

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA15/0163.02
Description of development:	Extension of Consent for Stage 1 Construction of 4 x Residential Flat Buildings (138 Residential Apartments), 1 x Mixed Use Building (Ground Floor Commercial Floor Space and 63 Residential Apartments), Basement Car Parking, Road Construction, Drainage Works, Public Open Space Provision, Landscape Works, Earthworks and Tree Removal
Classification of development:	N/A

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 3991 DP 1190132 Lot 3989 DP 1190132
Property address:	3989 Lakeside Parade, JORDAN SPRINGS NSW 2747 3991 Jordan Springs Boulevard, JORDAN SPRINGS NSW 2747 3989 Lakeside Parade, JORDAN SPRINGS NSW 2747

### DETAILS OF THE APPLICANT

Name & Address:	Lendlease Level 14 Tower Three International Towers Sydney Exchange Place, 300 Barangaroo Avenue
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### DECISION OF CONSENT AUTHORITY

In accordance with Sections 81(1) (a) and 95A 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	21 January 2016
Date the consent expires	21 January 2019

Date of this decision	18 January 2018
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## **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 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.

**SCHEDULE 1: CONDITIONS TO BE COMPLIED WITH PRIOR TO CONSENT  
BECOMING OPERATIONAL**

# ATTACHMENT 1: CONDITIONS OF CONSENT

## General

- 1 The development must be implemented and/or installed substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title/ Report Title	Plan Number/ Reference Number	Prepared by	Date
Cover Sheet	14016 AP01 Issue B	Mosca Pserras Architects	21 September 2015
Master Plan	14016 AP02 Issue B	Mosca Pserras Architects	
Data Drawing	14016 AP03 Issue A	Mosca Pserras Architects	13 February 2015
Site Plan	14016 AP04 Issue B	Mosca Pserras Architects	21 September 2015
Building 1, 2 & 3 Basment 2	14016 AP05 Issue C	Mosca Pserras Architects	30 October 2015
Building 1, 2 & 3 Basment 1	14016 AP06 Issue C	Mosca Pserras Architects	30 October 2015
Building 1, 2 & 3 Ground Floor	14016 AP07 Issue D	Mosca Pserras Architects	30 October 2015
Buildings 1,2 & 3 Level 1	14016 AP08 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1,2 & 3 Level 2	14016 AP09 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Level 3	14016 AP10 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Level 4	14016 AP11 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Level 5	14016 AP12 Issue B	Mosca Pserras Architects	30 October 2015
Buildings 1, 2 & 3 - Roof	14016 AP10 Issue A	Mosca Pserras Architects	12 February 2015
Building 4 – Basement 1 & 2	14016 AP14 Issue B	Mosca Pserras Architects	30 October 2015
Building 4 - Ground and Level 1	14016 AP15 Issue B	Mosca Pserras Architects	30 October 2015
Building 4 - Level 2 & 3	14016 AP16 Issue B	Mosca Pserras Architects	30 October 2015
Building 4 – Roof	14016 AP17 Issue A	Mosca Pserras Architects	12 February 2015
Building 1,2 & 3 - Elevations	14016 AP18 Issue A	Mosca Pserras Architects	12 February 2015
Building 1, 2, 3, 4 & 5 – Elevations	14016 AP19 Issue A	Mosca Pserras Architects	12 February 2015

Building 1, 2, 3 & 4 - Sections	14016 AP20 Issue A	Mosca Pserras Architects	12 February 2015
Building 1, 2, 2 & 4 Adaptable Units	14016 AP21 Issue A	Mosca Pserras Architects	12 February 2015
Engineering Details - Subdivision and Roadworks	9776/DA00 – DA14 Issue B	J. Wyndham Prince	4 August 2015
Site Survey	Job Reference 132673 Drawing Number DETL-001/A	Lawrence Group	25/6/2013
Statement of Environmental Effects	10164 – Stage 1 Parklands Estate, Jordan Springs	APP Corporation	February 2015
Bushfire Protection Assessment	14GOSBUS-0413	Ecological Australia	3 February 2015
Building Code of Australia Report & Access for People with a Disability	MSA0632BC_REV01	Matt Shuter & Associates	12 February 2015
Landscape Strategy	S14-0080	Clouston Associates	13 February 2015
Engineering Details - Subdivision and Roadworks	9776/DA00 – DA14 Issue B	J. Wyndham Prince	4 August 2015
Stormwater Concept Design	Reference number 20140381, Sheets SW01 - SW15, Revision A	SGC Consulting Engineers	18 December 2014
Parking and Traffic Assessment	14S1013100	GTA Consultants	12 February 2015
Species Impact Statement	13092RP2	Cumberland Ecology	February 2015
Acoustic Impact Assessment	20131158.2/0112A/R1/JL	Acoustic Logic	1 December 2014
Waste Management Plan	-	-	-

- 2 The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

- 3 Lot 3989 DP 1190132 & Lot 39941 DP 1190132 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be **submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.**

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.

- 4 Prior to occupation of the commercial tenancies located within the Building 2 “Cumberland”, a separate development approval is to be obtained from Penrith City Council.
- 5 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 6 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.
- 7 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).
- 8 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 9 An Asset Protection Zone protection from bushfire shall be provided and maintained for the development approved herein in accordance with the recommendations outlined in Bushfire Protection Assessment – Proposed Residential Development: Jordan Springs – Parkland Estates Stage 1 (Project 14GOSBUS-0143) prepared by Ecological Australia dated 3 February 2015.
- 10 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of an Occupation Certificate or in the case of subdivision, a Subdivision Certificate.
- 11 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 12 The development is required to comply with the General Terms of Approval (GTA) dated 16 April 2015, issued by the NSW Office of Water as outlined below:
  - (a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/0163 and provided by Council:
    - (i) Site plan, map and/ or surveys.
  - (b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
  - (c) The consent holder must prepare or commission the preparation of:

- (i) Erosion and Sediment Control Plan
- (ii) Soil and Water Management Plan

(d) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at [www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx](http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx)

- (i) Riparian Corridors
- (ii) Outlet structures.

(e) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

(f) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

(g) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

(h) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow (ii) wash into the water body or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

(i) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

(j) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water.

These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

(k) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

- 13 The development is required to comply with the General Terms of Approval (GTA) dated 19 May 2015, issued by the NSW Rural Fire Service as outlined below:
- At the issue of subdivision certificate in perpetuity the entire property, excluding the riparian corridor, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standard for asset protection zones'.
  - Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bushfire Protection 2006'.
  - Public road access shall comply with section 4.1.3(1) of 'Planning for Bushfire Protection 2006'.
- 14 Precinct signage including the "Parkland Estate Jordan Springs" is not supported as a part of the development and is not permitted to be erected.
- 15 The proposed development does not include the subdivision of land, or the strata subdivision of the mixed use development/ residential flat buildings.

Separate Development and Subdivision Certificate Applications are to be submitted to Penrith Council for consideration of the subdivision of land. Dedication of assets, including local roads, must be undertaken prior to issue of any Occupation Certificate.

- 16 The Substation areas shall be screened properly with landscaping in a manner that is compatible and consistent with the rest of the building. Details are to be submitted to council for consideration and approval prior to the issue of the Construction Certificate.
- 17 **Prior to the issue of the Construction Certificate**, a Construction Management Plan (CMP) is to be prepared by a suitably experienced / qualified person and submitted to Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

The CMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CMP is to address, but is not limited to the following:

- Water quality management,
- Noise control and hours of operation,
- Dust suppression,
- Waste management (including solid and liquid waste),
- Erosion and sediment control,
- Air quality including odour and dust control.

All construction activities on the site are to be implemented and carried out in accordance with the CMP.

- 18 Lighting within the car parking area shall be designed and constructed in consideration of the following:
- Car Park lighting should at least meet minimum requirements under Australian Standards (AS 1158 for external lighting and AS 1680 for interior lighting).
  - Light fixtures should be reliable, easy to maintain, able to withstand the elements and vandal resistant.
  - Incorporate lighting into a regular maintenance plan so as to ensure lights are working, maintaining lux levels and are not obstructed in any way by signs, landscaping or other objects. When selecting and positioning light fixtures, be considerate of glare. Also consider the brightness of the light and effect of passing from light to dark areas.
  - White' light is best for natural surveillance as it allows for clarity of vision.
  - Paint the car park interior white or maintain light coloured concrete to reflect light.
  - Ensure there is sufficient lighting to complement the CCTV system (if in place) so that images are captured.
- 19 Lighting within the development shall be designed and constructed in consideration of the following:
- All areas intended to be used at night should allow appropriate levels of visibility through effective lighting. This includes: the public square and adjoining common areas; all building entries; paved pedestrian thoroughfare between building 1 ('Castlereagh') and Building 2 ('Cumberland'); building frontages (e.g. under awning lighting) along Jordan Springs Boulevard, Lakeside Parade and new proposed roads; footpaths surrounding the 'Central Park' (adjoining street lighting may be sufficient to light these footpaths).
  - Proposed 'low level bollard lighting' should be sturdy of construction and evenly spaced.
  - Pedestrian pathways, laneways and access routes in outdoor public spaces should 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 AS4282 – Control of the obtrusive effects of outdoor

lighting .

- Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed. Moreover, lighting should clearly illuminate the faces of users of pathways. As a guide, areas should be lit to enable users to identify a face 15 metres away.
- Streetlights should shine on pedestrian pathways and possible entrapment spaces as well as on the road.
- Lights should be directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points
- Lighting should take into account vegetation and landscaping that may act as an entrapment spot.
- Lighting should be designed so that it is 'vandal tough' or difficult for vandals to break.
- Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance.
- Illuminate possible places for intruders to hide.
- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.
- Commercial/ retail frontages must be well lit (e.g. under awning lighting) to improve visibility of this area at night and to minimise opportunities for graffiti and malicious damage.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.

20 Basement areas within the development shall be designed and constructed in consideration of the following:

- A security system (e.g. swipe card system or similar) must be installed on any pedestrian and vehicle entry/exit points to the basement car parks, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car park (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with consistent lighting to prevent shadowing or glare.
- Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.
- Signage is recommended to clearly delineate spaces intended for use by residents and those for use by commercial tenants.
- Plant and storage rooms (e.g. pump/electrical rooms) located in the basement car park must be secured. Access must be restricted to authorised personnel only (e.g. via swipe card system or similar).
- Lifts from the basement car park must be fitted with access control systems (e.g. swipe card system or similar) to prevent visitors accessing residential apartment areas of the building. Visitors must not be able to access the apartment areas of the building via the basement car park, unless accompanied by a resident with appropriate access permissions.
- Emergency phones and intercom systems are recommended for the basement car park.

21 The following access and security measures shall be included within the development:

- Install intercom, code or card locks or similar for main entries to buildings including car parks.
- Signage/information should be made available requesting residents to not leave doors wedged open.
- Australian Standard 220 door and window locks should be installed in all dwellings.
- Clear and distinct signage should be placed on the exterior of the building advising that entry into the residential premises is for residents only.
- Electronic security gates must be provided at basement car park entrances. Access must be restricted to residents and commercial tenants only.
- Mail areas should be provided in a location that does not allow access to personal mail by the public. The access point should be in a secure area with natural surveillance.
- Pedestrian entry to basement parking should be through security access via the main buildings.
- Fire exit or egress doors leading from the car park should be clearly sign posted with illuminated directional signage. These doors should not be able to be opened from the outside.

- Storage areas must be well secured and well lit.
  - Install viewers on entry doors to allow residents to see who is at the door before it is opened.
  - CCTV should be considered for commercial tenancies and basement car park areas of the development. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting should be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate if CCTV is in operation.
- 22 The following commercial building identification measures shall be included within the development:
- Clear building identification assists in wayfinding (particularly for emergency services) and is especially important when there is a mix of commercial space and residential dwellings within a development.
  - Street numbers must be at least 7cm high, and positioned between 1m and 1.5m above ground level on the street frontage.
  - Street numbers must be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g. by foliage).
  - Location maps and directional signage should be provided to assist with wayfinding and delineation between public space and private space.
- 23 Entrances within the development shall be designed and constructed in consideration of the following:
- Entrances must be designed to allow users to see into the building before entering. Glass entry doors and panelling at main entry points enables people to see in prior to entry, and vice versa.
  - Entrances should be easily recognisable through design features and directional signage.
- 24 The following residential building identification measures shall be included within the development:
- Each individual dwelling must be clearly numbered.
  - Unit numbers must be clearly provided on each level.
  - Each building entry must clearly state the unit numbers accessed from that entry.
- 25 The following way finding measures shall be included within the development:
- Signs throughout all buildings and common areas (including public square and central park) should be large and legible, and use strong colours, standard symbols (e.g. for washrooms) and simple graphics. They should indicate where to go for help or assistance.
  - Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
  - Signs should indicate how to report maintenance problems in the complex.
  - The main pedestrian route through a large building, sets of building or areas of open public space should be indicated as such with appropriate signage.
  - Where exits to pedestrian routes are closed after hours this should be indicated at the entrance to the route and information on alternative routes should be clearly advised.

## Demolition

- 26 The existing car park on the subject site is to be demolished / removed as part of the approved work.

- 27 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.

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

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

### **Heritage/Archaeological relics**

- 30 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

### **Environmental Matters**

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

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

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

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

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

{Note: Penrith Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

- 34 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.
- 35 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.

- 36 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the DA Acoustic Assessment prepared by Acoustic Logic dated 1/12/2014 Project Number: 20131158.2 The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

- 37 The operating noise level of the development should not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment

Operations Act 1997 apply to the development, in terms of regulating offensive noise”.

- 38 All vehicle washing shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water’s requirements.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

- 39 Stormwater runoff from the waste storage rooms shall be directed to sewer.

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

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

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

- 41 Any changes to the waste collection arrangements from approved will require separate consideration and approval by Council.

- 42 Waste collection (including bin collection and hard waste) is to be undertaken within the loading zones inside the development. Kerbside collection of waste is not permitted.

- 43 **Prior to issue of a Construction Certificate**, the applicant is to provide written evidence to Council that they have contacted the Windsor office of the NSW National Parks and Wildlife Service (NPWS) to determine the possibility of reuse of woody debris and felled trees from within the subject site within the adjacent Regional Park for habitat. If the material is wanted by the NPWS for reuse within the Regional Park, then the applicant is to arrange for the material to be transported to a suitable location as identified by NPWS at the applicants expense.

44 **a) Pavement Design**

**Prior to the issue of a Construction Certificate**, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

**b) Loading Zone**

**Prior to the release of a Construction Certificate**, amended architectural plans are to be submitted to Penrith Council for approval detailing the provision of an on-site loading zone for the purpose of waste collection heavy rigid vehicle for buildings 1-3 and a second for buildings 4 & 5 with incorporation of future service to building 6.

**c) Waste/ Loading Bay Signage**

**Prior to issue of an Occupation Certificate**, appropriate signage must be mounted in a visible location and is to be maintained by the Body Corporate, indicating the loading bays are to be available and unimpeded at all times. This must also be referenced within the strata management statement.

**d) Internal Pavement Construction**

**Prior to an Occupation Certificate**, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming that the internal pavement for both loading bays have been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

**e) Waste and Recycling Management**

A caretaker must be engaged to move all bins to and from the waste storage and collection points on the allocated day(s) of collection as determined by Council. Residual waste is collected twice weekly, Recycling is collected once weekly and Bulky Waste is collected once weekly.

**f) Supply of Bin Tug or Towing Device**

**Prior to the issue of an Occupation Certificate**, a mechanical bin tug or towing device suitable for transporting the bins allocated to the communal waste storage rooms, must be supplied and permanently stored at the development. The nominated storage point must be in the basement in an enclosed room, with a lockable door. The door is only accessible through an abloy key held by the caretaker and the Council's contracting staff. The selected equipment must be able to tow full bins over all ramps and slopes between the waste chute storage rooms and the storage bay for collection.

**g) Final Inspection of Waste Storage Area**

**Prior to the issue of an Occupation Certificate**, a final inspection of the waste storage area(s) and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Penrith Council. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for waste collection by Penrith Council. The time for the inspection must be arranged with Council at least 2 business days prior to the Principal Certifying Authority's suggested appointment time.

**h) Adherence to Bin Presentation Plan**

The collection of waste and recyclables from the development is required to be undertaken in accordance with the architectural plans submitted to and approved by Council. A copy of the plan must be made available to all future residents to ensure they are informed of the waste collection arrangements.

**i) Commencement of Domestic Waste Service**

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than five days prior to occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 4732 7615 for the commencement of waste services.

**j) Bulky Waste Storage Area**

**Prior to the issue of a Construction Certificate**, plans are to be submitted to and approved by council which addresses the following; A communal Bulky waste storage room to be constructed for buildings 4 & 5 as a separate enclosed room incorporating dual doors, abloy keys systems, drainage connected to the sewer, adequate lighting, ventilation and dual doors.

**k) Waste Storage Area**

**Prior to the issue of a Construction Certificate**, plans are to be submitted to and approved by council which addresses the following; a communal waste storage room to be constructed for buildings 4 & 5 as a separate enclosed room with incorporation of service capability for future development on the site (e.g. Building 6 by way of separate development application).

The design will need to incorporate dual doors, abloy keys systems, drainage connected to the sewer, adequate lighting, ventilation and dual doors.

### I) Bin Allocation to development

The following development will need to accommodate the following bin allocation for the service of residual and recyclable waste streams:

<b>Dual Chute System: Compaction (implementation of a linear or circular carousel system)</b>				
<b>Building 1</b>	<b>Building 2</b>	<b>Building 3</b>	<b>Building 4</b>	<b>Building 5</b>
<b>2x1100L Bins</b> (no compaction)	<b>5x1100L Bins</b> (no compaction)	<b>3x1100L Bins</b> (no compaction)	<b>2x1100L Bins</b> (no compaction)	<b>3x1100L Bins</b> (no compaction)
<b>2x1100L Bins</b> (no compaction)	<b>5x1100L Bins</b> (no compaction)	<b>3x1100L Bins</b> (no compaction)	<b>2x1100L Bins</b> (no compaction)	<b>3x1100L Bins</b> (no compaction)
<b>2x1100L Service Bins</b>	<b>2x1100L Service Bins</b>	<b>2x1100L Service Bins</b>	<b>2x1100L Service Bins</b>	<b>2x1100L Service Bins</b>
<b>Total= 6x1100L Bins</b>	<b>Total= 12x1100L Bins</b>	<b>Total= 8x1100L Bins</b>	<b>Total= 6x1100L Bins</b>	<b>Total= 8x1100L Bins</b>

\*Service Bins: Additional bins allocated to the dwelling to enable chutes to continue operation, whilst collection fleet is placed in the waste collection bay.

- 45 The following existing plans and impact mitigation strategies prepared as part of the St Mary's Western Precinct Plan 2009 are to be implemented in full:
- The approved St Marys Macrofauna Management Plan (Cumberland Ecology, 2004);
  - The Western Precinct Weed Management Plan (Cumberland Ecology, 2008);
  - The Western Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008);
- and
- The Western Precinct Landscape Concept Plan (Environmental Partnership, 2009).
- 46 Trees identified for removal are to be felled and lowered to the ground slowly to allow any resident fauna time to escape and to ensure they aren't injured by falling trees and branches. This replaces the need for pre-clearing survey and inspection. Any native fauna found that do not self-relocate are to be relocated to the regional park under the supervision of a qualified ecologist. If any injured fauna are found, WIRES is to be contacted immediately.
- 47 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

### BCA Issues

- 48 The smoke alarms shall be interconnected so that the sounding of the alarm in one detector activates the alarm in all detectors.
- 49 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.

50 A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises, and
- the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

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

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

(b) be given:

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

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

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

52 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).

## Utility Services

53 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.

- 54 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.

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

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

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

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

## Construction

- 56 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.

**57 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 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.

58 Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

59 The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

60 Garbage rooms within buildings shall have masonry walls with smooth facecement 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.

61 Clothes drying facilities are to be positioned and screened from public view.

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

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

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

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

## Engineering

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

64 **Prior to the issue of any Construction Certificate** a Section 138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council. Penrith City Council is the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

1. Road opening permit for lead in public utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
2. Road occupancy or road closures
3. The placement of hoardings, structures, containers, waster skips, signs etc. on the road reserve.

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 telephone (02) 4732 7777 or visit Penrith City Council's website for more information.

### Note:

1. All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate or Subdivision Certificate as applicable.
2. On completion of any awning over the road reserve a certificate from a practising structural engineer certifying to the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act 1993.

65 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on telephone (02) 4732 7777 or visit Council's website to obtain the form and request for final inspection.

66 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a S138 Roads Act application, including the 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 the following works:

- Construction of a new intersection, right turn bay and pedestrian facilities at Jordan Springs Boulevard & Road No 3
- Construction of a new intersection and central median at Lakeside Parade & Road No 1

- Construction of path paving and landscaping works for the frontage of the development site in the road reserve of Jordan Springs Boulevard and Lakeside Parade.
- Heavy duty layback and driveway for garbage truck access off Jordan Springs Boulevard.

The layout of the intersections shall be generally in accordance with the plans by J Wyndham Prince, reference 9776/DA00-11, revision B, dated 04/08/2015.

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 telephone (02) 4732 7777 or visit Penrith City Council's website for more information.

**Note:**

1. 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.
2. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

67 A Construction Certificate for the provision of engineering works (roads and drainage) is to be approved by the certifying authority.

A construction Certificate shall be issued for any road, drainage and associated infrastructure works.

**Prior to the issue of any Construction Certificate** the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J Wyndham Prince, reference number 9776/DA00-11, revision B, dated 04/08/2015 and that all works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

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

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

**Note:**

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

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

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m wide)	
1 - Ch 0.00-80.51	18.6m	11.0m	3.8m	Both sides	£
1 - Ch 80.51 - 157.93 3 - Ch 0.00-60.81	15.8m	11.0m	3.8m (left) 1.0m (right)	Left side	£
3 - Ch 60.81-end	19.6m	11.0m	3.8m (left) 4.8m (right)	Both sides	£
4 - (whole road excluding shared zone)	12.8m	6.0m	3.0m (left); 3.8m (right)	Both sides	£
4 - (shared zone)	12.8m	6.0m	3.0m (left) 3.8m (right)	Full width paving both sides	£

A copy of the pavement design prepared by a suitably qualified geotechnical engineer must accompany the applicati Certificate.

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

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

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

- 70 The stormwater management system shall be provided generally in accordance with the approved MUSIC Modeling and Water Sensitive Urban Design (WSUD) Strategy and concept Stormwater Drainage Plan prepared by J Wyndham Prince Plan number 9776/DA00 – DA11 dated 4/8/2015.

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.

All works associated with the project including the location of stormwater management systems must be completed in accordance with the requirements of the NSW Office of Water.

**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 Water Sensitive Urban Design Policy as well as the commitments made in the approved Water Sensitive Urban (WSUD) Strategy and concept plans.

- 71 The stormwater management system for Buildings 1, 2 & 3 and private open space areas shall be provided generally in accordance with the concept plans lodged for development approval, prepared by SGC Consulting Engineers, reference number 20140381, sheets SW01-SW15, revision A, dated 18.12.2014.

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

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

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

- 73 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that:

a) The crest in the access ramp to the basement car park is a minimum of 300mm above the top of kerb.

- 74 **Prior to the issue of any Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan 2014.

- 75 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include but not limited to the following, vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, parking management for patrons. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

- 76 **Prior to the issue of any Construction Certificate** a performance bond is to be lodged with Penrith City Council for road works associated with the provision of a new intersections in Jordan Springs Boulevard and Lakeside Parade along with path paving and landscaping works within the road reserve fronting the development frontage.

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

**Note:**

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

**77 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.

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

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

**Note:**

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

**79 Prior to the commencement of works**, a dilapidation report of all infrastructures fronting the development in Jordan Springs Boulevard is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 50m either side of the development.

**80** Work on the subdivision shall not commence until:

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

**81** Street lighting is to be provided for all new and existing streets within the proposed development to Penrith City Council's standards.

**82** Upon completion of all works in the road reserve, all verge areas fronting and within the development are to

be turfed. The turf shall extend from back of kerb to the property boundary with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

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

- 84 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

- 85 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all road, drainage and infrastructure works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

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

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

- 87 **Prior to the issue of any Occupation Certificate** for the buildings the Principal Certifying Authority shall ensure that the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 88 **Prior to the issue of any Occupation Certificate** for the buildings a restriction as to user and positive covenant relating to the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

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

89 **Prior to the issue of an Occupation Certificate**, the plan of subdivision shall grant an easement to Penrith City Council for drainage over pipelines located within the communal open space on the basis that no claim for compensation will be made and that the applicant will meet all associated survey and legal costs.

90 **Prior to the issue of an Occupation Certificate**, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

**Notes:**

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.
3. Applicable fees are indicated in Council's fees and charges.

91 **Prior to the issue of an Occupation Certificate** directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

92 **Prior to the issue of an Occupation Certificate** an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

**Notes:**

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for advice regarding the application process and applicable fees.
2. Allow eight (8) weeks for notification, advertising and approval.

93 **Prior to the issue of an Occupation Certificate** a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (Consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

**Note:**

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

94 **Prior to the issue of an Occupation Certificate** a maintenance bond is to be lodged with Penrith City Council for all subdivision works, intersection works in Jordan Springs Boulevard and Lakeside Parade along with path paving and landscaping works within the road reserve fronting the development frontage.

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

**Note:**

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

- 95 **Prior to the issue of an Occupation Certificate** the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:
- a) Work As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work As Executed drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
  - b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
  - c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
  - d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
  - e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
  - f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
  - g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
  - h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
    - Compaction reports for road pavement construction
    - Compaction reports for bulk earthworks and lot regrading.
    - Soil classification for all residential lots
    - Statement of Compliance
  - i) Structural Engineer's construction certification of all structures
  - j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.
  - k) Soil Testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

- 96 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.

- 97 **Prior to the issue of a Construction Certificate**, the following information is to be submitted to Council for approval:

- The drainage plans shall include details of the location and sizing of the CDS GPT as proposed in the MUSIC model.
- The proponent shall provide Council with a detailed operation and maintenance manual of the

proposed GPT, which includes estimated costing to determine the lifecycle costs associated with the GPT.

- Detailed construction plans including all calculations, drawings and designs, which are consistent with the design parameters used in the modelling from the Development Application.

98 An access way of minimum width 4m with a pavement suitable to convey service vehicles is to be provided to access the proposed Gross Pollutant Trap (GPT). All vehicles servicing the GPT shall enter and leave the site in a forward direction. A heavy duty concrete hard stand area shall be provided within the immediate are of the GPT. Full details including proposed pavement are to be submitted to Penrith City Council for approval **prior to the issue of a Construction Certificate**.

99 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure the following

1. The intersection of Road No 3 and Road No 4 is to be designed as a conventional intersection with kerb and gutter kerb returns.
2. The crown of Road No 4 is located within the centre of the pavement.

100 **Prior to the issue of an Occupation Certificate**, all secure bicycle parking is to be provided in accordance with AS2890.3:1993 Bicycle Parking Facilities.

101 **Prior to the issue of a Construction Certificate**, full details of the proposed shared zone are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

**Notes:**

1. Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.
3. Applicable fees are indicated in Council's fees and charges.

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

## Landscaping

103 All landscape works are to be constructed in accordance with the stamped approved Plan, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

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 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 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. The report is to be prepared by a suitably qualified landscape professional.

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

**ii. Maintenance Report**

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

This report is to be prepared by suitably qualified landscape professional.

105 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 Landscape Development Control Plan.

106 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.

107 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Councils Landscape Development Control Plan.

108 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.

109 **Prior to the commencement of landscape works on site**, an amended landscape plan is to be prepared and submitted to Penrith Council for approval addressing the following:

- Activation of the plaza and common open space areas around Building 3, 4 & 5 through the provision of appropriate furniture and facilities.
- Shading features shall be provided within the Central Park to provide additional cover from the elements.
- The use of concrete seating is to be removed and replaced with seating of an alternative material that is more comfortable to users. Seating is to include backs, armrests and spaces beside for inclusive use.
- The provision of street trees and turf are to be provided between the kerb and gutter and pedestrian path. No shrub or swale planting in verges is permitted.
- Street trees are to be consistent with the St Marys Development Control Strategy.
- General waste and recycling bins are to be provided within the Central Park area.

- Fencing details and security measures to be implemented within the Central Park to ensure the area is retained as common open space
- Picnic table settings shall be designed to be accessible.
- Raised tree planters are to be avoided in deep soil areas.

110 **Prior to the release of an Occupation Certificate**, a community management plans is to be prepared in relation the “Central Park” detailing the management of the common open space for the occupants of the residential units and associated visitors.

## Subdivision

111 **Prior to the release of an Occupation Certificate**, an 88B restriction is to be registered against to property detailing the “Central Park” is to be retained as a common open space for the maintenance and benefit occupants of the development and their visitors.

## Section 94

112 This condition is imposed in accordance with Penrith City Council’s Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$740,484.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council’s Fees and Charges Schedule.

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

**Alternatively, evidence is to be provided detailing that the expected dwelling density has been included within calculations detailed under the Voluntary Planning Agreement between Lend Lease and Penrith City Council.**

113 This condition is imposed in accordance with Penrith City Council’s Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$68,983.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council’s Fees and Charges Schedule.

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

**Alternatively, evidence is to be provided detailing that the expected dwelling density has been included within calculations detailed under the Voluntary Planning Agreement between Lend Lease and Penrith City Council.**

## Certification

- 114 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.
- 115 Prior to the commencement of any earthworks, construction or demolition 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:	Lucy Goldstein
Signature:	

For the Development Services Manager