

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

SWCPP Ref. No.:	PPSSWC-134
Application number:	DA21/0047
Description of development:	Construction & Embellishment of Penrith City Park including Amenities Building, Pergola Structures, Water Features, Seating, Lighting & Signage & Related Landscaping, Utility Servicing, Stormwater Management Infrastructure, Allen Place Car Park Modifications & Road Works
Classification of development:	Class 10a

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot E DP 163176 Lot 1 DP 164798 Lot 1 DP 252457 Lot 1 DP 526304 Lot 10 DP 553665 Lot 11 DP 553665 Lot 2 DP 556075 Lot 3 DP 1200790
Property address:	134 - 138 Henry Street, PENRITH NSW 2750 144 Henry Street, PENRITH NSW 2750 140 - 142 Henry Street, PENRITH NSW 2750 46 Station Street, PENRITH NSW 2750 48 - 50 Station Street, PENRITH NSW 2750 42 - 44 Station Street, PENRITH NSW 2750

### DETAILS OF THE APPLICANT

Name & Address:	JMD Design 190 James Street REDFERN NSW 2016
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## DECISION OF CONSENT AUTHORITY

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In accordance with Section 2.12 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation in attachment 1.

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

Date from which consent operates	6 October 2021
Date the consent expires	6 October 2026
Date of this decision	20 September 2021

## POINT OF CONTACT

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

Assessing Officer:	Lucy Goldstein
Contact telephone number:	+61247328136

## NOTES

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### **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 following approved plans and documents and any other plans, reports or documents approved by Council, except as may be amended in red on the approved plans and by the following conditions:

Drawing Title	Reference	Prepared By	Dated
Landscape Plans	Drawing No. L01 - L16 Revision C	JMD Design	16 August 2021
Design Approach and Strategies	-	JMD Design	August 2021
Architectural Drawings (Amenities Building)	Drawing Nos DA-100 Rev C; DA-110 Rev A; DA-200 Rev C; DA-201 Rev C; DA-300 Rev C; DA-400 Rev C; DA-500 Rev. B	JMD Design	11 August 2021
Civil Engineering Package	Drawing Nos DAC01.01- DAC13.01	Northrop	16 August 2021

- 2 All lots subject of this consent are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with NSW Land Registry Services is to be submitted to the certifying authority **before the Occupation Certificate for the development can be issued by the certifier.**

A copy of the registered plan of consolidation from NSW Land Registry Services is to be submitted to Penrith City Council once issued.

- 3 **The development shall not be used or occupied until an Occupation Certificate has been issued and on practical completion of the park works.**

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

- 5 The development is to be carried out in accordance with the recommendations of the Access Statement, titled '*City Park Penrith, Access & Inclusion Review*', prepared by Funktion, dated 25 January 2021, submitted with the application.

6 Prior to the commencement of any works on site, all remediation works as approved by development consent DA21/0045 must be completed to the satisfaction a NSW EPA Accredited Site Auditor and evidence of this satisfaction is to be provided to Council's Development Services Department.

7 **Prior to the issue of an Occupation Certificate**, the road closure of Allen Place is to have been lodged with NSW Land and Registry Services for registration, as shown by the concept plan titled '*Proposed Boundary Layout in a Plan of Subdivision of Lot 1 in DP 1263787 for Road Closure under the Roads Act 1993*' dated 4 August 2021 which accompanied the development application.

A copy of the road closure plan as submitted to the NSW Land Registry Services for registration is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, **prior to the issue of an Occupation Certificate**.

8 **Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works**, the following community safety and Crime Prevention Through Environmental Design (CPTED) provisions are to be implemented:

**(a) Lighting**

- All outdoor/public spaces throughout the development must meet minimum illumination requirements under Australian Standard 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.

**(b) Building Security & Access Control**

- Australian Standard 220 door and window locks must be installed to all lockable facilities, in particular throughout the amenities building.
- CCTV is to be provided to cover any area(s) of the City Park deemed necessary by Penrith City Council's Community Safety Team, in consultation with the NSW Police Service. 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.

**(c) Graffiti/Vandalism**

- Graffiti resistant coatings must be used to external surfaces, including signage, park furniture, retaining walls, building facades, 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 and fixtures must be sturdy and of high quality to minimise opportunities for vandalism and theft.

9 In relation to the water features within the park, the following details and design specifications are to be included on the plans **submitted with the Construction Certificate**:

(a) The water features are to have a maximum depth of water of 280mm. Overflows must be set at this height

and water depth shall not exceed this height.

(b) The walls of raised water features are to have coping with a minimum width of 300mm deep. This is to ensure that people can identify the water from the structure.

(c) The water must be treated and filtered (capable of controlling legionella and a basic sand filter setup would be sufficient; UV light treatment for algae).

(d) Detailed hydraulic design showing all valves, pumps, filters, treatment systems, backflow prevention, power, etc shall be provided.

**Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works**, the following is to occur:

(a) A maintenance and operation manual for the installed asset, listing warranties, asset details, etc is required.

(b) An on site handover meeting with Council's Asset Officers is to occur to demonstrate the operation of the system.

## Heritage/Archaeological relics

10 The fountain located at the corner of Station and Henry Streets that is associated with the former funeral home building must be preserved in situ, as shown on the approved landscape plans.

11 The development is to be carried out in accordance with the recommendations of the 'City Park Penrith Heritage Impact Statement' prepared by Artefact Heritage Services Pty Ltd, dated 27 January 2021, in so far as the recommendations relate to the subject development.

During construction works, monitoring of vibration impacts to the locally significant former Council Chambers, TAFE Building and former Prospect Electricity Building should be undertaken by structural engineers or a vibration specialist.

## Environmental Matters

12 Erosion and sediment control measures shall be installed **prior to the commencement of works on site**. The erosion and sediment control measures are to be installed and maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The erosion and sediment control measures are to be maintained throughout the construction phase of the development until the development works are fully completed to the satisfaction of Penrith City Council.

13 No fill material shall be imported to the site until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order/exemption. A copy of a report forming the basis for the validation is also to be provided. The certificate shall:

- be prepared by an appropriately qualified person 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.

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 work may be requested. In these circumstances the works shall be carried out prior to any further approved works.

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

14 All construction 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 are to be fully enclosed and secured when the site is unattended.

15 All excavated material and other wastes generated as a result of construction of the development 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.

16 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's *"Interim Construction Noise Guideline" 2009* and the *"Construction Noise & Vibration Management Plan City Park Penrith"* prepared by Acoustic Dynamics and dated 11 December 2020.

- 17 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.
- 18 Dust suppression techniques are to be employed during construction activities to reduce any potential nuisances to surrounding properties.
- 19 Construction 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 construction work is permitted on Sundays and Public Holidays.

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

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

- 20 During earthworks and construction activities, mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 21 The water features including fog fountains, water features and drinking fountain must be supplied by Sydney Water potable water and not incorporate any element of water catchment or reuse.

**Prior to the issue of a Construction Certificate**, a statement is to be provided to the Principal Certifying Authority confirming that the wastewater from the water features including fog fountain and drinking fountains drain to sewer, and that wastewater from these installations is not being captured and/or re-used.

- 22 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.

Note: For the purpose of this condition, an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation



technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance".

23 **Prior to issue of a Construction Certificate**, a Construction and Operational Management Plan for the Green Roof is to be submitted to and approved by Penrith City Council. The Management Plan is to address both the construction and ongoing operational stages of the Green Roof. The Management Plan is to detail, but not necessarily be limited to, the following:

- specifications for construction of the Green Roof with supporting documentary evidence demonstrating compliance with associated engineering structural and stormwater management requirements;
- details of the plants (including seeds, rhizomes and the like) to be planted;
- details of the proposed maintenance schedule including maintenance tasks, a detailed description of the tasks and frequency;
- details of growing media to be used, including the nature and source of material and ongoing replenishment requirements;
- details of all chemicals (solid products and liquid) to be used for the establishment and ongoing maintenance of the roof including fertilisers, herbicides and fungicides. Material Safety Data Sheets for each of the chemicals to be used is to be included in the Management Plan along with details of the safeguards to be implemented to protect environmental and public health. This is to address storage, transport and application of chemicals, including consideration of spray drift and PPE requirements
- details of proposed stormwater protection and contingency measures including in the event of severe rain or flood events; and
- waste management plan detailing the collection, management and disposal of waste materials including any soil/growing media, plant cuttings and prunings and dead plants.

The Management Plan is to be prepared by a suitably qualified consultant and is to demonstrate that the Green Roof, its establishment and ongoing maintenance, will not result in any adverse impact to the environment or to public health and safety.

24 No utilities, services, infrastructure or building components associated with the construction of this development are to traverse or impact the containment cell located on the site.

25 The Council approved and NSW EPA Accredited Site Auditor endorsed Environmental Management Plan for the ongoing management of the site is to be complied with at all times.

## BCA Issues

26 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).

## Health Matters and OSSM installations

27 The rainwater tank(s) must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

## Utility Services

28 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at [www.sydneywater.com.au](http://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 for the development and on practical completion of the park works.**

29 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.

30 **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 for the development and on practical completion of the park works**, 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

- 31 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 on site, 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 and on completion of the park works.

## 32 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 Council, or
- alternatively, any other sewage management facility approved by Council.

(b) All excavations and back-filling 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.

## Engineering

33 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 commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

34 Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with 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) Road opening for utilities
- b) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
- c) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- d) 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate and on practical completion of the park works.

35 Prior to the issue of any Construction Certificate, the Certifier 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 any civil upgrade works required in the road reserves of Henry Street, Station Street, Gaymark Lane and Allen Place, Penrith.

The following amendments shall be incorporated into the engineering plans, subject to separate approval by the Local Traffic Committee for any regulatory signage and line marking:

- Provision of loading zone signage on the southern side of Allen Place to service businesses for waste collection and deliveries.
- Provision of kiss and drop 'No Parking' signage on either the northern side of Allen Place or the eastern side of Station Street at an appropriate location where sufficient lane widths can be achieved but not opposite any loading zone on Allen Place.
- The proposed pedestrian crossing on Allen Place (east-west) shall be raised and consolidated with the adjacent speed hump so it is consistent with the other raised pedestrian crossing proposed.

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 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate and on practical completion of the park works.

36 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 Roads Act application.

Prior to the issue of the Section 138 Roads Act approval, the Certifier 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 Certifier for information purposes.

37 The stormwater management system shall be consistent with the stamped approved engineering plans prepared by Northrop Consulting Engineers, Job No. 192968, revision 4, dated 16/08/2021.

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

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

38 Prior to the issue of any Construction Certificate, the Certifier shall ensure that any structures below the flood planning level (1% AEP flood level + 0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.

39 Prior to the issue of any Construction Certificate, the Certifier shall ensure that all electrical services associated with the proposed building works are adequately flood proofed in accordance with Penrith City Council's Development Control Plan provisions relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the 1% AEP flood level.

40 Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS 2890.1, AS 2890.2 and AS 2890.6.

41 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 Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for

NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

- 42 Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for all civil upgrade works in the road reserve.

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

Note:

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

- 43 Prior to commencement of works, 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.

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

- 44 Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works, the Principal Certifier shall ensure that all works associated with any Section 138 Roads Act approval have been inspected and signed-off by Penrith City Council.

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

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

- 46 **Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- (a) Has been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- (b) Has met the design intent with regard to any construction variations to the approved design.
- (c) 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.

- 47 Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works, and prior to installation of regulatory/advisory signage and line marking, such plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Note:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges Schedule.

- 48 Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works, a Maintenance Bond is to be lodged with Penrith City Council for all civil upgrade works in the road reserve.

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

Note:

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

## Landscaping

- 49 All landscape works are to be constructed in accordance with the stamped approved plans prepared by JMD Design, Revision C, dated August 2021 and Council's Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

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



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

The Implementation Report shall be prepared by a suitably qualified and experienced landscape professional.

If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is also to be submitted to Council.

52 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.

53 The existing *Corymbia* sp. (*Corymbia*) on the site is to be protected and retained.

54 An irrigation system shall be provided in the park. Details of the irrigation system are to be provided in the Construction Certificate documentation, and include the following:

- (a) the irrigation system is to be automatic;
- (b) drip irrigation is to be provided in all gardens beds; and
- (b) pop up irrigation is to be provided for open grassed areas.

55 **Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works**, as shown on the approved landscape plans, the two existing street light poles that are located on Henry Street, adjoining the park, are to be upgraded to 'Type A' light poles.

56 **Prior to the issue of an Occupation Certificate for the development and on practical completion of the park works**, public art and elements of cultural interpretation within the park are to be carried out in accordance with the submitted Cultural Interpretation and Public Art Strategy outlined in the Landscape Analysis Plan, prepared by JMD Design, dated August 2021.

57 All vegetation must be regularly pruned to ensure that sight lines are maintained. Specifically, vegetation proposed around the pergola walkways must be pruned to maintain visibility along these pathways.

## Certification

58 **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.

59 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the use of the development.

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

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

## SIGNATURE

Name:	Lucy Goldstein
Signature:	

For the Development Services Manager