the door or on the door frame, be any footholds wider than 10 millimetres between the release mechanism of the door and any point 100 millimetres above finished floor level.
- (b) For each window giving access to the swimming pool (but does not apply to a child-safe window or to a window that is totally enclosed by a child-safe grille):
- the bottom of the lowest opening panel of the window must (when measured in the closed position) be at least 1.2 metres above finished floor level, and
 - there must not be any footholds wider than 10 millimetres between the bottom of the lowest opening panel of the window and any point within 1.1 metres below the bottom of that panel.
- 57 If a common boundary fence forms part of the pool enclosure, the provision, maintenance and effectiveness of the said boundary fence is the responsibility of the pool owner whilst ever the pool exists. Alternatively, the pool shall be fully enclosed by isolation fencing.
- 58 A sign must be erected in a prominent position in the immediate vicinity of the swimming pool and must:
- be erected in accordance with the provisions relating to instructional posters of the document entitled "Policy Statement No. 9.4.1: Guidelines for the Preparation of Posters on Resuscitation" published by the Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith), and
 - bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in the relevant provisions of the document entitled "CardioPulmonary Resuscitation" published by the Australian Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith).
- 59 The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Penrith City Council (\$10 fee applies when registering at Council).
- 60 All backwash from the swimming pool shall be directed into the mains sewer.

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

- The swimming pool shall be provided with filtration equipment that does not require a backwash facility

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

Engineering

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

62 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of Road & Public domain works in relation to proposed Road 1 connection and path works in Retreat Drive, Penrith.

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

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

Note:

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

63 **Prior to the issue of any Construction Certificate**, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for provision of drainage works in Lot 54 & Lot 55 DP 1246141, in accordance with the stormwater plans by J. Wyndham Prince referred to in Condition 1.

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

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

Note:

- a) All works associated with the S68 Local Government Act Approval must be completed prior to

the issue of any Occupation Certificate or Subdivision Certificate as applicable.

64 A Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works (road, drainage, earthworks, subdivision works).

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J.Wyndham Prince referenced in Condition 1, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

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

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

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

65 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge Width	Footpath	ESA
Road 1 Chainage 0- 120	16.0m	6.5m	3.5m	3m (RHS) 1.5m (LHS)	5x10 ⁴

Road 1 Chainage 120-322	18.5m	6.5m	3.5m	3m (RHS) 1.5m (LHS)	5x10 ⁴
Road 2	9.5m	4.0m	3.5m (RHS) 2m (LHS)	3m (RHS)	5x10 ⁴
Road 3	9.5m	4.0m	2m (RHS) 3.5m (LHS)	1.5m (LHS)	5x10 ⁴

A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for Construction Certificate.

- 66 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

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

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

- 67 The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval, prepared by J.Wyndham Prince referenced in Condition 1.

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. A GPT and bioretention basin with a minimum filter area of 685 m² must be provided for the stormwater treatment.

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

- 68 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.
- 69 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by J.Wyndham Prince Panthers Precinct Master Plan Flood Assessment Report, dated 6 September 2016 and addendum dated 11/06/2019.
- 70 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 26.4m AHD

(standard flood level + 0.5m freeboard).

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

72 Sub-leasing of car parking spaces is not permitted by this Consent.

73 **Prior to the commencement of any works** on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

74 Prior to the issue of a Roads Act Approval and Section 68 Local Government Act, a Performance Bond is to be lodged with Penrith City Council.

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

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

75 **Prior to the issued of any Construction Certificate** for internal works associated with the development the site must be serviced by a legal point of discharge including and required infrastructure drainage works. The drainage works may include inter-allotment drainage construction, upgrades and / or road drainage extensions located on lands owned by others.

76 **Prior to commencement of any works** associated with the development, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

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

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

Note:

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

78 Street lighting is to be provided for all new and existing streets to Penrith City Council's standards.

79 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

80 **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.

81 **Prior to the issue of a Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation and / or Subdivision (Strata) Certificate where Penrith City Council is not the Principal Certifying Authority.

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

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
 - b) Overland flowpath works
 - c) Flood control works
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.

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

83 Prior to the issue of any Occupation Certificate, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- b) Overland flowpath works
- c) Flood control works

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

- 84 **Prior to the issue of the first Occupation Certificate for the development**, the applicant shall grant an easement to Penrith City Council for drainage and overland flow purposes as shown on Plan No. 110251/DA121 Rev. E dated 12 June 2019, and on the basis that no claim for compensation will be made, and that the applicant will meet all associated survey and legal costs.

As amended on 24 February 2020 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 85 **Prior to the first Occupation Certificate being issued**, the applicant shall grant an easement to Penrith City Council for stormwater drainage on Lot 52 DP 1246141, and on the basis that no claim for compensation will be made, and that the applicant will meet all associated survey and legal costs.

As amended on 24 February 2020 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 86 All car spaces and access areas are to be sealed / line marked and dedicated for the parking of vehicles only and not to be used for storage of materials / products / waste materials etc.

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

- 88 Driveways, ramps, aisles, vehicle turning swept paths and clearances and car space width and lengths in accordance with DCP C10, AS2890., AS 2890.2 and AS2890.6, and shall include:

- Complying dimensions for car park headroom (from floor to lowest ceiling obstruction) of 2.2 metres to accessible parking spaces and minimum headroom of 2.5 metres above accessible parking spaces.
- Complying internal aisle and manoeuvring area vehicle turning paths are to be at least 0.3 metres clear of obstructions including to walls, bollards and other obstructions.
- At least a 1 metre long indent at the end of any dead end aisles in the car parking areas.
- Complying car park ramp dimensions (including accordance with AS 2890.1 Table 2.2 and Figure 2.9) including additional 0.3 metre clearances to walls and other obstructions.
- Complying car park ramp headroom clearances including at grade transitions.
- Complying car park aisle widths, service vehicle areas, car park column locations and clearances (including accordance with AS 2890.1 Figure 5.1 and 5.2).

- Complying additional car space clearances from obstructions (including accordance with AS 2890.1 B4.1 minimum additional clearance of 0.3 metres).
- 89 Kerb ramps are to be shown at all footpath and shared path road crossing points and the shared path is to include complying signposting and line marking to Council's requirements.
- 90 The bioretention basin is to be maintained by the proponent as a sediment basin until 90% of housing construction is completed and retain in the ownership of the proponent. After 90% of housing has been constructed the sediment basin is to be decommissioned and the bioretention basin completed.
- 91 **Prior to the issue of a Construction Certificate**, the following information regarding the proposed GPT to pre-treat the bioretention basin is to be submitted to the Development Services Manager at Penrith City Council for approval:
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application
 - A detailed operation and maintenance manual which includes estimated life cycle costing
- 92 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s
- 93 **Prior to the issue of a Construction Certificate** the Principal Certifying Authority shall ensure that the plans are amended to include:
- Road 1 with a 3.5m wide verge with 1.5m wide footpath along its western side and turn head to connect to a 3.5m wide verge with 3m wide shared path along its eastern side for its full length and connecting to the shared path fronting the 3m shared path fronting ESQ stage 1 on the eastern side of Retreat Drive.
 - Road 1 turn head is to be reduced to 20m diameter between kerb and with at least a 3.5m verge from the road reserve boundary to the turning head kerb line including fronting the northern side building entry location.
 - Road 1 Removalist Truck Parking bay on the eastern side of Road 1 near the turning head set back to provide a 3.5m verge from the road reserve boundary to the end of the removalist bay. The removalist bay is to have complying dimensions shown on the plan.
- 94 Sight distance requirements in accordance with AS 2890.1 and / or AS 2890.2 Figure 3.2 at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety.
- 95 Signage is required to be visible from the public road, internal access road and on-site to reinforce designated vehicle circulation, and to direct staff / service vehicle drivers / visitors to on-site parking and service areas
- 96 The required sight lines around the driveway entrances are not to be obstructed by landscaping, fencing or signs.
- 97 **Prior to the issue of the first Occupation Certificate**, the applicant shall register appropriate

easement(s) over the adjoining land (Lot 55 DP 1246141) for the drainage line, and bioretention basin, this must include access for maintenance, on the location shown on the plan accompanying this consent, and on the basis that no claim for compensation will be made, and that the applicant will meet all associated survey and legal costs. Lots benefiting from the easement include Lots 54, 53, 52, Lot 51 and Penrith City Council.

As amended on 24 February 2020 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 98 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the access tracks and hard stand areas for maintenance vehicles are designed for the proposed GPT and Bioretention basin.

Landscaping

- 99 **Prior to the commencement of works**, a detailed landscaping plan and landscaping details plan is to be submitted to, and approved by the Development Services Manager of Penrith City Council.

All landscape works are to be constructed in accordance with the stamped approved plan and the plans that satisfy this condition.

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.

- 100 The approved landscaping for the site must be constructed by a suitability qualified and experienced landscape professional.
- 101 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 suitability qualified and experienced landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development, including the riparian corridor, 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 Final Site Arborist's Report (significant tree protection)

This report is to be submitted to Penrith City Council 2 years after the Occupation Certificate was issued. This report is to be prepared by a suitability qualified and experienced Arborist.

iv 3 Year Landscaping Report

3 years after an Occupation Certificate was issued for the development, a Landscaping Report is to be prepared and submitted for Council's 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.

102 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.

103 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.

104 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.

105 Trees T18 & T17 noted for removal on Drawing No. OC-L-304 Rev. A are not to be removed.

106 Trees noted on Drawing No. OC-L-304 Rev. A T06, T07, T09, T10, T11 to be removed are to be replaced with trees NT01, NT02, NT03, NT05, NT06 that have at least a 200 litres pot size.

Section 94

107 This condition is imposed in accordance with Penrith City Council's Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$140,082.00** is to be paid to Council **prior to a Construction Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The contributions invoice accompanying this consent should accompany the contribution payment. The contributions plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith and is also available on Council's website.

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

As amended on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

108 This condition is imposed in accordance with Penrith City Council's Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$1,272,166.00** is to be paid to Council **prior to a Construction Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The development contributions invoice accompanying this consent should accompany the contribution payment. The contributions plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith and is also available on Council's website.

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

As amended on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

109 This condition is imposed in accordance with Penrith City Council's Development Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$459,774.00** is to be paid to Council **prior to a Construction Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The development contributions invoice accompanying this consent should accompany the contribution payment. The contributions plan for Local Open Space may be inspected at Council's Civic Centre, 601

High Street, Penrith and is also available on Council's website.

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

As amended on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

Payment of Fees

- 110 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

- 111 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.

- 112 The basement gymnasium located in Building G is not permitted to be used between 10.00pm and 7.00am. **Prior to the issue of an Occupation Certificate**, signage must be installed in a prominent location to advise residents.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 113 **Prior to the issue of the Construction Certificate for the relevant stage**, a 'Gymnasium Acoustic and Vibration Impact Assessment' that addresses the noise and vibration impacts associated with the basement gymnasium located in Building G is to be prepared by a suitably qualified acoustic consultant and submitted to Council for approval. This assessment is to give consideration to Section 6.6.1 of the 'Aspire, Stages 2 & 3, DA Acoustic Assessment' prepared by Acoustic Logic Consultancy Pty Ltd dated 2February 2021 (Ref. 20201410.1/0202A/R1/SN), as well as the noise criteria established in that report to ensure that the gymnasium does not cause disturbance to adjacent uses or nearby sensitive residential receivers.

The recommendations provided in the Council approved 'Gymnasium Acoustic and Vibration Impact Assessment' shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 114 **Prior to the issue of the Construction Certificate for the relevant stage**, a 'Swimming Pool and Spa Acoustic and Vibration Impact Assessment' that addresses the noise and vibration impacts associated with the basement swimming pool and spa located in Building G is to be prepared by a suitably qualified acoustic consultant and submitted to Council for approval. This assessment is to give consideration to Section 6.7.1 of the 'Aspire, Stages 2 & 3, DA Acoustic Assessment' prepared by Acoustic Logic Consultancy Pty Ltd dated 2 February 2021 (Ref. 20201410.1/0202A/R1/SN), as well as the noise criteria established in that report to ensure that the swimming pool and spa does not cause disturbance to adjacent uses or nearby sensitive residential receivers.

The recommendations provided in the Council approved 'Swimming Pool and Spa Acoustic and Vibration Impact Assessment' shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 115 The splash park/ pad and swimming pools associated with Stage 2B must be constructed, operated, monitored, and maintained in accordance with the relevant Australian Standards and Public Swimming Pool and Spa Advisory Document (NSW Health 2013).

Prior to the issue of an Occupation Certificate for Stage 2B, an Operational Management Plan shall be developed for the splash park/pad and swimming pools demonstrating operation compliance with the Public Swimming Pool and Spa Advisory Document (NSW Health 2013). The splash park/pad and pool and surrounds must be maintained in a safe and hygienic condition. The splash park/pad and pool water must be monitored each day, before use, to ensure minimum disinfection and chemical criteria are met.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 116 The indoor pool and spa associated with Stage 3 must be constructed, operated, monitored, and maintained in accordance with the relevant Australian Standards and Public Swimming Pool and Spa Advisory Document (NSW Health 2013).

Prior to the issue of an Occupation Certificate for Stage 3, an Operational Management Plan shall be developed for the pool and spa demonstrating operation compliance with the Public Swimming Pool and Spa Advisory Document (NSW Health 2013).

The pool and spa surrounds must be maintained in a safe and hygienic condition. Pool and spa water must be monitored each day, before use, to ensure minimum disinfection and chemical criteria are met.

Mechanical ventilation must be provided for the pool and spa to prevent unhealthy and corrosive conditions associated with poor ventilation and disinfection by-products. The design of the ventilation system must be certified by an appropriately qualified Mechanical Engineer as complying with the Building Code of Australia and Australian Standard 1662 (2012) and provided to the Certifying Authority prior to the issue of the relevant Construction Certificate.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 117 The rooftop communal open space area on Level 4 of Building F is only permitted to be used between 7.00am and 10.00pm. A maximum of 25 people are to use the rooftop communal space area of Building F at any one time. Prior to the issue of an Occupation Certificate for Stage 3, signage must be installed in a prominent location to advise residents.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 118 Only background music is permitted to be used within the rooftop communal open space area on Level 4 of Building F. This music is to have a maximum Sound Pressure Level of 70db(A), as regulated through a sound limiter. No live music is permitted to be used in this area.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 119 Prior to the issue of the Occupation Certificate for Stage 3, a solid acoustic barrier constructed from timber, fibre cement sheeting, glass or perspex with all gaps sealed, is to be constructed on the rooftop of Building F to a total height of 2.4m, as shown in Figure 9 of 'Aspire, Stages 2 & 3, DA Acoustic Assessment' prepared by Acoustic Logic Consultancy Pty Ltd dated 2 February 2021 (Ref. 20201410.1/0202A/R1/SN).

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 120 No noise generated by the use of the yoga studio located in the basement of Building G is to be audible outside of the yoga studio.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 121 The operating noise level of plant and equipment, including but not limited to filtration pumps, mechanical ventilation, and associated equipment shall not create offensive noise when assessed at the nearest affected premises. Council may require an Acoustic Report to be submitted, prepared by a suitably qualified person, to ensure this requirement is met in the event of Council receiving complaints regarding excessive noise. The provisions of the Protection of the Environment Operations Act, 1997 apply to the development, in terms of regulating offensive noise and odour. Odour in terms of disinfection by-products associated with the pool and spa.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 122 **Prior to the issue of the Occupation Certificate for the relevant Stage**, signage must be installed advising users of the water play area, swimming pools, spa, steam room and sauna of the 'rules of use' to ensure patrons use the facilities correctly and in a manner that minimises the risk of transmission of disease to the other users.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- 123 The gymnasium, yoga room and steam room, sauna, and change rooms and toilets shall be operated in a

clean, hygienic, and safe manner to minimise the risk of disease transmission. **Prior to the issue of an Occupation Certificate for Stage 3**, an Operational Management Plan shall be developed for these facilities that includes cleaning and sanitising schedules and procedures.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

124 Food for sale, including alcohol and other drinks, as defined in the Food Act 2003 cannot not be sold at the premises without seeking further approval from Penrith City Council.

Condition added on 26 March 2021 in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

SIGNATURE

Name:	Wendy Connell
Signature:	

For the Development Services Manager