

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA16/0411
Proposed development:	Six (6) Storey Mixed Use Building with Ground Floor Retail Tenancies x 4, Residential Apartments x 58 & Basement Car Parking
Property address:	192 Lord Sheffield Circuit, PENRITH NSW 2750
Property description:	Lot 3004 DP 1184498
Date received:	3 May 2016
Assessing officer	Clare Aslanis
Zoning:	Zone B2 Local Centre - LEP 2010
Class of building:	Class 2 , Class 5 , Class 7a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a six (6) storey mixed use building with ground floor retail tenancies and 58 residential apartments at 192 Lord Sheffield Circuit, Penrith. Under the Penrith Local Environmental Plan 2010, the proposal is defined as a residential flat building and commercial premises. The subject site is zoned B2 Local Centre and the proposal is a permissible land use in the zoning and Schedule 1 of the Local Environmental Plan with Council consent.

The application has been advertised and notified to nearby and adjoining properties and was exhibited between 20 January and 3 February 2017. Council has received no submissions in response.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The 40 hectare North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the north of the Penrith City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 and North West Draft Subregional Strategy.

The greater locality is characterised by a mixture of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New industrial development is located immediately to the west of the site with the residential suburb of Penrith located further to the east.

The land subject to this application is 192 Lord Sheffield Circuit, Penrith. The site is a rectangular shaped allotment, approximately 3233m² in size, orientated in a predominately east-west direction and opposite the Penrith railway station commuter car park. The location of the site is within Stage 3A of the North Penrith concept plan, approved on 9 November 2011 by the Minister for Planning. The site is clear of vegetation and does not contain any existing structures.

Proposal

The proposed development involves:

- Construction of a six (6) storey mixed use building
- Four (4) ground floor retail tenancies and 58 residential apartments
- Basement car park with 66 car parking spaces allocated to the subject building
- Ground floor communal courtyard with through-site link between Dunshea Street and Lord Sheffield Circuit
- Associated landscaping and stormwater drainage works.

The application has been assessed simultaneously with DA16/0412 given the shared basement car parking, communal spaces and landscaping.

The estimated cost of works is \$16,032,304.00 and therefore this application does not require determination by the Sydney West Planning Panel.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

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

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

State Environmental Planning Policy No 55—Remediation of Land

An assessment has been undertaken of the application against relevant criteria within State Environmental Planning Policy No. 55—Remediation of Land and the application is satisfactory subject to recommended conditions of consent.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

The proposed development is consistent with the aims and objectives of SEPP 65. The accompanying SEPP 65 regulations require the involvement of a qualified designer throughout the design, approval and construction stages. In this regard, the application has been accompanied by a design verification statement from a suitably qualified designer.

As assessment has been undertaken of the application against relevant criteria within State Environmental Planning Policy No. 65—Design Quality of Residential Apartment Development including the nine design quality principles. The application was accompanied by a statement from the architect stating how the design quality principles are addressed in the development and on review the proposal is found to be satisfactory. A detailed assessment against the provisions of the accompanying Apartment Design Guide (ADG) is provided in the table below:

Part	Required	Discussion	Complies
3A-1	Each element in the Site Analysis Checklist should be assessed.	A site analysis plan, streetscape elevations and photomontages were submitted. A written statement explaining how the design of the proposed development has responded to the site analysis was included as part of the Statement of Environmental Effects (SEE).	Yes.
3B-1	Buildings to address street frontages.	The building design adequately addresses all street frontages with street facing balconies or courtyards.	Yes.
	Solar access to living rooms, balconies and private open spaces of neighbouring properties to be considered.	Submitted shadow diagrams (Plan No. DA01-4000) indicate that the vacant allotment to the south will be most affected between the hours of 12 midday and 3pm on June 21 st . The impact is minimal and the majority of this site will retain existing levels of solar access.	Yes.
3B-2	Living areas, Private Open Space (POS) and Communal Open Space (COS) to receive compliant levels of solar access.	Refer to discussion under Parts 3D and 4A.	No
	Solar access to living spaces and POS of neighbours to be considered.	The site most impacted is currently vacant, however future development on this site will ensure that solar access can be maintained to the future open spaces and living zones.	Yes.
	If the proposal will significantly reduce the solar access of neighbours, building separation should be increased.	As discussed above, solar access is maintained during the winter solstice. An increase in building separation is not required.	Yes.
3C-1	Courtyard apartments should have direct street access.	The ground floor apartments do not have courtyard street access however given the retail components of the building facing the street, it is considered appropriate. Future retail tenancies will ensure that there is street activation and the relationship between the street and built form is maintained.	No. Justification provided.
	Upper level balconies and windows to overlook the street.	Apartments on all sides of the building have windows facing the street, public footway and central courtyard.	Yes.
	Length of solid walls should be limited along street frontages.	Walls are adequately landscaped and articulated. No large expanses of blank wall are proposed except for the waste storage room. A condition of consent will require alternative treatments to this wall.	Yes. Subject to condition of consent.
	Opportunity for concealment to be minimised.	Entryways are wide, straight and located to reduce opportunities for crime and concealment. All apartments are oriented towards the street or central courtyard to allow opportunities for passive surveillance.	Yes.
3C-2	Ramping for accessibility should be minimised.	Minimal ramping is proposed. No entry ramps are included within the main entrances to the building (excluding the basement vehicle ramp entry).	Yes.

3D-1	Communal Open Space (COS) to have minimum area of 25% of site and 50% of the principle usable part of COS is to have direct access to sunlight for 2 hours min. between 9am and 3pm at June 21.	COS is to have a minimum dimension of 3m and be consolidated into one area and be provided with equitable access. The ADG states that COS can be provided at roof or podium level. 808.25m² of COS is required to be provided; 616m² is provided on the ground floor between the subject building and the building associated with DA16/0412. Whilst the 616m² does not comply with the minimum requirement, the variance of 192.25m² is considered to be minor. The quality of the open space area is high and achieves compliance with the ADG requirement for 2 hours of direct sunlight between 9am and 3pm. The site is also in close proximity to public open spaces areas.	No. Justification provided.
	Achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space.	The shadow diagrams submitted demonstrate that the communal open space is able to achieve direct sunlight from 3pm at the winter solstice. It is noted that this space is well located to encourage interaction between residents of the subject building and the building subject to DA16/0412. High quality public open spaces are available within close proximity including Smith's Paddock and McHenry's Place.	Yes.
	COS to be consolidated into a well-designed, usable area.	The COS is easily accessible and is adequately landscaped.	Yes.
	COS to be co-located with deep soil.	The deep soil zones are provided for within the planter boxes in the COS areas. These planter boxes are approximately 1m deep to allow for the growth of small to medium trees.	Yes.
3D-2	COS is to be provided with facilities such as barbeque areas and seating.	Submitted landscape plans indicate that the COS is provided with a BBQ area, seating and landscape elements.	Yes.
	COS is to be well lit and readily visible from habitable rooms.	Conditions of consent are recommended to ensure that the COS area is well lit during night time hours.	Yes. Condition recommended.
3D-4	Boundaries should be clearly defined between public open space and private areas.	The private open space areas of the development are clearly defined by the use of landscaping, fencing and paving elements.	Yes.
3E-1	Deep soil is to be provided at a rate of 7% of site area with a min. dimension of 3m.	226.31m² of deep soil is required. The proposal is for 227m² with planter boxes to be installed above the basement car park. The planter boxes are a minimum of 1m deep to allow planting of small to medium trees.	Yes.

3F-1	Minimum required separation distances from the building to side and rear boundaries is to be achieved as follows: Up to 4 Storeys – 6m between habitable rooms and balconies. 3m between non-habitable rooms. 5-8 storeys – 4.5m between non-habitable rooms. 9m between habitable rooms and balconies.	Separation between habitable rooms / balconies between the north and south buildings is 12m on all levels. This separation is only to a small portion of the building (one corner) and this can be addressed through a condition of consent requiring privacy screens. Proposed side setbacks do not comply with the ADG separation guidelines. It is noted that a mixture of highlight windows and blade walls are proposed to mitigate against privacy impacts to the neighbouring residential site with the building being adjacent a wide pedestrian thoroughfare. The design and proposed setbacks were discussed with Council's Urban Design Review Panel which confirmed that the privacy impacts are minimal and the proposed setbacks are acceptable and appropriate for the location and it will not unreasonably impact on the privacy or amenity of adjacent sites. This non-compliance is considered acceptable.	No. Justification provided.
3F-2	Communal open space, common areas and access paths to be separated from private open space and windows to apartments.	A landscaped buffer and privacy screens are provided to the ground floor units.	Yes.
	Balconies and private terraces should be located in front of living rooms to increase internal privacy.	All units are provided with a balcony or terrace areas which are directly accessible from living rooms.	Yes.
3G-1	Building entries to be clearly identifiable.	The entryways are articulated with landscaping, will provide access to the mail boxes and will be paved to the street front.	Yes.
3G-2	Building access ways and lift lobbies to be clearly visible from the public domain and communal spaces.	The main pedestrian entry will be visible from the street and although the lift lobby has direct views to the street, it is located centrally near services, individual unit entries and is provided with natural light.	Yes.
	Steps and ramps to be integrated into the overall building and landscape design.	Minimal ramping is proposed at the street front.	Yes.
3H-1	Car park access should be integrated with the building's overall façade.	The car park access is adequately integrated into the façade of the building with the roller door located behind the building line and a wide landscaped buffer proposed along the western side boundary.	Yes.
	Clear sight lines to be provided for drivers and pedestrians.	Adequate sight lines are provided for drivers and pedestrians along the Dunshea Street and Lord Sheffield Circuit frontages.	Yes.
3J-1	The site is located within 800m of a railway station (Council's maximum car parking rate applies).	Refer to discussion under Penrith DCP 2014.	N/A

3J-2	Secure undercover bicycle parking should be provided for motorbikes and scooters.	Bicycle spaces are proposed.	Yes.
3J-3	A clearly defined and visible lobby area or waiting area should be provided to lifts and stairs.	Lobby areas are clearly defined and appropriately located.	Yes.
3J-6	Positive street address and active frontages to be provided at ground floor.	The frontage of the development along Lord Sheffield Circuit includes an individual entry way to each of the retail units and a communal entry to the residential components with landscaping buffers between commercial and residential components.	Yes.
4A-1	Living rooms and private open spaces of at least 70% of apartments to receive 2 hours direct sunlight between 9am and 3pm mid-winter.	The submitted shadow diagrams and solar access plans indicate that a minimum of 2 hours direct sunlight will be achieved between 9am and 3pm. South facing apartments have been limited to 13% of the total number of apartments.	Yes.
4A-3	Sun shading devices are to be utilised.	A mixture of deep set balconies, louvres, landscaping and screening devices are incorporated to assist in shading from the northern and western sun.	Yes.
4B-3	60% of apartments are to be naturally ventilated and overall depth of cross-through apartments 18m maximum glass-to-glass line.	63% of apartments achieve good cross ventilation. The proposed buildings varied in depth between 16m-21 m.	Yes.
4C-1	Finished floor to finished ceiling levels are to be 2.7m for habitable rooms, 2.4m for non-habitable rooms.	The proposal is for 2.8m measured from finished floor to finished ceiling level.	Yes.
4D-1	Apartments are to have the following min. internal floor areas: 1 bed – 50sqm 2 bed – 70sqm 3 bed – 90sqm Additional bathroom areas increase minimum area by 5sqm.	Complies.	Yes.
4D-2	In open plan layouts the maximum habitable room depth is 8m from a window.	Complies.	Yes.
4D-3	Master bedrooms to be 10sqm and other rooms 9sqm.	Complies.	Yes.
	Bedrooms to have a minimum dimension of 3m.	Complies.	Yes.

	Living rooms to have minimum width of 3.6m for a 1 bedroom unit and 4m for 2 & 3 bedrooms.	Complies.	Yes.
4E-1	All units to have the following primary balcony areas: 1 bed – 8sqm (2m deep) 2 bed – 10sqm (2m deep) 3 bed – 12sqm (2.4m deep)	Complies.	Yes.
4E-4	Changes in ground levels or landscaping are to be minimised.	Landscaped elements are proposed which will screen or soften changes in levels across the site including along the ground floor balcony frontage and the main pedestrian entries.	Yes.
4F-1	Daylight and natural ventilation to be provided to all common circulation spaces.	Natural light is provided to the central lobby circulation spaces.	Yes.
4G-1	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is to be provided: 1 bed – 4m ³ 2 bed – 6m ³ 3 bed – 10m ³ With 50% of the above to be provided within the Units.	All units provide in excess of the required storage volumes as stipulated within the ADG. Additional storage cages for all units are provided within the basement level.	Yes.
4K-1	Flexible apartment configurations are provided to support diverse household types.	The development proposes a range of unit sizes, configurations and numbers of bedrooms to accommodate change over time and cater for differing households. Unit mix is proposed as follows: 32 x 1 bedroom apartments 26 x 2 bedroom apartments This is inclusive of 21 x adaptable units within the entire development (17% of units including DA16/0412).	Yes.
4L-1	Direct street access should be provided to ground floor apartments.	Retail units located at the ground floor are provided with direct street front access.	Yes.
4M-1	Building facades to be well resolved with an appropriate scale and proportion to the streetscape and human scale.	The proposal was subject to a review by Council's Urban Design Review Panel and the design was supported. The facades are adequately articulated and propose a range of materials and finishes with areas of light and shade as well as quality deep soil areas in key positions around the building.	Yes.

4O-1	Landscape design to be sustainable and enhance environmental performance.	The submitted landscape plan indicates a selection of trees, shrubs and ground covers appropriate for the site. Due to alterations required at the ground level, and waste collection area, a condition of consent is recommended to be included to ensure that an amended landscape plan including a maintenance schedule is approved prior to the issue of a Construction Certificate.	Yes. Condition Recommended.
4Q-2	Adaptable housing is to be provided in accordance with the relevant Council policy.	21 adaptable units have been provided overall, including DA16/0412.	Yes.
4U-1	Adequate natural light is to be provided to habitable rooms.	All habitable rooms are provided with appropriate levels of natural light. Apartment depths and open floor plan arrangements will allow light into kitchens, dining areas and living areas.	Yes.
4V-2	Water sensitive urban design systems to be designed by suitably qualified professional.	The proposal falls within Stage 3A of the North Penrith site. Stormwater drainage from the development site will be connected to the existing formed roadway drainage system which has been installed as part of the Thornton precinct road network. This roadway network and site infrastructure drainage contains a central wetland and detention basin as part of the stormwater management for the precinct. As the stormwater quantity and quality is managed by a regional system as detailed in the 'North Penrith Stages 2B - 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques' prepared by J. Wyndham Prince, dated 17 October 2012, reference 9470Rpt1B, the WSUD requirements for DA16/0411 have been addressed through this precinct wide stormwater management strategy.	Yes.
4W-1	A Waste Management Plan is to be provided.	A Waste Management Plan prepared by the applicant has been submitted.	Yes.
	Circulation design allows bins to be easily manoeuvred between storage and collection points.	Waste areas located in basement and ground floor levels were reviewed by Council's internal Waste Officer who had raised matters relating to circulation space, the carousel and chute systems and temporary waste areas. Amended plans will be required addressing these issues as a condition of consent. The issues raised can be addressed through design amendments within the spaces already allocated to waste services.	Yes.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No. 2—1997). This Policy aims “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”. The Policy requires Council to assess development applications with regard to general and specific considerations, policies and strategies.

The proposal is not found to be contrary to these general and specific aims, planning considerations, planning policies and recommended strategies. The site is not located within a scenic corridor of local or regional significance and it is considered that the proposed development will not significantly impact on the environment of the Hawkesbury Nepean River either in a local or regional context.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies
Part 8 Local provisions Penrith City Centre	Complies
Clause 8.1 Application of Part	Complies
Clause 8.2 Sun access	Complies
Clause 8.3 Minimum building street frontage	Complies
Clause 8.4 Design excellence	Complies - See discussion
Clause 8.5 Building separation	Complies
Schedule 1 Additional permitted uses	Complies - see Appendix - LEP 2010

Clause 2.3 Permissibility

Commercial premises are permissible with Council's consent within the B2 Local Centre zone. Residential flat buildings are not listed as a permitted use, however are permitted for the subject site under the LEP by Schedule 1 - Additional permitted uses.

Clause 8.4 Design excellence

The development application was presented to Council's Urban Design Review Panel and the plans were considered satisfactory and demonstrate design excellence. A design competition did not need to be held as the proposed building is not greater than 6 storeys nor is it greater than 24m in height.

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 2014

Provision	Compliance
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	Complies
D2.6 Non Residential Developments	Complies
E11 Penrith	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iia) 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

In accordance with Section 143 of the *Environmental Planning and Assessment Regulation 2000*, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application was referred to Council's Building Surveyor for assessment and no objections were raised to the proposal subject to recommended standard conditions of consent.

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

Context and Character

The development of the site will not negatively impact on the character of the area. The site is currently vacant and the approval of the development will introduce a six storey mixed use development into the streetscape. The proposed setbacks, street activation, overall design and selected materials are assessed to be sympathetic to the local area and are supportive of the desired high quality streetscape character anticipated for the Village Centre both under the Penrith DCP 2014 and the approved Major Project Concept Plan for the Thornton Estate (MP10-0075 & MP10-0078).

Solar Access

The development will have a minor impact on the amount of solar access attributed to neighbouring sites, particularly to the immediate south and east. This has been assessed against the relevant guidelines and is considered acceptable.

Traffic and Car Parking

As a result of the proposal there will be an increase in the volume of traffic entering and exiting the site, however the development proposes a compliant car parking rate and it is unlikely to impact negatively, to the detriment of the local network. The site is adjacent the commuter carpark, which is likely to have alternate peak times to the retail uses, where the proposed retail uses are predicted to have weekend peak times.

Noise and Construction Impacts

Construction at the site will have a temporary effect on the amenity of the area due to noise and equipment/machinery use. Standard conditions of consent are recommended with regard to hours of construction, noise and dust suppression and soil erosion and sediment control.

Social & Socio-Economic Impacts

The development is unlikely to result in any negative social impacts in the area. The proposal has been assessed against the principles and objectives contained within the DCP, specifically those related to safety and security, and is compliant in this regard. The development of the site will facilitate the provision of resident accommodation and employment opportunities within the local government area in accordance with the aims of Penrith LEP 2010.

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

The site is considered to be suitable for the site for following reasons:

- The site is zoned to permit the proposed use;
- The use is compatible with surrounding and future adjoining land uses;
- The grade and area of the site is capable of providing for, or connecting to, the infrastructure required to service and maintain the development;
- Relevant conditions of consent are included to ensure that the access and circulation requirements of residents and visitors including waste collection and delivery vehicles are provided for into and around the subject site.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining properties and advertised in the local newspaper.

Council notified 15 properties in the area and the exhibition period was between 20 January and 3 February 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
Waste Services	Not supported
Traffic Engineer	No objection subject to conditions

Waste Services

The application was referred to Council's Waste Services Department who have not supported the waste collection arrangements. The comments provided relate to the allocation of a second chute system for recyclables and the dimensions of the chute room and waste collection room. Given that the issues raised are able to be resolved by amending the design within the existing spaces provided, conditions of consent have been included requiring that the amended design be submitted to Council for approval prior to the issue of a Construction Certificate.

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

The proposed development is unlikely to generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

Condition C4 of MP10-0075 (as amended) and Condition B8 of MP10-0078 (as amended) stipulate the rates for Section 94 contributions for Thornton sites consistent with the \$20,000 Ministerial cap for Section 94 plans. The conditions state that:

1. *Contributions shall be made payable to Penrith City Council for the purposes of district open space facilities at a rate per dwelling type as shown below.*

Development Type	Contribution
<i>Residential flat building, Multi dwelling housing and Shop-top housing</i>	<i>\$1,566 for each new dwelling</i>
<i>Dwelling houses, Dual occupancies and subdivision</i>	<i>\$2,427.30 for each new dwelling or new lot</i>
<i>Housing for older people</i>	<i>\$1,174.50 for each new dwelling.</i>

2. *The contributions are to be paid to Council prior to Construction Certificate being issued for a dwelling,*

3. *Deferred or periodic payments may be permitted subject to agreement from Council. Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance,*

4. *If not paid within the current quarterly period, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan.*

Note: Section 94 Contributions are not required for the community facility or any other non-residential development.

Based on the above requirements, the following Section 94 contributions for district open space facilities are applicable:

- 58 dwellings x \$1,825 = \$105,850.00

A recommended condition of consent will require the payment of this contribution prior to the issue of a Construction Certificate.

Conclusion

The proposal has been assessed against the relevant environmental planning instruments and policies, including SEPP 65, Penrith LEP 2010 and the Penrith DCP 2014. The proposal is found to satisfy the aims, objectives and provisions of these policies and is acceptable.

The proposal will have a positive impact on the character of the surrounding area and proposes a site responsive design which is compliant with Council's key development standards and as such is not contrary to the public interest. Further, the proposal is found to be consistent with the Major Project Approvals for the North Penrith Concept Plan. The application is therefore worthy of support, subject to the recommended conditions of consent.

Recommendation

1. That DA16/0411 for a six (6) storey mixed use building with ground floor retail tenancies x 4, residential apartments x 58 & basement car parking at 192 Lord Sheffield Circuit, PENRITH, be approved subject to the attached conditions.

General

1 A001

The development must be implemented substantially in accordance with the plans tabled below and stamped approved by Council, the application form, BASIX Certificate No. 764523M and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Plan	Numbered	Drawn By	Dated
Site Plan	DA01-1001 (Revision A)	DKO Architects	29 April 2016
Basement Level Plan	DA01-2000 (Revision A)	DKO Architects	29 April 2016
Ground Floor Plan	DA01-2001 (Revision A)	DKO Architects	29 April 2016
Level 1 Plan	DA01-2002 (Revision A)	DKO Architects	29 April 2016
Level 2 Plan	DA01-2003 (Revision A)	DKO Architects	29 April 2016
Level 3 Plan	DA01-2004 (Revision A)	DKO Architects	29 April 2016
Level 4 Plan	DA01-2005 (Revision A)	DKO Architects	29 April 2016
Level 5 Plan	DA01-2006 (Revision A)	DKO Architects	29 April 2016
Roof Plan	DA01-2007 (Revision A)	DKO Architects	29 April 2016
Elevations Plan	DA01-3000 (Revision A)	DKO Architects	29 April 2016
Elevations Plan	DA01-3001 (Revision A)	DKO Architects	29 April 2016
Elevations Plan	DA01-3002 (Revision A)	DKO Architects	29 April 2016
Section Plan	DA01-3003 (Revision A)	DKO Architects	29 April 2016
Perspectives Plan	DA01-5000 (Revision A)	DKO Architects	29 April 2016

2 A017 - DA FOR USE

Prior to occupation of the building or a tenancy within the building, a separate development approval is to be obtained from Penrith City Council to use the building or each tenancy within the building/complex.

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.

5 A037 - POSITIVE COVENANTS

To facilitate the future conversion of ground floor residential uses to non-residential uses, a positive covenant shall be registered on the title of the property prior to the issue of an Occupation Certificate stating that the strata owners corporation shall not unreasonably restrict or limit the ability for such a conversion to occur.

6 A046 - Obtain Construction Certificate before commencement of works

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

7 A Special (BLANK)

Prior to the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

8 A Special (BLANK)

Prior to the issue of a Construction Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

9 **A Special (BLANK)**

Prior to the issue of a Construction Certificate, amended architectural plans shall be submitted to Council for approval demonstrating compliance with Council's Residential Flat Building Development Waste Management Guidelines and the following requirements:

a) Waste Chutes and Chute Room

- i) The chute system shall provide a separate chute for residual and recyclable waste.
- ii) A linear track device shall be provided under each individual chute. System specifications, operational clearances and locations are to be clearly outlined. A minimum 0.9m clearance around the track device is required to allow the bins to be rotated and changed when full.
- iii) Suitable door access for the service of bins with a minimum width of 1.8m shall be provided.
- iv) Provision shall be made for the storage of 2 x 1,100L service bins in each chute room with a minimum 1.4m wide unobstructed path of access.

b) Waste Collection Room

- i) The room shall accommodate 8 x 1,100L bins with 0.2m between each bin and a 1.8m clearance between the bins from the doorways to allow adequate manoeuvrability room
- ii) Suitable door access for the service of bins with a minimum width of 1.8m shall be provided.

10 **A Special (BLANK)**

Prior to the issue of a Construction Certificate, revised elevation plans of the waste collection room shall be submitted to Council for approval. These plans are to demonstrate blank wall articulation through changes in materiality and landscape screening.

11 **A Special (BLANK)**

Prior to the issue of an Occupation Certificate, all plant/equipment and lift over runs on the roof area are to be screened from public view.

12 **A Special (BLANK)**

Prior to the issue of an Occupation Certificate, a signage strategy shall be submitted to Council for approval in accordance with Clause E11.8.4.13 of Penrith Development Control Plan 2014. The strategy is to:

- a) identify the preferred locations and quantum of all building identification and advertising signage;
- b) include a palette of preferred materials, signage types and graphic style;
- c) outline proposed illumination requirements so as to consider its impact on future, nearby residential uses;
- d) promote a high quality, co-ordinated approach to signage within the Village Centre and minimise visual clutter;
- e) include details of any way finding signage.

13 **A Special (BLANK)**

The basement car park associated with DA16/0411 and DA16/0412 shall be built concurrently and completed prior to the issue of an Occupation Certificate for either development.

14 **A Special (BLANK)**

The following safety and security requirements are to be complied with:

- a. Pedestrian pathways, lane ways and access routes in outdoor public spaces should be lit to the minimum Australian Standard of AS 1158. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas. Lighting should be designed in accordance with AS4282 – Control of the obtrusive effects of outdoor lighting.
- b. Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.
- c. Lighting should be designed so that it is 'vandal-tough' or difficult for vandals to break.
- d. All lighting should be maintained and kept in a clean condition with all broken or burnt out globes to be replaced quickly.
- e. Avoid medium height vegetation with concentrated top to bottom foliage.
- f. Trees with dense low growth foliage should be spaces or crown raised to avoid a continuous barrier.
- g. Avoid vegetation that impedes the effectiveness of public and private space lighting.
- h. Use "green screens" (wall hugging vegetation that cannot be hidden behind) if screening large expanses of fencing to minimise graffiti.
- i. Anti-motor vehicle theft signage is to be displayed in visible locations within the car park.
- j. Any outdoor furniture should utilise vandal-resistant treatments where possible and should be constructed of sturdy materials to minimise opportunities for malicious damage, graffiti, vandalism and theft. Graffiti resistant coatings must be applied to any surfaces subject to graffiti to assist with removal.
- k. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repared (within 48 hours).
- l. The required sight lines at intersections and driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.

15 **A Special (BLANK)**

prior to the issue of an Occupation Certificate, Lots 3004 and 3005 in DP 1184498 shall be consolidated as one allotment.

16 **A Special (BLANK)**

A right of footway shall be registered on the title of the subject land in the location of the pedestrian through-site link prior to the issue of an Occupation Certificate.

Note: Additional terms may be added to the standard wording for a Right of Footway as provided in the Conveyancing Act. Additional wording may stipulate that the Right includes the use of the through-site link for dining associated with tenancies with frontage to the through-site link which includes the placement of tables and chairs within the through-site link.

17 **A Special Condition (BLANK)**

Details on the location and sizing of rainwater tanks for the development, including harvested rainwater reuse information, is to be submitted to Council **prior to the issue of a Construction Certificate** in line with the requirements of Council's Water Sensitive Urban Design Policy 2013 and BASIX Certificate No. 764523M (dated 30 September 2016).

18 **A Special Condition (BLANK)**

Prior to the issue of Construction Certificate the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B - 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference 9470Rpt1B dated 17 October 2012.

Environmental Matters

19 **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 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.

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

All waste materials stored on-site during the construction phase 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.

21 **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.

22 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Council approved Acoustic Report that is required by this consent. The recommendations provided in the Council approved 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 Council 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.

23 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

24 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling 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 Council. The Validation Certificate shall:

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

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

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

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

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.

{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, soilscience, 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."}

25 **D - Dust**

Dust suppression techniques are to be employed during construction activities to reduce any potential nuisance to surrounding properties.

26 **D Special (BLANK)**

Prior to the issue of an Occupation Certificate, the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss or damage.

Note:

By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

27 **D Special (BLANK)**

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

28 **D special BLANK**

Prior to the issue of a Construction Certificate, an Acoustic Report is to be submitted to Council for approval. The Acoustic Report is required to demonstrate that the development can achieve the internal noise criteria, and that it will not have any unreasonable impact on adjoining premises. This report is to be prepared by a suitably qualified acoustic consultant.

The report is to consider:

- The 'NSW Industrial Noise Policy' in terms of assessing the noise impacts associated with the development, including noise from plant and equipment, the commercial premises, deliveries and garbage removal (including use of the truck turning table). The Acoustic Report is to assess the impacts of these components and activities upon the internal noise levels of the residential units within the development as well as upon surrounding receivers.
- The potential impact from road traffic noise resulting from vehicles entering and exiting site, demonstrating compliance with 'NSW Road Noise Policy'.

Should mitigation measures be necessary, recommendations should be included to this effect.

29 **D Special BLANK**

Prior to the issue of the Construction Certificate, a soil erosion and sediment control plan, prepared in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction " 2004 shall be submitted to Council for approval. (Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication). If Council is not the Certifying Authority, a copy of Council's approval is to be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

The approved erosion and sediment control measures are to be installed prior to the commencement of works on site and shall be maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development. 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 and are to ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development. Also, dust suppression techniques are to be employed during site works and construction activities to reduce any potential nuisances to surrounding properties.

30 **D Special BLANK**

Prior to the issue of the Construction Certificate, details on the type and location of all mechanical plant and equipment associated with the development, is to be provided to Council for consideration and approval. Suitable data and information, assessed by a qualified acoustic consultant, is to be supplied to demonstrate that the operation of the plant and equipment (including but not limited to mechanical ventilation/air-conditioning equipment) will comply with the internal noise criteria required for each of the individual units within the development, as well as complying with the provisions of the Protection of The Environment Operations Act 1997 that apply to the development, in terms of regulating offensive noise. In this regard, the operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises.

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that all plant and equipment has been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified. This Compliance Certificate for the mechanical plant and equipment may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the established noise criteria as detailed in the Council approved Acoustic Report.

31 **D Special BLANK**

Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, contaminated groundwater, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council 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.

32 **D Special BLANK**

Drainage details demonstrating that all waste water from the bin rooms/bin washing area(s) is discharged to an approved sewer outlet, are to be shown on plans accompanying the Construction Certificate application. Waste water from the washing of garbage bins is not to enter the stormwater system.

33 **D Special BLANK**

No waste water resulting from, or associated with, the excavation and construction phase of the development, is permitted to enter Council's stormwater system. All waste water from the site is to be removed by a licensed transporter and disposed of at an EPA licensed waste facility. All receipts and supporting documentation must be retained in order to verify lawful disposal of waste water and are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to both Council and the Certifying Authority prior to the commencement of works.

34 **D Special BLANK**

Prior to the issue of the Construction Certificate, a Construction Noise and Vibration Impact Assessment and Management Plan is to be prepared and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009 and "Assessing Vibration- a technical guideline", 2006.

The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

BCA Issues

35 **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.

36 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.

Utility Services

37 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 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.

38 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.

39 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.

Construction

40 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.

41 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.

42 H025 - Construction of garbage rooms

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

43 H033 – Clothes line

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

44 [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.

45 [H042 - Adaptable Dwelling Certification](#)

The Construction Certificate must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS4299- 2009).

Engineering

46 [K101 - Works at no cost to Council](#)

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

47 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

48 **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 Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

49 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Integrated Group Services, reference number EN-N16_92, drawings H-900 to H-903, revision 01, dated 30 September 2016.

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.

50 **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, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

Prior to issue of any Construction Certificate, the Certifying Authority shall ensure that the plans are amended to reflect required correction detailed in Appendix B, Swept Path Assessment of Transport Impact Assessment, reference number: 16S9042000, dated 17/10/2016, prepared by GTA Consultants.

51 **K224 - Construction Traffic Management Plan**

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

The CTMP shall be supported by a traffic control plan, designed in accordance with the requirements of the RMS's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RMS accredited Work Site Traffic Controller.

52 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

53 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

54 **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.

55 **K503 - 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 Penrith City Council is not the Principal Certifying Authority.

56 **K Special (BLANK)**

Accessible car park spaces, in the basement car park, are to be designed according to AS2890.6 and configured so that the required shared spaces are not within the travel lane of the circulating aisles.

57 **K Special (BLANK)**

The proposed median/pedestrian refuge between the service vehicle driveway and basement car park driveway is to be a minimum of 2m wide with a cut-out section to allow prams and/or mobility aids to traverse at grade.

58 **K Special (BLANK)**

Prior to the Issue of an Occupation Certificate the pedestrian movements to the west and east of the site must be facilitated by the construction of two (2) on-road raised threshold pedestrian crossings (one on Dunshea Place and the other on Lord Sheffield Circuit) linking to the proposed internal footways fronting commercial operations on the ground floor of the site.

59 **K Special (BLANK)**

Subleasing of car parking spaces is not permitted by this consent.

60 **K Special (BLANK)**

The required sight lines around driveway entrances are not to be compromised by landscaping, fencing, signage or other obstructions.

61 **K Special (BLANK)**

All car spaces are to be linemarked and dedicated for the parking of vehicles only and not to be used for storage of materials/products/waste materials, etc.

62 **K Special (BLANK)**

All servicing of the site by heavy vehicles, including (but not limited to) deliveries to commercial tenancies, must be undertaken via the proposed service vehicle driveway and turntable, with a plan of management to be provided indicating how the use of the service driveway/turntable is to be facilitated between all users.

Landscaping

63 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plans and Penrith Council's 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

64 **L002 - Landscape construction**

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

65 **L003 - Report requirement**

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

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

66 **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 Development Control Plan 2014.

67 **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.

Development Contributions

68 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$105,850.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

Payment of Fees

69 **P001 - Costs**

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

70 **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

71 **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. 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, or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

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

72 **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.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

E11 Penrith

E11.8.4 The Village Centre

Whilst this section stipulates that *'the Village Centre is all land that is zoned B4 Mixed Use'*, it is understood that this section applies to the subject site given the area shown in Figure E11.47 - Village Centre location of preferred land uses in the Penrith Development Control Plan 2014. The site is zoned B2 Local Centre and given that there is no B4 Mixed Use zone within the North Penrith precinct, it is the intention that this section be used for assessment of built form on the subject site, as detailed below.

- 1) The subject site is identified a for retail uses in Figure E11.47. Given that there is a retail component at the ground floor, it is consistent with the preferred land uses.
- 2) The application proposes 6 storeys.
- 3) The ground floor ceiling height of the future retail tenancies is 5.1m.
- 4) The subject site is identified as a built to boundary lot. The setbacks are consistent with the Apartment Design Guide.
- 5) An awning is proposed at the ground floor, in accordance with the controls. A canopy awning is able to provide shelter to the at grade commuter car park, however future development on the adjacent site to the south will be able to provide shelter to the multi storey commuter car park.
- 6) Street frontages are provided in accordance with Figure E11.51, being 'active (retail)' on the eastern boundary. Future retail tenancies are proposed.
- 7) Entries to the residential portions of the building are provided through the central courtyard and main thoroughfares with retail tenancies having direct entry points from the respective street frontages.
- 8) Multiple entrances have been proposed with the ground floor being predominantly occupied by retail tenancies. Front door entries have not been provided for residential units however this is appropriate given the publicly accessible common courtyard areas. The hallway entrances provide security and privacy for residents.
- 9) May be incorporated as a condition of consent.
- 10) Council's Building Surveyor raised no objection to the development's ability to comply with the relevant access standards.
- 11) The external materials and finishes that are proposed are high quality with a number of glazing elements. A bank wall to the proposed waste collection area is to be amended and reviewed prior to Construction Certificate issue. A condition of consent will require this.
- 12) The plant room and lift overrun are located in the centre of the roof area and will not be visible from the street or adjacent buildings. A condition of consent will require screening.
- 13) Is to be conditioned.

11.8.4.2 Access, Parking and Servicing

<u>Development Type</u>	<u>Maximum Car Parking Rate</u>	<u>Maximum for this development</u>
Commercial / Retail	1 space per 50m ² GFA	599.1m ² = 11.98 spaces
Residential		
• Studio	• 0.5 spaces per dwelling	• N/A
• 1-2 bedrooms	• 1 space per dwelling	• 58 X 1 = 58 spaces
• 3+ bedrooms	• 2 spaces per dwelling	• N/A
• Visitors	• On-Street only	• on street
• Car Wash Bay	• 1 Space for every 50 units (max of 4)	• 1 Space
		Total = 69.98 Spaces and 1 car wash bay

The basement shared between this proposal and DA16/0412 contains 142 car parking spaces, where 66 spaces are allocated to the subject building. The proposal is therefore compliant with the maximum car parking rate.