

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA16/0519.01
<b>Proposed development:</b>	S96 (1A) Modification to DA16/0519 - Construction of a Staged Six Storey Hotel and Associated Parking, Landscaping and Civil Works
<b>Property address:</b>	Boronia Road, NORTH ST MARYS NSW 2760
<b>Property description:</b>	Lot 11 DP 1192443
<b>Date received:</b>	6 March 2017
<b>Assessing officer</b>	Pukar Pradhan
<b>Zoning:</b>	E2 Environmental Conservation - LEP 2010 RE2 Private Recreation - LEP 2010
<b>Class of building:</b>	Class 3
<b>Recommendations:</b>	Approve

## Executive Summary

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Council received a Development Application from the St Mary's Leagues Club (C/-Urbis) for the modification to an approved (DA16/0519) for the construction of a hotel on part of the St Mary's Rugby League Club complex with associated car parking and landscaping works pursuant to Section 96 (1A) of the Environmental Planning and Assessment Act 1979 at Nos. 183-197 Boronia Road, North St Marys.

Penrith Local Environment Plan 2010 (PLEP 2010) applies to the site. The subject site is partly zoned IN2 Light Industrial and part zoned RE2 Private Recreation. The portion of the site subject to the proposal is within land zoned RE2 Private Recreation under PLEP 2010. The proposal is categorised as a "Hotel" which is a permissible form of development on the site with Council's consent and the hotel will form part of the existing "Registered Club" which is permissible under Clause 2.5 (Additional Permitted Uses for Particular Land) and Schedule 1 (Additional Permitted Uses) of PLEP 2010.

The subject application was notified to adjoining and nearby property owners from 9 March 2017 to 23 March 2017. No submission has been received in relation to the proposal.

An assessment of the proposed development under Section 79C and Section 96(1A) of the EP&A Act 1979 has been undertaken and assessment of the application concludes that the proposed modification is unlikely to have adverse impact to the existing amenity of the area and hence the application is recommended for approval.

### Background

The St Mary's Rugby League Club (SMRLC) is an established community club that provides members and visitors with entertainment, dining and childcare opportunities. Part of the SMRLC long term vision is the creation of a number of development application have been lodged with Penrith City Council. These application are summarised below.

- DA10/1141 Training Field Relocation Deferred Commencement consent was granted by Council in 2011.
- DA11/0470 Masters Home Improvement Store Development consent and a torrens title subdivision of the St Marys Leagues Club land was granted by Council in 2012.
- DA13/0362 Outdoor Family and BBQ Court Development consent was granted in 2013.
- DA 13/1018 Remediation Works Development consent was granted in February 2014.
- DA13/1196 Fitness Centre and Motel In October 2013 an application was lodged seeking consent for a two-storey fitness centre including a café, pools and play area, as well as two x three-storey motel buildings but was withdrawn on 18 September 2014.
- DA14/0932 Extension to existing club building and associated car parking was granted approval on 10 December 2014.
- DA14/1086 Construction of an Aerial Rope Recreation Facility was granted approval on 14 August 2015.
- DA16/0519 Construction of a Hotel, car parking and associated landscaping on 7 October 2016.

This application seeks to amend part of the approved parking layout and provide one more access point to Boronia Road.

A pre-lodgment meeting was held on 16 January 2016 to discuss the modification to the some of the conditions of consent mainly to do with the car parking layout and access to the site. The applicant was advised to address the following in the Statement of Environmental Effects:

- on site parking changes and internal circulations
- traffic implications
- implications on the WSUD from the proposed amendments.
- Waste Management Plan
- Details of the amendments proposed
- to address Section 96 of the EP & A Act.

The above matters have been submitted with the application.

## Site & Surrounds

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The site is located on the north-eastern corner of Forrester Road and Boronia Road, St Marys. The site contains the St Marys Rugby League Club, and associated playing and car parking fields. The site has a land area of 23.62 hectares with frontages to both Forrester and Boronia Roads. St Marys League Club and Surrounds The site is surrounded by a variety of land uses, including a Masters Home Improvement store to the north and open space land to the north (Ropes Creek Corridor) and east, residential properties on the southern side of Boronia Road and industrial land uses to the west (being the Dunheved Business Park).

## Proposal

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The proposed modification involves the following:

- reconfiguration of the car parking area to include 12 additional parking spaces.
- relocation of one of the driveway to eastern end of Boronia Road.
- change one of the driveway from one-way ingress driveway to two way movement.
- provision of a raised pedestrian crossing & extension to meet Boronia Road footpath.
- improvement to pedestrian access by providing raised pedestrian crossing.
- minor adjustment to water quality management strategy.
- minor raise to parapet height by 200mm to conceal plant equipment on the roof area.

No other changes proposed.

## Plans that apply

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- Local Environmental Plan 2010 (Stage 1 LEP)
- Development Control Plan 2010
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

## Planning Assessment

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### • **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C and Section 96 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

### • **Section 96(1A) - Modifications involving minimal environmental impact**

## *Section 96(1A) - Modifications involving minimal environmental impact*

### (1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
  - (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
  - (c) it has notified the application in accordance with:
    - (i) the regulations, if the regulations so require, or
    - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
  - (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.
- (1) (d) heading of the report.

In view of the above the proposed amendments do not substantially alter and unlikely to have significant adverse impact to the existing amenity of the area and is within the scope of S96 modification.

#### **Comments:**

- a) The proposal involves minor amendments to the layout of the carparking area and provides an additional 12 parking spaces on-site parking for the use of the hotel, staff and visitors, two way driveway and provision of a new driveway along Boronia Road and 200mm increase in parapet height. The proposed amendments with respect to the carking layout and driveway have been examined by Council's development engineer and found to be reasonable and the amendment to parapet height and the design is considered to be reflective of the original design. The proposed amended development is not considered to have adverse environmental impact subject.
- b) The proposed design amendments are considered to be of minor nature and as such, the overall design of the development remains substantially the same as originally approved.
- c) The application was notified to adjoining properties and no submissions were received. These are discussed later under Section 79C.

The proposed modification and development outcome is unlikely to have adverse environmental impact to the existing amenity of the area.

The application is therefore considered to result in substantially the same development as originally approved and within the scope of Section 96 of the EP & A Act.

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

## Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application includes soil erosion and sediment control measures to minimize any potential impacts to the river and site surrounds and this is satisfactory subject to recommended standard conditions of consent.

### Local Environmental Plan 2010 (Stage 1 LEP)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.3 Permissibility	Complies
Clause 2.5 Additional permitted uses for particular land	Complies
Clause 2.6 Subdivision - consent requirements	N/A
Clause 2.7 Demolition requires development consent	N/A
Clause 2.8 Are the temporary use of land requirements achieved?	N/A
Clause 4.1 - the minimum lot size	Complies
Clause 4.1AA Minimum subdivision lot size for community title schemes	N/A
Clause 4.2 Rural Subdivision	N/A
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 4.5 Calculation of floor space ratio and site area	N/A
Clause 4.6 Exceptions to development standards	N/A
Clause 5.1 Relevant acquisition authority	N/A
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	N/A
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	N/A
Clause 5.13 Eco-tourist facilities	N/A
Clause 5.2 Classification and reclassification of public land	N/A
Clause 5.3 Development near zone boundaries	N/A
Clause 5.4 Controls relating to miscellaneous permissible uses	N/A
Clause 5.5 Development within the coastal zone	N/A
Clause 5.6 Architectural roof features	Complies
Clause 5.7 Development below mean high water mark	N/A
Clause 5.8 Conversion of fire alarms	N/A
Clause 5.9 Preservation of trees or vegetation	Complies

Clause 5.9AA Trees or vegetation not prescribed by development control plan	N/A
Clause 6.1 Earthworks	Complies
Clause 6.10 Villages of Mulgoa and Wallacia	N/A
Clause 6.11 Orchard Hills	N/A
Clause 6.12 Twin Creeks	N/A
Clause 6.13 Waterside Corporate	N/A
Clause 6.14 Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
Clause 6.15 Location of sex services premises and restricted premises	N/A
Clause 6.2 Salinity	N/A
Clause 6.3 Flood Planning	Complies
Clause 6.4 Development on natural resources sensitive land	N/A
Clause 6.5 Protection of scenic character and landscape values	Complies
Clause 6.6 Servicing	Complies
Clause 6.7 Dwelling houses on certain land in Llandilo and Mulgoa	N/A
Clause 6.8 Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
Clause 6.9 Mulgoa Valley	N/A
Schedule 1 Additional permitted uses	N/A

The subject site is zoned partly *IN2 Light Industrial* and *RE2 Private Recreation*. The part of the site intended for development is primarily zoned *RE2 Private Recreation* under *Penrith Local Environmental Plan 2010 (LEP2010)*.

The proposal is categorised as works to a “*Registered Club*” which is a permissible form of development on the site with Council’s consent under Clause 2.5 (Additional Permitted Uses for Particular Land) and Schedule 1 (Additional Permitted Uses) of *LEP2010*.

#### *LEP and Zones Objectives*

The objectives of the RE2 Private recreation Zone are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- The proposal supports these objectives as it expands the offerings of the Club to facilitate a Hotel which will support the overall recreational uses on the site.
- The new proposed landscaping will improve the visual setting by providing some screening o the large paved areas within the site.
- Given the new building is on an existing developed area and a considerable distance from Ropes Creek, there will be no significant adverse impact on the natural environment.

In view of the above, the proposed development is consistent with the aims and objectives of the LEP and the RE2 zone

#### *Clause 2.5 – Additional permitted uses for particular land*

This clause, applying specifically to the subject site, stipulates development for the purposes of a registered Club, Hotel or Motel accommodation and associated car parking (among other uses) is permitted with consent. The proposed works are consistent with the additional permitted uses on the site as outlined within this clause of the LEP.

#### *Clause 4.3 – Height of buildings*

The proposed hotel is to be a six storey high building with a 23.15m height to be located eastern side of the existing club building which has a building height of 12.1m. LEP 2010 does not have building height controls in this zone hence, it is necessary to determine whether this proposed height is considered to be suitable in the context of the surrounding buildings and the area.

The proposed development was presented to the UDRP on 17 February 2016 who has examined the hotel building design and considered its bulk, scale and design including its height, its location and it was found to be of acceptable form of building and suitable to the site and surrounds. It is noted that the amendments involves raising the parapet wall of the building by 60cm and in the scheme of whole building this will not have any significant adverse impact to the building design and provides screening for plat equipment located on the roof.

The applicant has provided a photo montage to give a better understanding of its colour and overall design appreciation. Given that there is no applicable height control for the site under either the LEP or DCP, the overall design outcome of the building and its proposed building height is considered to be reasonable and is acceptable in that location and will result in a good design outcome for the area..

#### *Clause 5.3 – Development near zone boundaries*

The proposal complies as the development does not rely on the development provisions of this clause.

#### *Clause 5.9 – Preservation of trees or vegetation –*

The proposed development does not propose removal of any existing trees but will provide additional 13 trees mainly fronting Boronia Road to facilitate the proposal and as such this clause is considered to have been satisfied.

#### *Clause 5.11 - Bushfire Prone Land*

This has been discussed in the earlier part of the report and found to be satisfactory.

#### *Clause 6.1 – Earthworks*

The extent of earthworks is necessary to form level pads for building, parking and roads and to ensure that the development proposal can comply with relevant flooding requirements. The extent of excavation will not have a detrimental effect on the land in terms of drainage patterns, soil stability, and amenity impacts to adjoining properties. The site is not identified as containing relics however an advisory condition of consent will be imposed to require the cessation of works in the event that relics are discovered.

#### *Clause 6.2 – Salinity*

The development complies with the provisions of this clause as the works are contained on land which is currently impervious with no detrimental environmental impact resulting from the proposed further development.

The proposal is consistent with the provisions of the clause and the proposed works will not be impacted by salinity.

#### *Clause 6.3 – Flood planning*

The part of the site is identified as flood prone land however, the proposed building location is not located within a flood planning area.

In addition, development consent must not be granted for development on flood prone land unless the consent authority is satisfied that the development will not adversely affect the safe and effective evacuation of the land and the surrounding area.

A Civil Works Report was submitted with the development application which was examined by Council's Engineer. Council's Development Engineer has reviewed the proposed development with regard to the preceding flood planning considerations and is satisfied with this aspect of the proposal and raised no objection to the proposal subject to conditions. .

#### *Clause 6.5 – Protection of scenic character and landscape values*

The objectives of this clause are as follows:

- To identify areas that have particular scenic value either from major roads, identified heritage items or other public places; and
- To ensure development in these areas is located and designed to minimise its visual impact.

The site is identified as 'Land with scenic and landscape values' by Penrith Council's *LEP 2010 Scenic and Landscape Value Map*. Photomontages and a Design Statement demonstrate that the proposed development will have minimal visual impact from major roads and other public spaces.

The proposed building when finished will be setback approximately 200m from Forrester Road and 55m from Boronia Road, and have a maximum height of 23.15m. As discussed earlier, the overall impact of the building will be minimal and maintain its scenic character and landscape value of the site..

The existing verge and car park landscaping, combined with the proposed building periphery landscaping, will assist in creating a visual buffer from the public domain.

#### *Landscape*

The proposed landscape plan prepared by Site Image Landscape Architects includes provision of additional trees and planting along Boronia Road and within the parking areas. This will result in substantially improving the existing landscaping within the development site and the streetscape presentation to Boronia Road, NO major changes to the approved landscape plan proposed.

#### *Clause 6.6 – Servicing*

The proposed development complies with this clause as existing services are available to the site and conditions of consent can be imposed to ensuring sufficient servicing is available as a result of the proposed intensified development.

The proposal satisfies the provisions of this Clause of PLEP 2010.

### **Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument**

There are no draft Environmental Planning Instruments that apply to the proposal.

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

#### **Development Control Plan 2010**

<b>Provision</b>	<b>Compliance</b>
Part C 1 - Site planning and design principles	Complies
Part C2 - Vegetation management	Complies
Part C3 - Water management	Complies
Part C4 - Land management	Complies
Part C5 - Waste management	Complies
Part C6 - Landscape design	Complies
Part C7 - Culture and heritage	N/A
Part C8 - Public domain	Complies
Part C9 - Advertising and signage	Complies
Part C10 - Transport, access and parking	Complies
Part C11 - Subdivision	N/A
Part C12 - Noise and vibration	Complies
Part C13 - Infrastructure and services	Complies

### **Section 79C(1)(a)(iiia) The provisions of any planning agreement**

There are no planning agreements applying to this application.



## **Section 79C(1)(a)(iv) The provisions of the regulations**

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the Environmental Planning and Assessment Regulation 2000.

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

### *Stormwater and Drainage*

The concept new drainage plan was referred to Council's Development Engineer for comments. They have examined the plan and have indicated that there will be no negative impacts on the natural drainage and stormwater patterns on the site and therefore raised no objection to the proposal subject to slight road widening along the Boronia Road to avoid losing of on street parking spaces and imposition of several recommended conditions which will form part of the recommendation.

### *Sediment Control*

A Erosion and Sediment Control Plan has been submitted as a part of the Civil Design Report. This Plan is considered satisfactory and should address the potential water pollution that may arise through the demolition and construction phase of the development. Compliance with this plan will be required through conditions of consent.

### *Flora and Fauna*

The proposed works do not involve the removal of any trees and are adequately distanced from the Cumberland Plains Woodlands conservation area so as to not have an impact on this habitat. Additional landscaping along Boronia Road and within car parking areas is proposed as part of this application.

### *Waste*

Management plans for demolition, construction and ongoing waste have been prepared and form part of this application. Though there is no information provided regarding specific contractors, additional information has been provided regarding general operational processes which is considered to be acceptable. Conditions of consent have been recommended in the original consent to address this aspect.

### *Water*

The applicant has submitted a report indicating that the development will meet the requirements of Council's WSUD Policy and provided MUSIC model. These have been examined by Council's Waterway officer and have advised that the proposal will meet the requirements of WSUD Policy. They have raise no objections to the proposal subject to submission of cross section details for the Stormfilter device and subject to the other conditions.

## **Built Environment**

### *Bulk, scale and design*

This application was originally presented to UDRP meeting on 17 February 2016 and was found to be of a reasonable bulk, scale and design but requested to modify eastern part of the building to provide some relief of its bulk. The proposed increase in parapet height by 60cm is considered to be minor and unlikely to have any negative impact in terms of its bulk, scale and design and will assist to screen the plant equipment located over the roof area.

Appropriate selection of earthen tones and materials has ensured the proposed development is compatible with its surroundings. A materials and finishes schedule has been provided as part of the architectural plans and is included with this application and found to be acceptable and of appropriate design outcome for the area.

### **Access, Parking and Traffic**

The Council's traffic engineers have reviewed the revised Traffic & Parking Report, prepared by Parking & Traffic Consultants, dated 16 February 2017 which was submitted with this application. This report provides an assessment of parking and traffic demands for the Club facility and the proposed Hotel across the site. The study includes a car park supply and demand calculation of the proposed development, as well as further information on the car park survey done at peak demand on site and SIDRA model details. The car parking provision were assessed in details in the original application and the provision of 1094 on site parking spaces were considered to be satisfactory for the whole development site. This amended parking

layout will provide additional 12 on site parking spaces which is considered to be satisfactory.

The submitted Traffic report by Colston Budd was referred to Traffic Engineer for comments. The table below provides details of the parking situation and demands:

Nos.	Site situation	Number of parking spaces	Comments
1	Existing approved parking spaces	1094 spaces	Existing
2	Total provided	1095 +12 new = 1106 Spaces	deficit of 17 spaces. This has been supported in the original assessment and <b>provides 12 new additional spaces.</b>

The traffic report and the application has been examined by Council's Traffic Officer and they have advised the following comments:

- Adequate parking is provided for the proposed development.
- The applicant proposes no change to the entry and exit configuration, as stated in the applicant's Traffic & Parking Report, however the site plans appear to indicate changes to the central median on Boronia Road. Where / if changes are proposed for the central median on Boronia Road the works would be subject to Roads Act approval and the required performance and maintenance bonds to Council.
- The expected traffic generation from the development can be accommodated within the surrounding road network. Any opening application of the medium barrier along Boronia Road will be subject to a separate Roads Act approval in the future.
- No objection to the proposal subject to imposition of recommended conditions.

Considering the above comments from the Traffic Planner and that considering the development site:

- will be used for multi function and at different times of the day,
- usage of different venues is of low frequency when maximum peak usage occurs on site,
- people attending the facility will also be attending multiple venues within the site, and
- the patrons of the club will also be likely to be the patrons of the hotel too.
- six (6) accessible parking spaces are proposed in close proximity to the hotel entrance,

In view of above and support of the proposed development from Council's traffic engineer, the application although is 5 parking spaces in short, with the provision of 1106 on site parking spaces and the multi venues being used by the patrons, the parking spaces provided onsite is considered to be adequate for this development and unlikely to have adverse impact to the local traffic and on site parking spaces and is supported in this instance. Any other additional usage will need to provide additional parking spaces in accordance with the DCP 2014 and will be considered separately for any future development.

### **Social and Economic Impacts**

The proposed Hotel can be utilized by patrons visiting the Club and will provide convenient accommodation to visitors within the area, particularly in relation to events held at the Club and as such will have a positive social impact and benefit. The proposal is expected to positively contribute to the local economy by providing job opportunities during the design and construction phases of the project as well as the operation of the facilities.

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

The site is considered suitable for the proposed development given the following:

- The facility and infrastructure on the site are already established, therefore the facility will be maximising the efficiency of the existing services and infrastructure;
- The zoning of the site under the PLEP permits the proposed Hotel.
- The location of the building is not identified as being bush fire prone;
- The site is not a heritage item, within a heritage conservation area, or within close proximity to a heritage item;
- The site is capable of accommodating adequate parking for staff, members and guests.

Accordingly the site is considered suitable for the proposed development.

## Section 79C(1)(d) Any Submissions

### Community Consultation

In accordance with the Development Control Plan 2014, the proposed development was notified to nearby and adjoining residents and advertised in the local newspaper for 14 days between 9 March and 23 March 2017 . Council has received no submissions in response.

### Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions

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

The proposed hotel in conduction with existing facility provides people and sports people with access to an accommodation within the SRC, while also providing additional employment opportunities. The Club and the community will benefit from this development and as such is in the public interest.

## Conclusion

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The proposed development has been assessed against the relevant heads of consideration contained in Section 79C and Section 96 of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory.

- The proposal will provide accommodation that is lacking in that area and would provide short term staying facility for people attending the Sports club.
- The proposed amendments to the approved Hotel development is unlikely to have a negative impact on the surrounding environment.
- The site is suitable for the proposed development and the proposal is in the public interest.

The proposal is therefore worthy of support and recommended for approval subject to some additional conditions added to the original conditions of consent.

## Recommendation

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1. That DA16/0519.01 for Section 96 modification to the approved consent for the construction of a six storey high hotel building containing 118 rooms in phase 1 and 123 rooms in phase 2, reconfiguration of on site parking spaces and associated landscaping at Boronia Street, North St Mary's be approved subject to the attached conditions:

# CONDITIONS

## General

### 1 A001

The development must be implemented substantially in accordance with the following plans numbered outlined in the table below:

Description	Plan	Revision/Issue	Prepared by	Date
Site Plan	DA002	A	WMK Architecture	April 2016
Car park plan	DA003	A	WMK Architecture	April 2016
Demolition Plan	DA10	A	WMK Architecture	April 2016
Ground Floor Plan	DA100	P2	WMK Architecture	April 2016
Level 1 Plan – Phase 1	DA101	A	WMK Architecture	April 2016
Level 1 Plan – Phase 2	DA102	A	WMK Architecture	April 2016
Level 2 to Roof Plan	DA103 to 107 (inclusive)	A	WMK Architecture	April 2016
South Elevation	DA500	A	WMK Architecture	April 2016
East Elevation	DA501	A	WMK Architecture	April 2016
North Elevation	DA502	A	WMK Architecture	April 2016
West Elevation	DA503	A	WMK Architecture	April 2016
Section A	DA600	A	WMK Architecture	April 2016
Section B	DA601	A	WMK Architecture	April 2016
Landscape Plans	101 & 102	C	Site Image Landscape Architects	29 April 2014
Landscape Details	501	B	Site Image Landscape Architects	29 April 2014
Stormwater Plan	131142	P3	TTW	06/05/2016

and as further amended by the additional following plans:

Description	Plan Nos.	Revision/Issue	Prepared by	Date
Ground Floor Plan	DA100	B	WMK Architecture	02/02/2017
Site/Car Park Plan	DA002-DA004	B	WMK Architecture	02/02/2017
South - Elevation	DA500	B	WMK Architecture	02/02/2017
East - Elevation	DA501	B	WMK Architecture	02/02/2017

North - Elevation	DA502	B	WMK Architecture	02/02/2017
West - Elevation	DA503	B	WMK Architecture	02/02/2017
Section A	DA600	B	WMK Architecture	02/02/2017
Section B	DA601	B	WMK Architecture	02/02/2017
Service Vehicle Access & Egress Plan	T2 - 1860	4	Parking & Traffic Consultants	16/02/2017

and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

**As amended under Section 96 of the Environmental Planning and Assessment Act 1979 on 2 June 2017.**

2 **A005 - APPROVED BODYS CONSENT (FOR INTEGRATED DAS)**

A copy of the General Terms of approval dated 7 September 2016 (Ref:D16/1875DA16061502367 JM) issued by the NSW Rural Fires Services under the Rural Fires Act 1997 Act (attached with the consent notice) outlining several conditions shall all be complied with **prior to the issue of an Occupation Certificate.**

3 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

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

4 **A026 - Advertising sign (not for residential)**

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-Advertising Signs.

5 **A032 - Goods in buildings**

All materials and goods associated with the use shall be contained within the building at all times.

6 **A038 - LIGHTING LOCATIONS**

**Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. All exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. 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 **A039 - Graffiti**

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

8 **A046 - Obtain Construction Certificate before commencement of works**

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

9 **A CPTED Graffiti/Vandalism**

The following safer by design requirements are to be incorporated into the development:

- 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, commercial tenancies and common areas. This includes reporting incidents to police and/or relevant authorities.

## 10 [A CPTED Lighting](#) **Lighting**

- Pedestrian pathways, laneways and access routes in outdoor public spaces should be lit to the minimum Australian Standard of AS 1158 and be designed in accordance with AS4282 – Control of the obtrusive effects of outdoor lighting
- Lights should be directed towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points
- Where appropriate use movement sensitive and diffused lights
- All lighting is to be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.
- Use energy efficient lamps/switches to save energy.
- Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas.

## 11 [A Special \(BLANK\)](#)

The metallic strip proposed along the facades of the building shall be sufficiently thick (between 40mm to 80mm thick) to be able to cast shadow on the background materials. Details of the thickness and material shall be submitted to Council for consideration and approval **prior to the release of the Construction Certificate.**

## 12 [A Special \(BLANK\)](#)

Any plant equipment to be located in the roof areas shall be appropriately screened and designed to integrated with the building design and not to be located where it may be visible when viewed from the public domain.

## 13 [A Special \(BLANK\)](#)

The proposed Gym facility in Stage 1 of the development is not to operate independently from the hotel and is to be utilized by hotel patrons and guests only at any time.

## 14 [A Special \(BLANK\)](#)

Any proposed changes to the existing central median on Boronia Road that are of either temporary or permanent nature are to be detailed in a civil construction plan and approved by Council **prior to any work commencing and release of the Construction Certificate.**

## 15 [A Special Condition \(BLANK\)](#)

**Prior to the issue of a Construction Certificate the Certifying Authority shall ensure** that cross section details, including inlet and outlet levels of the proposed stormwater treatment measure (i.e. 5\*cartridge 310mm ZPG Stormfilter) are provided and included in the Civil Engineering Works Plans package.

## **Demolition**

### 16 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

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

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

## **Heritage/Archaeological relics**

### 17 [C003 - Uncovering relics](#)

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**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



### 23 D013 - Approved noise level 1

Noise levels within and from the premises shall not exceed the relevant noise criteria detailed in 'St Marys Leagues Club - New Hotel - Development Application Acoustic Report' prepared by Acoustic Logic Consultancy Pty Ltd dated 28 April 2016 (Revision 2, Ref. 20160597.1/2804A/R2/RA).

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.

### 24 D026 - Liquid wastes

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.

### 25 D - Dust

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

### 26 D - Hours of work

Demolition and construction works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

In the event that the works occur 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 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 works.

### 27 D - Mud/Soil

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

### 28 D Special BLANK

Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

### 29 D Special BLANK

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

30 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

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

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

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

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.

31 **E01A - BCA compliance for Class 2-9**

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

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

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

## **Health Matters and OSSM installations**

32 **F004 - Registration & Notification**

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](http://www.health.nsw.gov.au):

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

## **Utility Services**

33 **G002 - Section 73 (not for**

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.

#### 34 G004 - Integral Energy

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.

#### 35 G005 - Rainwater tank- Plumbing

A completed *Permit Application - for Plumbing and Drainage Work* is to be submitted to Sydney Water at least two working days before the rainwater tank is installed and associated plumbing work is started on the site.

#### 36 G006 -

**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.

#### 37 G Special (BLANK)

If a new substation will be required for the development, then the applicant shall submit a plan to Council for consideration and approvals showing details of its location with an appropriate landscaping included around the substation **prior to its installation**.

## Construction

#### 38 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

### 39 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

### 40 H041 - Hours of work (other devt)

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

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

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

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

## Engineering

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

Prior to the issue of any Construction Certificate a S138 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. Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
2. Concrete footpath or cycleways
3. Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
4. Road occupancy or road closures
5. 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 4732 7777 or visit Penrith City Councils 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. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of an Occupation Certificate or Subdivision Certificate as applicable.
4. 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

**As amended in accordance with Section 96 of the Environmental Planning and Assessment Act 1979, on 2 June 2017.**

42 [K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE](#)

**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 road widening along the northern side of Boronia Road. Road widening shall accommodate the entry/exit of service vehicles to the eastern driveway of the development without conflicting with on-street parking in Boronia Road. Works shall include, but not be limited to, half-road construction, kerb realignment, extension of pedestrian footpath, any required signage and/or linemarking. Any external works required for the purposes of pedestrian connectivity, including any alterations to the existing central median island in Boronia Road, can be submitted concurrently with this application.

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

Contact Penrith City Council's Development Engineering Department on 4732 7777 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. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

**As amended in accordance with Section 96 of the Environmental Planning and Assessment Act 1979, on 2 June 2017.**

43 [K209 - Stormwater Concept Plan](#)

The stormwater management system shall be provided generally in accordance with the MUSIC modeling and associated concept plan/s lodged for development approval, prepared by prepared by Northrop job number 167061 drawings C1.01 - C1.03, C2.01, C3.01 and C3.11, C4.01 - C4.03, C8.01 - C8.05, SK01.01 dated 7 February 2017 revision 4 **as amended in red**.

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 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.**

44 [K209 - Stormwater Discharge – Minor Development](#)

Stormwater drainage from the site shall be discharged to the existing site drainage system.

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

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

45 [K222 - Access, Car Parking and Manoeuvring – General](#)

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

46 **K301 - Sediment & Erosion Control**

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.

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

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

48 **K502 - Works as executed – General and Compliance Documentation**

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.

49 **K503 - Stormwater Compliance**

Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

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

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

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

50 **K504 - Restriction as to User and Positive Covenant**

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

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

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

51 **K - Waterways - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.



52 **K Special (BLANK)**

**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 any alterations to the concrete central median island on Boronia Road.

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

Contact Penrith City Council's Development Engineering Department on 4732 7777 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. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

53 **K Special (BLANK)**

The proposed internal pedestrian pathway (associated with internal raised pedestrian crossings) is to be extended across the verge in order to connect to the existing concrete pedestrian path on Boronia Road.

54 **K Special (BLANK)**

To improve pedestrian access and connectivity to the pedestrian pathway fronting the site on Boronia Road, an at-grade pedestrian walk-through/cut-out (and associated pram ramps and footpath extension) is to be constructed through the existing roundabout splitter island, on the eastern leg of the intersection of Boronia Road and Forrester Road.

55 **K Special (BLANK)**

The existing one-way/entry-only configuration at the western-most driveway, from Boronia Road, is to be retained as one-way / entry-only (with existing Entry/No Exit pavement markings also to be retained), and is to be signposted as 'Entry Only' / 'No Exit'.

56 **K Special (BLANK)**

All car parking and manoeuvring must be in accordance with AS2890.0-2004; AS2890.6-2009 and Council's requirements.

57 **K Special (BLANK)**

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

58 **K Special (BLANK)**

The proposed dedicated service vehicle driveway (eastern-most driveway) is to be signposted as 'Truck and Bus Entry Only' / 'Truck and Bus Exit Only'.

## Landscaping



## 59 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plan

Landscape Plans	101 & 102	C	Site Image Landscape Architects	29 April 2014
Landscape Details	501	B	Site Image Landscape Architects	29 April 2014

in accordance with Part C.6 Landscaping Design of 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.

## 60 L002 - Landscape construction

The approved landscaping for the site must be constructed by a Landscape Consultants.

## 61 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional or a Landscape Consultants.

### 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.

## 62 L005 - Planting of plant

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 2014.

## 63 L006 - Aust Standard

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

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

## 64 L008 - Tree Preservation Order

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## Payment of Fees

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

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

## Certification

66 **Q006 - Occupation Certificate (Class 2 - 9)**

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. In addition, a Compliance Certificate or other documentation deemed suitable to the Principal Certifying Authority (PCA) is to be submitted to the PCA, detailing compliance with:

- The provisions of AS1428.1 and that any person with disabilities can access the building, including its perimeter. In this regard, the Compliance Certificate (or other documentation) is to be prepared by an accredited access consultant.
- **Condition 41** where upon Council has certified that the works approved under the Roads Act 1993 are satisfactorily completed.
- **Condition 49** that the certified Works-As-Executed plans for the on-site detention system has been submitted to Council and that a positive covenant for the land has been registered with Land and Property Information division of the Department of Lands regarding the provision and maintenance of the onsite detention system.

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.

67 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

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

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

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

Information to accompany the Notice of Commencement

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