

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA21/0217
Description of development:	Alterations & Additions to Existing Retail Tenancies of Penrith Westfield, Change of Use to Recreation Facility (Indoor), Reconfiguration of Existing Facades, Installation of Travelators, Changes to Car Parking Spaces & Fire Stairs, Landscaping Works & Other Minor Alterations
Classification of development:	Class 6

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1137699
Property address:	569 - 595 High Street, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Scentre Group Limited Level 8 123 Pitt Street SYDNEY NSW 2000
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DECISION OF CONSENT AUTHORITY

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

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

Date from which consent operates	15 September 2021
Date the consent expires	15 September 2026
Date of this decision	9 September 2021

POINT OF CONTACT

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

Assessing Officer:	Kathryn Saunders
Contact telephone number:	+612 4732 8567

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

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

Certification and advisory notes

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

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

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- The development must be consistent with the plans listed below, as may be further submitted to and endorsed by Penrith City Council, as a result of the conditions of this consent, or as stamped approved by Council, the application form and any endorsed supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Plan or Report	Plan no.	Prepared by	Revision	Date
Architectural Plans				
Cover Page	01.0001	Scentre Group	2	27/07/2021
Existing & Demo Plan Basement	SDC-01.0551	Scentre Group	2	27/07/2021
Existing & Demo Plan Level 1	SDC-01.0552	Scentre Group	2	27/07/2021
Existing & Demo Plan Level 1M	SDC-01.0553	Scentre Group	2	27/07/2021
Existing & Demo Plan Level 2	SDC-01.0554	Scentre Group	2	27/07/2021
Existing & Demo Plan Level 2M	SDC-01.0555	Scentre Group	2	27/07/2021
Existing & Demo Plan Level 3	SDC-01.0556	Scentre Group	1	30/03/2021
Existing & Demo Plan Roof (Level 4)	SDC-01.0557	Scentre Group	1	30/03/2021
Proposed Basement Plan	SDC-01.0851	Scentre Group	2	27/07/2021
Proposed Plan Level 1	SDC-01.0852	Scentre Group	2	27/07/2021
Proposed Plan Level 1M	SDC-01.0853	Scentre Group	2	27/07/2021
Proposed Plan Level 2	SDC-01.0854	Scentre Group	2	27/07/2021
Proposed Plan Level 2M	SDC-01.0855	Scentre Group	2	27/07/2021
Proposed Plan Level 3	SDC-01.0856	Scentre Group	2	27/07/2021
Proposed Roof (Level 4)	SDC-01.0857	Scentre Group	2	27/07/2021
Facade Corner Detail	SDC-01.1000	Scentre Group	2	27/07/2021
North Elevation Jane Street	SDC-01.2001	Scentre Group	2	27/07/2021
East Elevation Riley Street	SDC-01.2002	Scentre Group	2	27/07/2021
Proposed Sections Vertical Transport	SDC-01.2501	Scentre Group	2	27/07/2021
Proposed Sections Facade Corner Riley & Jane Street	SDC-01.2502	Scentre Group	2	27/07/2021
Facade Corner Detail Sections	SDC-01.2600	Scentre Group	2	27/07/2021
Signage Strategy	SDC-01.2700	Scentre Group	2	27/07/2021
Proposed Materiality	SDC-01.3001	Scentre Group	1	30/03/2021
Perspective View View 01	SDC-01.3002	Scentre Group	2	27/07/2021
Perspective View View 02	SDC-01.3003	Scentre Group	2	27/07/2021
Other Plans and Reports				
Survey Plan	SDC-01.0003	Scentre Group	1	30/03/2021
Site Plan	SDC-01.0004	Scentre Group	2	27/07/2021
Westfield Penrith Alterations + Additions Landscape Maintenance Plan	LMS-01	Urbis	A	5 March 2021
Westfield Penrith Alterations & Additions Public Domain Development Application			-	30 July 2021
Westfield Penrith DA Access Report	-	Access Australia	-	29 July 2021
Revised Traffic Engineering Assessment	620.30199-L02-v1.1-20210730	SLR	-	30 July 2021

Stormwater Management Statement	-	Arcadis Design & Consultancy	-	26/03/2021
BCA Assessment	2020/1737	Steve Watson & Partners	-	25 March 2021
Fire Engineering Statement	Report 2020/1662-R3.0	FEP	Rev 3.0	30 March 2021
SEPP 55 Advice	JBS&G 60282-136335	JBS&G	Rev 0	25 March 2021
Waste Management Plan	-	Scentre Group	1.0	30 March 2021

- 2 Those acting on the consent are to ensure the development remains compliant with the advice provided by Transport for New South Wales in letter reference number SYD21/00628/02, dated 23 August 2021 under CNR-22496.
- 3 The approved hours of operation for the tenancy to be used as a Recreation Facility (Indoor) are 8.00am to 12 Midnight, seven days.
- 4 **Prior to the commencement of works approved by this consent and prior to the issue of a Construction Certificate**, plans are to be amended and re-submitted to the Manager of Development Services at Penrith City Council for review and approval, which address the following:

(a). The raised planter must be:

- relocated to be within the boundaries of the subject property,
- to have a minimum internal planter width of 300mm,
- of an increased height such that the planter wall cannot be used as a seat, and
- it is to be design to include irrigation to ensure planting is sustainable.

(b). Plans are to be amended to indicate that the existing light pole located on the corner of Jane and Riley Streets is relocated and replaced as follows:

- the new location of the light pole is to be outside the boundaries of the property,
- is to be located so as not to be in the pedestrian way,
- is to be informed by a lighting study or technical advice from a suitably qualified and experience lighting engineer or designer so as to achieve suitable levels of illumination compliant with applicable Australian Standards, and
- is to be upgraded to match Council's street light pole typology ('Eden') as is detailed in the Penrith Public Domain Technical Manual or as agreed by Council's Landscape Coordinator.

The applicant is to liaise with Endeavour Energy and any other impacted utility provider, prior to the finalisation of the pole location to ensure no objections are raised.

- 5 **Prior to the issue of a Construction Certificate and prior to the commencement of any works at the site**, details and plans of the proposed hoarding and any construction fencing and site sheds and the like are to be submitted to and approved by the Manager of Development Services at Penrith City Council.

Hoarding and site fencing and associated structures are to be of a general high quality and are to be recessive in colour and durable in material. A photomontage or similar is to be provided indicating materials and colours, images and artwork. No advertising, branding, sales or leasing information is permitted to be installed or included on the hoarding or fencing, which is to be maintained and kept secure and free of graffiti.

6 Prior to the issue of a Construction Certificate, a final public domain and lighting plan is to be submitted for review and approval, to the Manager of Development Services at Penrith City Council. The final plans are to be fully detailed and are to be elevated to For Tender or For Construction quality and are to include:

- Details of Tactile Ground Surface Indicators (TGSI) which are to be installed at kerb ramps compliant with AS 1428.4.1 and in compliance with the applicable provisions of the Penrith Public Domain Technical Manual,
- All nominated paving materials, falls and any installation notation, and
- The location and type of the relocated street light pole.

Those acting on the consent are to ensure that all new or replacement paving is laid and constructed in compliance with the requirements of Penrith City Council and adequate detail to ensure that this occurs is provided on the For Construction set of plans.

Plans and/or reports are to confirm that CCTV is to be installed and is to cover the frontage and public entrances of the tenancies forming the subject of this consent.

The Principal Certifying Authority is to be provided with a copy of the Council approved final public domain and lighting plan(s) **prior to the issue of a Construction Certificate**.

7 Prior to the issue of a Construction Certificate, a final materials and finishes schedule is to be provided to and endorsed by the Manager of Development Services at Penrith City Council. The schedule shall detail and nominate the selected materials, finishes and colours, and shall including all paving treatments, screening, wall and roof materials.

8 If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road corridor) on adjoining land, the person having the benefit of this development consent must, at the person's own expense -

- (a) protect and support the building, structure or work from possible damage from the excavation, and
- (b) where necessary, underpin the building, structure or work to prevent any such damage.

9 No approval is granted for the installation of Automatic Teller Machines into the façade of the complex, in the area of the approved development.

10 No approval is granted for the installation of external roller door, security shutters, security grills, expandable safety shutters, security bars or the like as shop front security in this precinct.

Shop front tenancies shall be gently internally illuminated after hours and retail glazing fronting the street shall be clear and must not be frosted, obscured, stickered or otherwise covered for more than 25% of the glazing associated with each tenancy, to assist in activating the space, contributing to design excellence, increasing safety and reducing instances of crime.

11 All civil engineering construction works shall be carried out substantially in accordance with Penrith City Council's Engineering Works Guidelines and accompanying Guidelines for Engineering Works for Subdivisions and Developments Part 2 - Construction.

12 The proprietor of the food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.

13 The development approved by this consent shall not be used or occupied until an Occupation Certificate has been issued.

14 **Prior to the issue of a Construction Certification**, plans are to be amended to provide the following and are to be reviewed and approved by the Manager of Development Service at Penrith City Council:

- Detailed internal tenancy layout plans indicating all food fit out, preparation and storage areas. Materials, dimensions and surfaces are to be nominated.
- All floor wastes, sinks, basins, cleaning sinks and staff areas are to be detailed.

Plans are to be amended to indicate that the tenancy approved for use as a recreation facility (indoor) is provided with its own male, female and accessible amenities and a parent/carer room which contains the following:

- A minimum of one sink with hot and cold water provided (hot water to be thermostat regulated not to exceed 50 degrees C),
- Hand drying facilities adjacent to hand basin,
- A minimum of one nappy disposal unit,
- Bench space for food preparation area minimum 950mm wide by 1.8m long,
- A microwave for use in the parent/carer room and an additional power point to the food preparation area,
- Cleansing wipes or similar to the change table areas,
- A baby change table which must have either a protective side of 100mm or a belt, to prevent a baby from rolling off,
- A door entry of a minimum of 1m width to allow for double prams,
- Hand dryers to all hand washing areas,
- A minimum of one low height child hand wash basins and soap dispensers within the male and female toilet hand wash areas.

In the design of the above, consideration is to be given to Section 5.5, Chapter D5 of the Penrith Development Control Plan 2014.

15 **Prior to the issue of a Construction Certificate** for the relevant stage of works, detailed tenancy fit-out information and floor plans are to be provided to the Penrith City Council for review and approval for any business/tenancy where there will be food for sale, as defined under the Food Act 2010.

The information and plans must demonstrate compliance with the Food Standards Code 3.2.3 and Australian Standard 4674-2004 *Design, construction and fit-out of food premises* for all food preparation and storage areas and toilets used by food handlers. All surfaces, including wall and floor are to comply with the relevant standards. Where mechanical ventilation and/or grease arrestors are required, details of the system(s) and location(s) are to be details on the plans and the design is to comply with the applicable Australian Standards.

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

17 The finishes of all structures and buildings are to be maintained at all times and any graffiti immediately removed. Any required repairs are to be undertaken to the same or improved quality.

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

19 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

(a) Lighting

- All outdoor/public spaces fronting the approved development must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and

illuminated areas and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

(b) Car Parking

- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare. This includes lighting of the new travelators and landing areas within the car park.

(c) Building Security & Access Control

- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.

Advisory notes:

- Graffiti resistant coatings are to be used to external surfaces where possible, including signage, furniture, retaining walls etc and procedures are to be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the building and nearby public common areas. This includes reporting incidents to police and/or relevant authorities.
- Any approved external vegetation is to be regularly pruned to ensure that sight lines are maintained.

Demolition

- 20 All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 "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 Certifier **prior to commencement of demolition**.

- 21 Dust suppression techniques are to be employed during demolition and construction works to reduce any potential nuisance and public health impact.

Environmental Matters

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

- 23 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 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.

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

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.

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

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

Advisory note: For the purpose of this condition, an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience or access to experience in relevant areas". In addition, the person will be required to have appropriate professional indemnity and public risk insurance.

BCA Issues

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an performance 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

27 All retail food businesses in the Penrith City Council area must be registered with Council and are subject to routine health and hygiene inspections. Prior to the commencement of any food business the food business must be registered with Penrith City Council. Registration of Food Premises forms are available on Council's website.

Advisory note: Please ensure that Council has up-to-date information about the owner and contact details of any food business.

Utility Services

28 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au 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.

29 **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

No approval is granted for the installation of a pad mounted substation.

Construction

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

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

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

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

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

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

- 31 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, 7.00am to 6.00pm
- Saturdays, 7.00am to 1.00pm if inaudible on neighbouring residential premises, otherwise 8.00am to 1.00pm
- No work is permitted on Sundays and Public Holidays.

Other demolition or construction works carried out inside a building/tenancy and that do not involve the use of equipment that emits noise 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 demolition and construction works.

- 32 **Prior to the issue of an Occupation Certificate**, a handrail complying with Part D2.17 of the Building Code of Australia is to be installed to the existing stairs leading to the fire exit located at the most south western part of the proposed works of the basement level car park.
- 33 **Prior to the issue of an Occupation Certificate**, the bottom step of the existing staircase located at the most south western part of the proposed works of the basement level car park that leads to the fire exit are to be made good and comply with Part D2.13 of the Building Code of Australia.

Engineering

- 34 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
- 35 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

- 36 **Prior to the issue of any Construction Certificate**, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- a) Any signage which overhangs the road reserve, inclusive of 'Westfield' building identification signage along the Jane Street facade,
 - b) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - c) Concrete footpaths and or cycleways
 - d) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
 - e) Road occupancy or road closures (including temporary construction work zones and tower crane operation)
 - f) The placement of hoardings, structures, containers, waste skips, signs, etc in the road reserve
 - g) Temporary construction access
 - h) Temporary ground anchors (for basement construction)

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

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Advisory notes:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approval may be required from Transport for NSW for classified roads and in particular if signage overhangs a Classified Road, further approvals may be necessary.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

- On completion of any awning or signage over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning or signage is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

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

The stormwater drainage system shall be designed in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments. The design shall ensure that the development has 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 Certifier.

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

39 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.

40 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 AS 1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites, and certified by an appropriately accredited TfNSW Traffic Controller.

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

Note:

- A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of any Construction Certificate.

Landscaping

41 Approved landscaping for the development must be constructed by an appropriately experienced and qualified landscape professional and any raised planters are to be provided with integrated irrigation.

- 42 Should the landscaped raised planter be retained, the following report relating to this landscaping element is to be submitted to the nominated consent authority at the appropriate time period as listed below. The report shall be prepared by a landscape professional.

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.

- 43 All landscape works are to meet industry best practice and the following relevant Australian Standards:
- AS 4419 Soils for Landscaping and Garden Use, and
 - AS 4454 Composts, Soil Conditioners and Mulches.

Section 94

- 44 This condition is imposed in accordance with Penrith City Council's City Wide Section 7.12 Development Contributions Plan for Non-Residential Development.

Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$90,804.00** is to be paid to Penrith City Council prior to the issue of 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 7.12 Contributions 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 section 7.12 invoice accompanying this consent should accompany the contribution payment. Council's Section 7.12 Contributions Plan may be inspected at Council's Civic Centre, 601 High Street, Penrith or may be viewed on Council's website.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

Payment of Fees

- 45 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 46 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

- 47 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifier 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 Certifier shall submit to Council an "Appointment of Principal Certifier" 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.

- 48 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation and use of the portion of the development, being the subject of this consent.

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

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

SIGNATURE

Name:	Kathryn Saunders
Signature:	

For the Development Services Manager