

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA18/0306
Description of development:	Construction of a Three (3) Storey Development Including a 100 Bed Residential Aged Care Facility, Ancillary Services, Car Parking and Associated Demolition and Site Works
Classification of development:	Class 9b

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 15 DP 232740 Lot 3 DP 758387 Lot 4 DP 758387 Lot 16 DP 232740 Lot 1 DP 650543 Lot 9 DP 230580
Property address:	6 Troy Street, EMU PLAINS NSW 2750 5 - 7 Emerald Street, EMU PLAINS NSW 2750 9 - 11 Emerald Street, EMU PLAINS NSW 2750 1 - 3 Emerald Street, EMU PLAINS NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	The Uniting Church In Australia Property Trust (Nsw) 8 Troy Street EMU PLAINS NSW 2750
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DECISION OF CONSENT AUTHORITY

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

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

Date from which consent operates	6 November 2018
Date the consent expires	6 November 2023

Date of this decision	10 October 2018
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POINT OF CONTACT

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

Assessing Officer:	Paul Anzellotti
Contact telephone number:	+612 4732 8606

NOTES

Reasons

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

Conditions

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

Certification and advisory notes

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

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

Review of determination

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

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H 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 plans 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.

Doc No.	Issue	Title	Prepared By	Date
Architectural Plans all Project No. 3030				
DA050	DA5	Proposed Site Plan	Morrison Design Partnership	9 August, 2018
DA065	DA5	Tree Assessment Plan	Morrison Design Partnership	9 August, 2018
DA070	DA5	Existing Site / Demolition Plan	Morrison Design Partnership	7 August, 2018
DA071	DA5	Demolition Plan – Stage 1	Morrison Design Partnership	7 August, 2018
DA072	DA6	Demolition Plan – Stage 2	Morrison Design Partnership	7 August, 2018
DA080	DA5	Access Diagram	Morrison Design Partnership	9 August, 2018
DA081	DA4	Access Diagram – Small Rigid Vehicle	Morrison Design Partnership	9 August, 2018
DA082	DA4	Access Diagram - Ambulance	Morrison Design Partnership	9 August, 2018
DA090	DA6	Staging Plan - Overall	Morrison Design Partnership	9 August, 2018
DA091	DA4	Staging Plan – Stage 1 Enabling Works	Morrison Design Partnership	7 August, 2018
DA092	DA6	Staging Plan – 2 Demolition & New Works	Morrison Design Partnership	20 September, 2018
DA093	DA6	Staging Plan – 3 Part Demolition of Hostel	Morrison Design Partnership	7 August, 2018
DA094	DA5	Staging Plan – 4 New Southern Carpark	Morrison Design Partnership	9 August, 2018
DA100	DA12	Proposed Master Ground Floor Plan	Morrison Design Partnership	9 August, 2018
DA101	DA5	Proposed Master Typical Floor Plan	Morrison Design Partnership	9 August, 2018
DA102	DA5	Proposed Master Roof Plan	Morrison Design Partnership	9 August, 2018
DA103	DA7	Ground Floor Plan	Morrison Design Partnership	9 August, 2018
DA104	DA4	First Floor Plan	Morrison Design Partnership	7 August, 2018
DA105	DA3	Second Floor Plan	Morrison Design Partnership	26 July, 2018
DA106	DA5	Roof Plan	Morrison Design Partnership	9 August, 2018

DA200	DA5	Street Elevations	Morrison Design Partnership	7 August, 2018
DA201	DA5	True Elevations 1	Morrison Design Partnership	7 August, 2018
DA202	DA5	True Elevations 2	Morrison Design Partnership	7 August, 2018
DA203	DA6	True Elevation 3	Morrison Design Partnership	7 August, 2018
DA250	DA4	Site Sections	Morrison Design Partnership	7 August, 2018
DA251	DA4	Sections Sheet 1	Morrison Design Partnership	7 August, 2018
DA252	DA3	Sections Sheet 2	Morrison Design Partnership	26 July, 2018
DA255	DA4	Landscape Section	Morrison Design Partnership	7 August, 2018
Stormwater Plans all Job No. 141456				
C000	P4	Notes and Legend Sheet	Taylor Thomson Whitting	31 May, 2018
C200	P8	Site works Plan	Taylor Thomson Whitting	10 August, 2018
C201	P3	Site works Plan Sheet 2 of 2	Taylor Thomson Whitting	29 May, 2018
C300	P6	Pavement Plan	Taylor Thomson Whitting	10 August, 2018
C350	P1	Pavement Detail	Taylor Thomson Whitting	29 May, 2018
C400	P2	Stormwater Management Plan Sheet 1 of 2	Taylor Thomson Whitting	31 May, 2018
C401	P2	Stormwater Management Plan Sheet 2 of 2	Taylor Thomson Whitting	31 May, 2018
C450	P1	Stormwater Details Sheet	Taylor Thomson Whitting	29 May, 2018
C500	P3	Details Sheet	Taylor Thomson Whitting	29 May, 2018
C501	P3	Retaining Structure Detail Sheet	Taylor Thomson Whitting	29 May, 2018
C550	P3	Longitudinal Sections Sheet	Taylor Thomson Whitting	29 May, 2018
C600	P3	Demolition, Construction and Environmental Waste Management Plan	Taylor Thomson Whitting	29 May, 2018
C700	P5	Erosion & Sediment Control Plan and Details	Taylor Thomson Whitting	6 August, 2018
C800	P3	Landscape Area Calculations	Taylor Thomson Whitting	29 May, 2018
C900	P1	Flood Study Plan	Taylor Thomson Whitting	31 May, 2018
C901	P1	Overland Flow Path Cross Sections Sheet 1 of 6	Taylor Thomson Whitting	31 May, 2018
C902	P1	Overland Flow Path Cross Sections Sheet 2 of 6	Taylor Thomson Whitting	31 May, 2018
C903	P1	Overland Flow Path Cross Sections Sheet 3 of 6	Taylor Thomson Whitting	31 May, 2018
C904	P1	Overland Flow Path Cross Sections Sheet 4 of 6	Taylor Thomson Whitting	31 May, 2018
C905	P1	Overland Flow Path Cross Sections Sheet 5 of 6	Taylor Thomson Whitting	31 May, 2018
C906	P1	Overland Flow Path Cross Sections Sheet 6 of 6	Taylor Thomson Whitting	31 May, 2018
Landscape Plans				

01	D	Master Plan	Taylor Brammer Landscape Architects	9 September, 2018
02	D	Detail Plan	Taylor Brammer Landscape Architects	19 September, 2018
03	B	Dementia Court	Taylor Brammer Landscape Architects	6 August, 2018
04	B	Community Court	Taylor Brammer Landscape Architects	6 August, 2018
05	C	Church Precinct	Taylor Brammer Landscape Architects	9 August, 2018
06	B	Tree Register	Taylor Brammer Landscape Architects	6 August, 2018
07	C	Planting Plan	Taylor Brammer Landscape Architects	9 August, 2018
08	P2	-	Taylor Brammer Landscape Architects	5 March, 2018
09	A	Proposed Carpark Screening	Taylor Brammer Landscape Architects	6 August, 2018
Signage Plans				
-	-	Site Plan	Diadem	-
-	-	Proposed Works – Location 1	Diadem	-
-	-	Proposed Works – Location 2	Diadem	-
-	-	Proposed Works – Location 3	Diadem	-
-	-	Proposed Works – Location 4	Diadem	-
-	-	Proposed Works – Location 5	Diadem	-
-	-	Proposed Works – Location 6	Diadem	-
Household Kitchen, Hair Salon/Day Spa, Café/Shop Plans				
HHF05 Sheet 1 of 3	A	Household Kitchen	Uniting	18 May, 2018
SF08 Sheet 1 of 2	A	Hair Salon / Day Spa	Uniting	18 May, 2018
SF02 Sheet 1 of 2	A	Café / Shop	Uniting	18 May, 2018
SB01 Sheet 1 of 2	A	Central Kitchen	Uniting	18 May, 2018

- Arboricultural Impact Assessment prepared by Tree IQ, Project No. EDI/EMU/14, Report No. EDI/EMU/AIA/E, Revision E, dated 7 August, 2018;
- Flood Study prepared by Taylor Thomson Whitting, Document No. 141456 CAAB, Revision E, dated 2 August, 2018;
- Report on Preliminary Site Investigation prepared by Douglas Partners, Project No. 84503.00, Document No. 1, dated 6 November, 2014;
- Report on Preliminary Site Investigation prepared by Douglas Partners, Project No. 84503, Document No. 1, dated 11 November, 2014;
- BCA Compliance Statement for DA Submission prepared by Blackett Maguire + Goldsmith dated 5 March, 2018;
- Preliminary Construction Traffic Management Plan prepared by Taylor Thomson Whitting, Job No.

141456 TAAB, Revision 2, dated 27 March, 2018;

- Noise Impact Assessment prepared by JHA Consulting Engineers, Project No. 180053, Revision A, dated 15 March, 2018;
- Waste Management Plan prepared by Wasteaudit dated March, 2018 and additional correspondence prepared by Wasteaudit, dated 30 July, 2018;
- Operations Management Plan accompanying the Development Application prepared by Uniting, undated;
- Access Review prepared by Funktion, Issue 1, dated 12 March, 2018;
- Section J Part J1 and J2 Statement of Compliance prepared by JHA dated 5 March, 2018;
- Fire Engineering Statement for DA Submission prepared by MCD Fire Engineers, dated 12 March, 2018;
- Crime Risk Evaluation prepared by the NSW Police Force, dated April, 2018;
- Roads and Maritime Services comments – Reference SYD18/00772/01, dated 5 July, 2018; and
- Comments provided by Urban Growth (Sydney Water) via email received, dated 15 June, 2018.

2 Lot 16 in Deposit Plan 232740, Lots 3 and 4, Section 21 in Deposit Plan 758387, Lot 1 in Deposit Plan 650543 and Lot 9 in Deposit Plan 230580 are to be consolidated as one lot.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands 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 the Occupation Certificate for the development.

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

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

4 Any skin penetration use associated with the proposed development is to be registered with Penrith City Council by completing the "Skin Penetration - Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and commencement of the business.

5 Any food business associated with the proposed development is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the Occupation Certificate and operation of the business.

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

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

8 Prior to the erection of any crane or any temporary construction structure at a height greater than the roof 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 counterboom/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 counterboom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at 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.

9 In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a restriction as to user must be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development relates to the kinds of people referred to in subclause (1) of Clause 18. The restriction shall be registered on the land title **prior to the issue of an Occupation Certificate.**

10 In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the development can only be occupied by the following people:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

11 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate the Certifying Authority and Principal Certifying Authority must:

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

12 The hours of operation for the residential aged care facility subject to this Development Consent is to be 24 hours a day, 7 days a week.

13 Staffing numbers for the residential aged care facility are to be provided as follows;

Position	Employees per shift - Morning	Employees per shift - Afternoon	Employees per shift - Night
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Service Manager / Assistant Manager	2 (Mon-Fri)	0	0
Registered Nurse	3 (Mon-Fri), 2 (Sat-Sun)	2	1
Care Staff	18	14	4
Administration Staff	2 (Mon-Fri)	0	0
Catering Staff	4 (Mon-Fri)	4	0
Cleaning Staff	3 (Mon-Fri), 1 (Sat-Sun)	0	0

- 14 The use of No. 6 Troy Street, Emu Plains as an ancillary office space and the operation of a temporary car park consisting of 17 car spaces is to provided and operated only during the construction period. Following the provision of an Occupation Certificate for the residential aged care facility and associated car parking, No. 6 Troy Street is to be removed of all office space and car parking construction and revert back to a residential dwelling.
- 15 Prior to the operation of temporary car parking facilities at No. 6 Troy Street, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring and parking areas are in accordance with Australian Standard's AS 2890.1, AS 2890.2, As 2890.6 and Penrith City Council's Development Control Plan 2014.
- 16 A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the recommendations in the Noise Impact Assessment report, prepared by JHA Consulting Engineers, Project Number 180053, Revision A, dated 15 March, 2018. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.
- 17 **Prior to the issue of the Occupation Certificate**, a Compliance Certificate is to be submitted to and approved by Council. The Certificate is to outline that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.
- 18 **Prior to the issue of a Construction Certificate**, details are to be provided to the satisfaction of Council for procedures in relation to dealing with the deceased in accordance with the Public Health Act 2010 and Public Health Regulations 2012, NSW Health Guidelines for the Funeral Industry and any other relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health.
- 19 Prior to the commencement of the development's use and in perpetuity, 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 should be consistent in order to reduce the contrast between shadows and illuminated areas. Lighting should be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Car Parking

- All areas of the car parks must be well-lit, with consistent lighting to prevent shadowing or glare.

Building Security & Access Control

- 'Staff only' areas throughout the site must have appropriate access control measures in place.
- Australian Standard 220 – door and window locks must be installed in all dwellings.
- 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.

- A monitored alarm system must be provided to all communal public space areas.

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.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Demolition

- 20 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**.

- 21 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.

- 22 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 23 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 24 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

- 25 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.

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 demolition and construction associated with the development.

- 26 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, visit <https://www.environment.nsw.gov.au/resources/water/BlueBookVol1.pdf>).

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

- 27 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 28 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.

An appropriately qualified person/s (as defined in the Penrith Development Control Plan 2014) shall:

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

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

{Note: Penrith 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."}.

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.

- 29 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.
- 30 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.

- 31 The subject site is affected by road traffic noise from the Great Western Highway, and as such, the internal noise level of all habitable rooms of the building is not to exceed the internal noise levels specified in AS/NZ 2107. Written advice prepared by a suitably qualified and experienced acoustic consultant, confirming that the design and proposed construction of the building, including the glazing recommendations in the Noise Impact Assessment prepared by JHA Consulting Engineers, Project number 180053, Revision A, dated 15 March 2018, meeting the noise criteria is to be submitted to Penrith City Council for its consideration and approval **prior to the issue of a Construction Certificate**. If Council is not the certifier issuing the Construction Certificate, then a copy of the report approved by Council should be submitted to the certifier.

In addition, where windows need to be kept closed to achieve internal noise criteria, the method of alternative ventilation as required by the Building Code of Australia, needs to be detailed and shown in construction plans, and any other relevant documents, **prior to the issue of a Construction Certificate**.

- 32 Noise levels from the premises shall not exceed the relevant noise criteria detailed in Noise Impact Assessment prepared by JHA Consulting Engineers, project reference 180053, dated 15 March 2018; being:
- Daytime (7am - 6pm) - LAeq, 15min of 47dB(A)
 - Evening (6pm - 10pm) - LAeq, 15min of 47dB(A)
 - Night (10pm - 7am) - LAeq, 15min of 40 dB(A)

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

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

- 33 The operating noise level of all mechanical plant and equipment is to comply with the noise criteria outlined in Noise Impact Assessment prepared by JHA Consulting Engineers, Project No. 180053, Revision A, dated 15 March 2018.

Prior to the issue of the Construction Certificate, details on the type and location of all mechanical plant and equipment associated with the development is to be certified by an appropriately qualified and experienced acoustic consultant to demonstrate compliance with the established noise criteria.

- 34 **Prior to the issue of the Construction Certificate**, a Construction and Demolition Noise and Vibration Management Plan is to be prepared by a suitably qualified acoustic consultant and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction and demolition program, construction and demolition 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 Management Plan are to be implemented and adhered to during the construction phase of the development.

- 35 On the completion of demolition works for each individual stage as provided by Drawing No. DA090, Revision DA6, dated 9 August, 2018, prepared by Morrison Design Partnership, a Phase 2 Detailed Site Investigation for contamination is required to be carried out as recommended in the *Preliminary Site Investigation* report prepared by Douglas Partners, Project Number 84503.00, dated November 2014. This investigation is to consider the requirements of the relevant NSW Environment Protection Authority Guidelines and NEPM 2013, and be prepared by a suitably qualified environmental consultant. The associated report needs to establish whether the site is suitable for its intended use and is to be submitted to Penrith City Council for review and approval. If Council is not the Certifying Authority, details are to be provided to the Certifier of Council's approval prior to the commencement of any other works.

Should it be identified in the Phase 2 investigation that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works

Note: If Penrith City Council is not the certifying authority, the assessment is still required to be submitted to Council for approval.

- 36 The on-waste infrastructure provided within the development is to be built in accordance with configurations specified in the Ground Floor Plan, prepared by Morris Design Partnership, Drawing No. Da107, Revision DA7 dated 9 August, 2018.
- 37 The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:
- The Waste Collection Room and Dirty Linen room to each incorporate 1.8m wide outwards opening dual doors.
 - Specifications of an Abloy key/similar system to be provided/installed to permit the access of the SRV Truck to the loading bay.

BCA Issues

- 38 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 39 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.
- 40 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

41 The construction, fit out and finishes of any food premises associated with the proposed development must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

42 Cooling towers and warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council **prior to the issuing of the occupation certificate** and operation of the system.

The occupier of premises at which a water-cooling system or warm-water system is installed must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au:

- if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- if the system is installed after he or she becomes the occupier, within one month after the system is installed.

The occupier of the premises must notify Council within 7 days of any change of details.

43 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, AS3666.2:2011 *Air-handling and water systems of buildings – Microbial control - Operation and maintenance* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease

The water-cooling system shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.3:2011 *Air-handling and water systems of buildings – Microbial control – Performance-based maintenance of cooling water systems* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

44 The operator of the (hairdressing/ beauty salon) shall ensure that the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health - Guidelines on Skin Penetration and Code of Practice are met at all times.

45 Any person carrying out any of the following skin penetration procedures associated with the proposed development shall ensure that the requirements of the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times:

- Tattooing
- Unregistered acupuncture and dry needling practitioners
- Ear/Body Piercing
- Hair Removal
- Colonic Lavage
- Cuticle cutting

- Microdermabrasion
- Any procedure (whether medical or not) that involves skin penetration and includes any procedure declared by the regulations to be a skin penetration procedure, but does not include:
 - (a) any procedure carried out by a health practitioner registered under the Health Practitioner Regulation National Law, or by a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service, or
 - (b) any procedure declared by the regulations not to be a skin penetration procedure (i.e. laser hair removal).

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

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

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

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

Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority

- 47 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the operator of the kitchen facility prior to commencement of operations.
- 48 Hand basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 49 Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area, it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.
- 50 A hand basin must be located within the toilet cubicle provided to the aged care facility. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 51 The walls of the food preparation area associated with the proposed development must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.
- 52 The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless

steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

- 53 The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.
- 54 Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.
- 55 Details of the dishwashing/glass washing machines within kitchen facilities must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.
- 56 The food preparation sink within kitchen facilities must be separated from all other sinks by a minimum distance of 2 metres or have an approved form of physical barrier that separates the sink.
- 57 The cleaners sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.
- 58 All fixtures, fittings and equipment associated with the food preparation areas associated with the proposed development must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

NOTE: False bottoms under fittings are not permitted (AS4674-2004 – Section 4.2 and 4.3).

- 59 All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.
- 60 Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a

shield extending beyond the bulb.

- 61 Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements.
- 62 The grease arrestor provided must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water's requirements.
- 63 Maintenance must be carried out on a hot-water system to ensure that at any time when the system is in operation it delivers water at each outlet each time the outlet is turned on at not less than 60 degrees Celsius, once any water standing in the pipe to that outlet before it was turned on has been expelled.
- 64 Maintenance carried out on a warm-water system must comply with the document entitled *Requirements for the provision of cold and heated water* published by the NSW Ministry of Health.
- 65 The walls and floor of the treatment room/s associated with the proposed development are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.
- 66 Provide a hand wash basin in the treatment room/s associated with the proposed development where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).
- 67 If any skin penetration activities are proposed as part of the proposed development, a designated sink (separate to the hand wash basin) that has a supply of clean, warm water provided through a single spout for the cleaning of equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises) is to be maintained.
- 68 Any equipment used to penetrate the skin or which is capable of penetrating the skin as part of the proposed development, must be sterilised in a Therapeutic Goods Administration (TGA) approved autoclave prior to reuse.

Utility Services

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

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

70 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.

Construction

71 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.

72 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.

73 Garbage rooms within buildings shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.

Engineering

74 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.

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

- 76 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, waster 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) All works associated with the Roads Act approval must be completed **prior to the issue of any Occupation Certificate**.

- 77 The stormwater management system shall be provided generally in accordance with the stormwater management strategy and associated concept plan/s lodged for development approval, prepared by Taylor Thomson Whitting, Job Reference No. 141456, Drawing No. C000, Revision P4, Drawing No. C200, Revision P8, Drawing No. C201, Revision P3, Drawing No. C300, Revision P6, Drawing No. C350, Revision P1, Drawing No's. C400 and C401, both Revision P2, Drawing No. C450, Revision P1, Drawing No's. C500, C501, C550 and C600, all Revision P3, Drawing No. C700, Revision P5 and Drawing No. C800, Revision P3.

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 Construction Certificate the stormwater management strategy must be modified to incorporate the requirements of Section 3.1 of Councils WSUD Policy which relates to the use of efficient (WELS) rated fittings and rainwater harvesting and reuse.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

- 78 **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 Taylor Thomson Whitting, Reference No. 141456 CAAB, Revision E, dated 2 August 2018.
- 79 **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 27.35m AHD (standard flood level + 0.5m freeboard).
- 80 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the structure/s below RL 27.35m AHD (standard 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.
- 81 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the structure/s can withstand the forces of floodwater including debris and buoyancy up to the 1% Annual Exceedance Probability Event in accordance with the requirements of the Building Code of Australia (BCA).
- 82 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that:
- a) All habitable floor levels are a minimum of 500mm above the top water level of the 1% Annual Exceedance Probability RL 26.85 AHD overland flow path.
 - b) Non-habitable floor levels are a minimum of 100mm above the top water level of the 1% Annual Exceedance Probability RL 26.85m AHD overland flow path.
 - c) The velocity x depth product does not exceed 0.4.
 - e) The proposed development will not concentrate, dam or divert overland flows onto adjoining properties.
 - f) That all new fencing within the overland flowpath is open style to allow the free passage of overland flows.

Details prepared by a qualified person, demonstrating compliance with these requirements, shall form part of any Construction Certificate issued.

- 83 **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 Australian Standard's AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan 2014.
- 84 **Prior to the issue of any Construction Certificate**, the Certifying authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. 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.

- 85 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.

- 86 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.

- 87 A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 27.35m AHD (standard flood level + 0.5m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

- 88 All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

- 89 Prior to the issue of any Occupation Certificate, all bare areas on the Road Reserve resulting from construction activities are to be turfed to the satisfaction of Council.

- 90 All proposed services for the development are to be located underground in accordance with the relevant authorities regulations and standards.

- 91 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

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

- a) Stormwater management systems (including water sensitive urban design)
 - b) Overland flowpath 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.

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

- a) Stormwater management systems (including water sensitive urban design)
- b) Overland flowpath 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 and Drainage for Building Developments policy.

94 **Prior to the issue of any Occupation Certificate**, directional signage and linemarking shall be installed indicating directional movements and the location of staff and visitor parking to the satisfaction of the Principal Certifying Authority.

95 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.

96 You are advised that Penrith City Council's current adopted flood level for this location is RL 26.90 m AHD. Penrith City Council records indicate that the approximate ground level at the proposed development location is at RL 26.50m AHD (approximately 0.4m below the standard flood level). Use of this development should reflect the flood risk.

97 All vehicle are to enter and leave in a forward direction.

98 The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.

99 All car spaces, manoeuvring areas and loading areas are to be sealed/line marked and dedicated for the parking, manoeuvring and loading of vehicles only and not be used for storage of products / waste materials etc.

100 Subleasing of car parking spaces is not permitted by this Consent.

- 101 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the plans include a complying number of secure, all weather bicycle parking spaces. In addition, required end of journey facilities, change rooms, showers and lockers for staff and visitors are to be provided at convenient locations in accordance with Part C10, Section 10.7 of the Penrith Development Control Plan 2014, Australian standard AS 2890.3 Bicycle Parking Facilities and Planning Guidelines for Walking and Cycling (NSW Government 2004).
- 102 **Prior to the Issue of an Construction Certificate**, a Flood Emergency Response Plan shall be prepared by a suitably qualified Civil/Hydraulic Engineer for the development in consultation with SES and, submitted to the Principal Certifying Authority.

Landscaping

- 103 All landscape works are to be constructed in accordance with the stamped approved plans prepared by Taylor Brammer Landscape Architects, Drawing No. 01, dated 9 September, 2018, Revision D, Drawing No. 02, dated 19 August, 2018, drawing No's. 03 and 04, both dated 6 August, 2018, both Revision B, Drawing No. 05, dated 9 August, 2018, Revision C, Drawing No. 06, dated 6 August, 2018, Revision B, Drawing No. 07, dated 9 August, 2018, Revision C, Drawing No. 08, dated 5 March, 2018, Revision P2 and Drawing No. 09, dated 6 August, 2018, Revision A and Sections C2 'Vegetation management' and C6 'Landscape Design' of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

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

i. Implementation Report

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

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

ii. Maintenance Report

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

- 106 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Development Control Plan 2014.
- 107 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.
- 108 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 'Landscape Design' of Penrith Development Control Plan 2014.
- 109 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.
- 110 The approved arborist report/Tree Protection Plan must be implemented. The Plan must be included as part of the construction plans to be used on site and the specifications for Tree protection measures for all retained trees on site must be adopted.
- 111 All trees and landscaping must be maintained in perpetuity to enable maturity to their full potential in healthy growing conditions. This includes mature height, spread and form, consistent with the tree species. Pruning must not alter the natural form and height of trees.
- 112 All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained
- 113 The tree/s must be retained and protected in accordance with Australian Standards, Protection of trees on development sites, AS 4970 -2009.

Payment of Fees

- 114 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 115 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

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

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

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

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

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

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

Information to accompany the Notice of Commencement

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

SIGNATURE

Name:	Paul Anzellotti
Signature:	

For the Development Services Manager