

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0739.01
Proposed development:	Modification - Alterations & Additions to the Overlander Hotel Including Associated Advertising Signage, Car Parking, Landscaping and Drainage Works - Modification to External Materials and Finishes, Signage Details and Internal Layout Arrangements.
Property address:	180 Richmond Road, CAMBRIDGE GARDENS NSW 2747
Property description:	Lot 1 DP 581663
Date received:	16 February 2018
Assessing officer	Mahbub Alam
Zoning:	Zone B6 Enterprise Corridor - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a Section 96(1A) application which proposes minor changes to approved alterations & additions to the Overlander Hotel, including associated advertising signage, carparking, landscaping and drainage works located at 180 Richmond Road, Cambridge Gardens.

The site is zoned B6 Enterprise Corridor under Penrith Local Environmental Plan (LEP) 2010. The use of the premises is defined as a 'hotel', and remains unchanged by the proposed alterations and additions, and is permitted with the consent of Council. On 13 October 2016, Council under delegated authority approved DA16/0739 for the alterations & additions to the Overlander Hotel, including associated advertising signage, carparking, landscaping and drainage works.

Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), an assessment of the subject application has been undertaken. Having regard to the matters discussed in this report, the application is recommended for approval, subject to the imposition of conditions.

Site & Surrounds

The subject land has a site area of approximately 8931 square metres. It is situated on the southern side of Richmond Road and is bounded by Boomerang Place and Lewis Road. Richmond Road is major arterial road and there is no direct vehicular access from Richmond Road to this site.

The area to the south and west of the site is predominately low density residential. The land to the north contains a Coles supermarket, services station, McDonald Restaurant and other smaller food and drink premises. The land to the east is public recreation area.

The site currently contains the Overlander Hotel / Motel and at-grade car parking.

Proposal

The Approved development

The works are largely confined to the profile of the existing hotel building and involves the erection of:

- new porte-cocheres over the western and north-eastern entries to the hotel;
- additions, with an area of 61.05m² and 22.39m², to the western and northeastern entry foyers, respectively, designed to improve the entries to the hotel;
- an addition, with an area 26.24m², to the western end of the existing smoking verandah;
- the enclosure of the eastern end of the existing smoker's verandah, which has an area of 38.8m², on the northern side of the hotel;
- the relocation of the existing gaming room from the southern part of the hotel;
- improving natural ventilation in the building's northern elevation by establishing open areas defined by timber and glass screens and ventilated clerestories, mesh panels, landscape planters and bi-fold windows;
- eliminating the northern entry to the hotel through the smokers' verandah;
- reconfiguring the existing sports lounge, bar, family room dining area and gaming room located centrally in the hotel to provide improvements to the sports lounge, the family room dining area and bar facilities servicing these areas;
- providing a shelter on the western side of the hotel, adjacent to the existing bottle shop;
- applying a veneer stone finish to parts of the external walls of the building to improve its appearance;
- installing new bi-fold windows on the northern and western side of the alfresco dining area located in the north-eastern corner of the hotel and installing new membrane tensile shading over part of it to enhance its use in all weather conditions; and
- other internal works, including the establishment of air locks and a glass wall between smokers' areas and the remainder of the hotel; and improvements to the existing children's play area adjacent to the alfresco dining area.

The works will increase the gross floor area of the hotel building by 293m². The total gross floor area of development on the land will be increased from 2,080m² to 2,373.5m² and to a floor space ratio to 0.27:1.

There is no proposed changes to the hours of trading.

The existing at-grade car park between the hotel and Richmond Road is to be enlarged and reconfigured to enable the site to accommodate a total of 167 on-site car parking spaces, i.e. an increase of 4 spaces.

A landscape area, with a width ranging from 2.7m to 5.4m, is to be provided adjacent to the site's boundary with the Richmond Road road reserve to enable an appropriate streetscape interface between the car park and Richmond Road in the event it is ever widened through this area.

The driveway located at the south-western corner of Lewis Street, near the cul-de-sac, is to be removed and reconstructed to match the existing kerb line.

The existing signage on the site is proposed to be rationalised. It is proposed that some of the existing signage will be removed and/or relocated and new signage is proposed.

The Proposed Modification

Under the provisions of section 96(1A) of *EP&A Act 1979* the proposed modified development includes the following aspect:

- Western Porte Cochere is reduced at the north and south by approximately 2.5m each.
- Eastern Porte Cochere is reduced at the north by approximately 2.5m each.
- Roof over the Porte Cochers and western entry is changed from metal roof to tiled roof.
- Reduction in sizes of the two western facing signs.
- Internal revisions to kitchen and main bar
- relocation of internal ramp.
- Internal revisions to sports lounge, sports bar and associated airlocks to smokers verandah and gaming room.
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Planning Assessment

- **Section 96(1) - Modifications involving minor error, misdescription or miscalculation**

Pursuant to Section 96(1A) of the Environmental Planning and Assessment Act 1979 (the Act), Council may modify a development consent provided several parameters are satisfied. These parameters are briefly discussed below.

(a) The proposed modifications are of minimal environmental impact.

The proposed modifications will not impact to the adjoining property in terms of privacy and overshadowing. It is considered that the proposed modification is unlikely to alter any environmental, social and economic impacts of the original development.

(b) The modified development is substantially the same development as was previously approved.

The submitted Section 96(1A) does not alter the nature of the development. The development will remain same as originally approved. It is therefore considered that the proposed modification is substantially the same development for which the consent was originally granted.

(c) The application has been notified where required.

In accordance with Appendix F4 Notification and Advertising of Penrith Development Control Plan 2014 (DCP 2014), the application was notified to adjoin properties.

(d) Any submissions received from the notification process have been considered.

no submission was received.

- Subsections (1), (2) and (5) do not apply to such a modification.

Noted

- Subsection (3) - In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C (1) as are of relevance to the development the subject of the application.

An assessment under Section 79C (1) of EP&A Act 1979 has been undertaken for the proposed modification. It is discussed below.

- Subsection (4) - The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.

The proposed development for this section 96(1A) application is a modification of Development Consent No. DA16/0739 which was approved on 13 October 2016 .

Each of the relevant criteria under Section 96(1A) of the Act has therefore been satisfied. The development as modified would achieve minimal environmental impact and be substantially the same development as originally approved.

Matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

In considering with clause 96(3) of the EP&A Act 1979 an assessment of the amended proposal has been undertaken against the relevant matters of section 79C (1):

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

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

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

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

The modifications as proposed are minor in nature and will result in essentially the same development as originally approved on the site. The proposed modifications are not expected to generate any additional amenity impacts in comparison to the original approval.

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

In view of the above assessment, it is considered that the site is suitable for the proposed modifications subject to conditions.

Section 79C(1)(d) Any Submissions

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections
Tree Management Officer	No objections - subject to conditions

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

The development as modified is consistent with the objectives of the EP&A Act 1979 in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. The above assessment noted that the proposal complies with the aims and objectives and numerical standards of the relevant statutory and non-statutory controls. As a result, Council is satisfied that the development as modified is consistent with the public interest subject to conditions.

Conclusion

The proposed modification to the development consent has been assessed against the relevant heads of consideration contained in Section 79C and Section 96(1A) of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. Each of the relevant criteria under Section 96(1A) of the Act has been satisfied. The development as modified would achieve minimal environmental impact and be substantially the same development as originally approved. The proposed modification to the development consent is therefore worthy of Council's support.

Recommendation

That the proposed modification to the development Consent DA16/0739.01 for an approved alterations & additions to the Overlander Hotel, including associated advertising signage, carparking, landscaping and drainage works located at 180 Richmond Road, Cambridge Gardens be approved subject to the following amended conditions:

- Amended of the consent condition no.1 as follows:

The development must be implemented substantially in accordance with the plans stamped approved by Council, 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 Title	Project No.	Drawing	Prepared By	Dated
Site Plan	1025	1.1(02)	Simon Wells Architect	27/06/2016
Traffic Plan	1025	1.2(02)	Simon Wells Architect	27/06/2016
Elevations	1025	4.1(02)	Simon Wells Architect	27/06/2016
Access Toilet	1025	8.1(02)	Simon Wells Architect	18/07/2016
Ground Floor	1025	2.1(02)	Simon Wells Architect	18/07/2016
Sections	1025	5.1(02)	Simon Wells Architect	27/06/2016
Sections	1025	5.2(02)	Simon Wells Architect	27/06/2016
Landscape Concept	4487		Monaco Designs PL	14/06/2016
Sediment and Erosion Control Plan		80216097-CI-1005 Revision 2	Cardno	July 2016
Drainage Detail Plan		80216097-CI-1010 Revision 2	Cardno	July 2016
Detention Tank and Drainage Details		80216097-CI-1015 Revision 2	Cardno	July 2016
Catchment Plan		80216097-CI-1020 Revision 2	Cardno	July 2016
Spel Filter System		SP16-SF1130-S	Spel Environmental Integrated Water Solutions	29/01/2016

As amended 29 March 2018 under Section 96 (1A) of the Environmental Planning Assessment Act 1979 (as amended) by the following plan:

Site plan	1025	1.1(04) (Issue R3)	Simon Wells Architect	15/02/2018
Elevations	1025	4.1(04) (Issue R3)	Simon Wells Architect	15/02/2018
Sections	1025	5.2(04) (Issue R3)	Simon Wells Architect	15/02/2018
Ground Floor	1025	2.1(04) (Issue R3)	Simon Wells Architect	15/02/2018
Sections	1025	5.1(04) (Issue R3)	Simon Wells Architect	15/02/2018

As amended 29 March 2018 under Section 96 (1A) of the Environmental Planning Assessment Act 1979 (as amended).

CONDITIONS

General

1 A001

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As amended 29 March 2018 under Section 96 (1A) of the Environmental Planning Assessment Act 1979 (as amended).

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

3 A046 - Obtain Construction Certificate before commencement of works

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

4 A Special (BLANK)

Hotel security personnel shall be responsible for the dispersal of hotel patrons in a quiet and orderly manner from the car park after closing.

Appropriate signage shall be installed in the car park area instructing hotel patrons to consider the comfort of neighbours and exit the car park in a quiet manner prior to the issue of an Occupation Certificate.

5 A Special (BLANK)

Club Management shall be available at a mutually convenient time, at the invitation of Penrith City Council, and/or the NSW Police, to discuss and action agreed community safety, security or Responsible Service of Alcohol issues in conjunction with other local stakeholders in the area should the need arise.

6 A Special (BLANK)

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

7 **A Special (BLANK)**

The pylon sign nominated on the Elevations Plan Drawing No. 4.1(02) dated 27/06/2016 is to be located within the property boundary of 180 Richmond Road, Cambridge Gardens. Details of the location is to be submitted to Council for approval prior to the issue of a construction certificate.

8 **A special BLANK**

All noise generated from the use of the smoker's verandahs is not to be audible at the property boundaries.

Demolition

9 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **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**.

10 **B003 - ASBESTOS**

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 portaloos 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.

11 **B004 - Dust**

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

12 **B005 - Mud/Soil**

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

13 **B006 - Hours of work**

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.

Environmental Matters

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

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

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

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

15 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

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

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

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

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

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.

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

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

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

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

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

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

19 [D014 - Plant and equipment noise](#)

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

BCA Issues

20 [E009 - Annual fire safety-essential fire safety \(Class 2-9 buildings\)](#)

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

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

- within 12 months after the last such statement was given, or
- if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
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As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

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

21 [E01A - BCA compliance for Class 2-9](#)

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:

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

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

Health Matters and OSSM installations

22 [F001 - Food shop construction & plans](#)

The construction, fitout and finishes of the food premises must comply with Standards 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

Detailed plans and specifications for the construction of the premises and installation of fittings, furnishings and equipment to all food preparation and storage areas are to be submitted with the Construction Certificate application.

23 [F022 – Commercial kitchens \(kitchen exhaust system\)](#)

Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2.

Details of the installation of the kitchen exhaust system shall be submitted with the Construction Certificate application.

The kitchen exhaust system must be designed to prevent or minimise air pollution including the emission of odours, vapours and oils in accordance with the Protection of the Environment Operations Act 1997.

Prior to the issue of an Occupation Certificate, the installer of the kitchen exhaust system (either the individual person or the Company who installed the exhaust system) shall certify or submit appropriate documentation (as instructed by the Principal Certifying Authority) that all practical pollution control measures have been installed to achieve the requirements of the Protection of the Environment Operations Act 1997.

Utility Services

24 G Special (BLANK)

Prior to the issue of a Construction Certificate, an assessment of the additional load and method of supply is to be undertaken via Endeavour Energy's Network Connections Branch.

Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

25 G Special (BLANK)

Landscaping in the vicinity of the padmount substation and associated cabling is to be restricted to low growing shrubs, not exceeding 3.0 metres in height and ground covers with non-invasive root systems. The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy.

26 G Special (BLANK)

Landscaping in the vicinity of the padmount substation must not obstruct access for maintenance, construction or emergency works.

Construction

27 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

28 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

29 H041 - Hours of work (other devt)

Demolition and construction works that are carried out in accordance with an approved consent that involve the use of heavy 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 demolition or construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the demolition or construction hours stated above.

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

Roads Act Requirements

30 I Special (BLANK)

A Road Occupancy Licence should be obtained from Roads and Maritime Services Transport Management Centre for any works that may impact on traffic flows on Richmond Road during construction activities.

31 I Special (BLANK)

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Richmond Road.

32 **I Special (BLANK)**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime Services for approval prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973, Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be require before Roads and Maritime Services approval is issued. With regard to the Civil Works requirements please contact the Roads and Maritime Project Engineer, External Works, ph: 8849 2114 or fax 8849 2766.

Engineering

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

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.

34 **K201 - Infrastructure Bond**

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

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

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

35 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

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

Contact Penrith City Council's City Works 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.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

36 **K209 - Stormwater Discharge – Minor Development**

Stormwater drainage from the site shall be discharged to the:

- a) Street drainage system in Boomerang place

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

37 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Cardno Pty Ltd, reference number 80216097-CI-1001,1010,1015,1020, revision 2, dated 19/07/2016.

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

Prior to the issue of 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.

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

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

39 **K301 - Sediment & Erosion Control**

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.

40 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime 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 CC.

41 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. 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.

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

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

43 **K504 - Stormwater Compliance**

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)
 - 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.

44 **K505 - Restriction as to User and Positive Covenant**

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)

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 and Drainage for Building Developments policy.

45 **K511 - Directional signage**

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.

46 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

47 **K Special (BLANK)**

The maximum length of vehicle to enter the site shall be limited to 12.5m.

48 **K Special (BLANK)**

All vehicles are to enter/exit in a forward direction.

49 **K Special (BLANK)**

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

50 **K Special (BLANK)**

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

Landscaping

51 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan by Monaco Designs P/L dated 14 June 2016, and Chapter C6 of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

52 **L002 - Landscape construction**

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

53 **L003 - Report requirement**

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

i. Implementation Report

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

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

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving. This report is to be prepared *by a suitably experienced and qualified landscape design professional*

54 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with Chapter C6 of Penrith Development Control Plan 2014.

55 L006 - Aust Standard

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

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

56 L007 - Tree protection measures – no TMP with DA

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section C6 Landscap Design of Penrith Development Control Plan 2014.

57 L008 - Tree Preservation Order

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.

58 L010 - Retain existing trees (no tree bond required)

The trees identified for retention on the Concept Landscape Plan by Monaco Designs PL dated 14 June 2016 shall be retained and duly protected during the construction of the development.

59 L Special (BLANK)

All landscaping shall be maintained so all plants are healthy and reach their full potential size and form. Pruning is acceptable to achieve growth in accordance with plant form, however hedging and excessive pruning is not acceptable where plant height and form is compromised.

The plant establishment maintenance period shall be a minimum of 26 weeks and shall extend through the summer season.

60 L Special (BLANK)

Prior to the issue of an Occupation Certificate screen shrub planting to 2m in height shall be provided behind the boundary fencing on the southern boundary to further ameliorates views into the site from residential properties.

61 L Special (BLANK)

Prior to the issue of an Occupation Certificate street trees are to be provide along the eastern (six large trees) and southern (11 medium) streets to ameliorate the impact of built form and carpark for residential properties opposite. Species to be approved by Council prior to planting.

62 L Special (BLANK)

Where the ground is compacted and in poor condition to sustain new turf and planting, the ground shall be improved to provide ideal growing conditions enabling trees and shrub planting and turf to be healthy and reach their full potential.

63 L Special (Tree protection - Australian Standards)

The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.

64 L Special (Trees of public property)

Trees on Public Property: All precautions shall be taken to adequately protect trees on public property (ie. footpaths, roads, reserves, etc.) against damage during construction. No trees on public property shall be removed, pruned or damaged during construction – this includes the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.

Payment of Fees

65 P001 - Costs

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

66 P002 - Fees associated with Council land (Applies to all works & add K019)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

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

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

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

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

Information to accompany the Notice of Commencement

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