

JRPP Number	2013SYW064
DA number	DA13/0554
Capital Investment Value	\$23,000,000
Assessing Officer	Belinda Borg - Senior Environmental Planner
Local Government	Penrith City Council
Proposed Development	Eight (8) storey mixed use development comprising three (3) levels of car parking, 10 commercial tenancies and 97 residential apartments.
Property Description	Lot 30 DP 658427 Lot 31 DP 651861 Part Lot 32 DP 14333 Lot 33 DP 1089178 Lot 34 DP 1089178
Property Address	No 240-250 Great Western Highway, Kingswood (Penrith City Council)
Date Received	6 June 2013 (Further amended plans submitted on 27 November 2013 & further amended car parking and loading dock plans submitted on 19 March 2014).
Type of Development	Advertised Development
Recommendation	Approval, subject to conditions

Assessment Report and Recommendation

Executive Summary

On 6 June 2013 Council received a Development Application which involves the construction of an eight (8) storey mixed use development comprising three (3) levels of car parking, 10 commercial tenancies and 97 residential apartments on the property known as 240-250 Great Western Highway, Kingswood.

The proposed development has a 'capital investment value' (CIV) of \$23 million. Given that the CIV is in excess of \$20 million, the proposed development is to be determined by the Joint Regional Planning Panel (JRPP) – Sydney West pursuant to Section 23G and Schedule 4A (3) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The subject site is located within the 3(a) General Business zone under Interim Development Order No 9 – City of Penrith (IDO 9). The proposed mixed use development can be defined as “*commercial premises*”, “*residential flat building*” and “*shop*” as per the 1965 Model Provisions which are adopted for the purposes of IDO 9. The defined uses are permissible with development consent in the zone.

The subject application was placed on public exhibition and notified to adjoining property owners from 24 June to 8 July 2013. Three (3) submissions were received at the end of the exhibition period raising concerns regarding car parking, access off Wainwright Lane and implementation of Crime Prevention Through Environmental Design (CPTED) principles within Wainwright Lane.

An assessment under Section 23G and Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) has been undertaken. After detailed consideration of all matters, the report recommends the JRPP grants consent to the proposal subject to the imposition of conditions of development consent.

Background

A pre-lodgement meeting was held on 6 September 2012 to discuss the initial design proposal. Prior to this, a UDRP meeting was held on 15 August 2012 to review the design of the development. The application submitted to Council has been prepared with regard to the matters raised during the assessment process and by the UDRP. The following key issues were identified during these initial design meetings:

- Pedestrian through connection and permissibility form highway frontage.
- It was strongly recommended that the applicant make attempts to incorporate the adjoining Lot 29 to the west into the development site. Whilst this has not been achieved, it is noted that pre-lodgement and Urban Design Review Panel meetings have been held with respect to future development in Lot 29 and the development potential of Lot 29 remains.
- Appropriate consideration is required to ensure that the design of the development relates effectively to the existing and likely future development adjoining the site.
- The positioning of balconies is to ensure separation between balcony areas and the adjoining sites, as well as reorientating balconies to ensure a level of amenity will be achieved if and when future development is constructed on adjoining properties. The design of the development has been amended to reflect this.
- Parking and access is to be consistent with Council's requirements for mixed use development.

Site and Surrounds

The site is located between the Great Western Highway and Wainwright Lane, Kingswood (See Appendix 1). The site covers five (5) separate landholdings with a total area of 2913m². The overall frontage to the Great Western Highway (northern boundary) is 76.215 metres, the overall frontage to Wainwright Lane (Southern boundary) is 76.2 metres, the eastern boundary is 38.739 metres and the western boundary is 37.721 metres. The site falls to Wainwright Lane at the rear.

The site is currently occupied by a pool display centre but has previously been used as a car yard and also as a service station. The site is fully developed and there is no significant vegetation on site. Vehicular access to the site is obtained from both the Great Western Highway and Wainwright Lane.

To the east, the site is adjoined by retail shops forming part of the Kingswood Shopping strip. To the west, the site is adjoined by a two storey commercial building on Lot 29. On the western side of Lot 29 is a park on the corner of Somerset Street.

The main western railway line is located to the north of the site on the opposite side of the Great Western Highway. Kingswood railway station is located approximately 265 metres to the east. Easy pedestrian access is available to and from the railway station.

To the south, on the opposite side of Wainwright Lane, are small scale residential flat buildings, up to four (4) storeys in height.

The Kingswood shopping strip along the Great Western Highway has the potential for redevelopment. Draft Penrith Local Environmental Plan 2010 will rezone the land for mixed use development with a possible floor space ratio of 4:1 and building heights

of 24 metres. An eight (8) storey mixed use development is currently being constructed at 180-190 Great Western Highway, Kingswood, to the east of the subject site.

The site is located within the area nominated as a future medical use precinct. Nepean Public Hospital and Nepean Private Hospital are located to the west of the subject site on the other side of Somerset Street.

Proposed Development

The subject Development Application involves the construction an eight (8) storey mixed use development comprising three (3) levels of car parking, 10 commercial tenancies and 97 residential apartments (See Appendix 2 – Architectural Plans). The proposal incorporates ten (10) two bedroom dual key apartments capable of providing separated studio and one bedroom apartments. The proposal also provides ten (10) “adaptable” units.

The development is designed as two towers separated by a pedestrian walkway linking the Great Western Highway with Wainwright Lane. The retail / commercial design component of the building has been designed with regard to the need to integrate with the existing and future adjoining retail / commercial development.

The development has a total gross floor area of 9,279m² (exclusive of basement car parking areas).

Vehicular access to the development is obtained from Wainwright Lane, including access to basement car parking areas and the retail / commercial loading dock.

The development details are as follows:

Level B3 – basement car park containing 73 residential car parking spaces

Level B2 - basement car park containing 34 residential and 34 retail car parking spaces

Level B1 - basement car park containing 45 retail car parking spaces

Level 1 – ten (10) retail/commercial tenancies (with a total tenancy floor area of 1379m²) and loading bay

Level 2 – 2 x 1 bed apartments, 10 x 2 bed apartments, 2 x 2 bed dual key apartments

Level 3 – 2 x 1 bed apartments, 10 x 2 bed apartments, 2 x studio apartments 2 x 2 bed dual key apartments

Level 4 – 2 x 1 bed apartments, 10 x 2 bed apartments, 2 x studio apartments 2 x 2 bed dual key apartments

Level 5 – 2 x 1 bed apartments, 10 x 2 bed apartments, 2 x studio apartments 2 x 2 bed dual key apartments

Level 6 – 2 x 1 bed apartments, 9 x 2 bed apartments, 2 x studio apartments 2 x 2 bed dual key apartments

Level 7 – 6 x 1 bed apartments, 4 x 2 bed apartments

Level 8 – 6 x 1 bed apartments, 4 x 2 bed apartments

The following documents have accompanied the subject application: -

- Architectural Drawings by M.A.D. Architecture
- Survey Plan by Freeburn Surveying
- Stormwater Plans by Williams Consulting Engineers
- Electrical Services External Lighting Layout by LAM Consulting Engineers
- Landscape Plan by Conzept Landscape Architects
- Statement of Environment Effects by Stimson Consulting Services
- Architect's Design Statement by M.A.D. Architecture
- SEPP 65 Compliance Table by M.A.D. Architecture
- SEPP 65 Unit Schedule by M.A.D. Architecture
- Development Summary by M.A.D. Architecture
- External Finishes Schedule by M.A.D. Architecture
- Solar Access Analysis by M.A.D. Architecture
- Traffic Impact Statement by Thompson Stanbury Associates
- Access Report by I Access Consultants
- Acoustic Impact Statement by Vipac Engineers and Scientists
- Stormwater Design Report by Williams Consulting Engineers
- Contamination Report / Detailed Site Investigation by Noel Arnold and Associates
- Waste Management Plan by M.A.D. Architecture
- Security and CCTV Details by LAM Consulting Engineers
- NBN Co Development Registration
- BCA Capability Statement by Benchmark Building Certifiers
- BASIX Certificate and BASIX Capability Statement by Benchmark Building Certifiers.

Planning Assessment

The development has been assessed in accordance with the matters for consideration under Section 79C of the EP&A Act. The main issues that have arisen in the assessment relate to:

- External design
- Relationship to adjoining development
- Relationship to future development in the area
- Parking, access and loading/unloading

1. Section 23G - Environmental Planning and Assessment Act 1979

A regional panel is taken to be the Council whose functions are conferred on a regional panel. In this case, the Sydney West Joint Regional Planning Panel is the consent authority as conferred on it under Section 23G and Schedule 4A (3) of the EP&A Act.

2. Section 79C (1) (a) (i) – Any Environmental Planning Instrument

Interim Development Order No 9 – City of Penrith

The subject site is located within the 3(a) General Business zone under Interim Development Order No 9 – City of Penrith (IDO 9). The proposed mixed use development can be defined as “commercial premises”, “residential flat building” and “shop” as per the 1965 Model Provisions which are adopted for the purposes of IDO 9. The defined uses are permissible with development consent in the zone.

IDO 9 contains no objectives or development standards for development.

Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to the proposal is the requirement to assess the development in terms of the impact of the development on water quality, particularly as that relates to the water cycle or on flora or fauna. It is proposed to discharge stormwater from the development to the existing stormwater system. Subject to appropriate conditions relating to stormwater control, and sediment and erosion control during construction, the proposal will be consistent with the policy, particularly in relation to total catchment management and water quality in the metropolitan area.

State Environmental Planning Policy No.55 (State Environmental Planning Policy 55- Remediation of Land)

Pursuant to Clause 7 of SEPP 55, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether it is satisfied that the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

The site has previously been used as a service station and contains underground storage tanks at the eastern part of the site on Lot 34. These tanks have not yet been decommissioned. At the northern part of the site there is an area which is suspected to have contained tanks from an older service station on Lot 32.

The application is accompanied by a Contamination Report and Detailed Site Investigation by Noel Arnold and Associates. The excavation of the site to accommodate the proposed three basement levels will, in itself, effectively remediate the site. No other remediation works will be required outside of the footprint of the basement levels. The report provided is considered adequate and appropriate conditions of development consent will ensure compliance in this regard.

State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings

Consistent with the requirements of Clause 30, the development has been assessed with regard to the ten (10) design quality provisions of State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings (SEPP 65). The advice of Council's UDRP has been considered and the applicant has amended the design in response to this advice. Further, the application has been assessed with regard to the *Residential Flat Design Code* as referenced in the SEPP .

An assessment of the proposal against the controls of the *Residential Flat Design Code* has been undertaken by M.A.D. Architecture. The following relevant issues are noted having regard to the 'Primary Development Control' section of the Code:

Building Separation: The intention of this control is to create a spatial relationship of the buildings and to avoid amenity problems in terms of visual and acoustic privacy and day light access. The requirements are:

up to four storeys/12 metres

- 12 metres between habitable rooms/balconies
- 9 metres between habitable/balconies and non-habitable rooms
- 6 metres between non-habitable rooms

five to eight storeys/up to 25 metres

- 18 metres between habitable rooms/balconies
- 13 metres between habitable rooms/balconies and non-habitable rooms
- 9 metres between non-habitable rooms

nine storeys and above/ over 25 metres

- 24 metres between habitable rooms/balconies
- 18 metres between habitable rooms/balconies and non-habitable rooms
- 12 metres between non-habitable rooms

Setbacks are staggered and varied throughout the development but do not satisfy these requirements with respect to the side boundaries. The development has been amended to increase separation between balcony areas and the adjoining sites, as well as reorientating balconies to ensure that a suitable level of amenity will be achieved if and when future development is constructed on adjoining properties. The provision of privacy screens will assist in ensuring that the intent of this provision is satisfied.

Soft Soil: A minimum 25% is required. The development provides for a total of 7.6%. This is considered acceptable given that the development is a mixed use development located in the Kingswood shopping precinct. The mixed use warrants the ground floor of the development to be used predominantly for retail /commercial uses which would otherwise have been available for deep soil planting. The *Residential Flat Design Code* has not been prepared with regard to this scenario.

Communal Open Space: A minimum of between 25% to 30% is required. The development provides for a total of 24.03%. Communal open space areas for residents are provided in the form of balconies on level 2 and level 6. (with two separate communal open space balconies provided on level 2). Communal open space is provided for the public on level 1. Surrounding gardens will contribute to the design of open space areas. Further, the site is located within reasonable distance to nearby sporting fields off Santley Crescent to the west.

The development satisfies other relevant controls contained within the *Residential Flat Design Code*.

With regard to the design quality principles of SEPP 65, these are addressed as follows:

Context - Careful consideration has been given to ensuring that the development is appropriate for its context and has a suitable relationship with adjoining and nearby development. The retail / commercial design component of the building has been designed with regard to the need to integrate with the existing and future adjoining retail / commercial development. This is achieved through the use of appropriate architectural design elements and forms. An eight (8) storey mixed use development is currently being constructed at 180-190 Great Western Highway, Kingswood, to the east of the subject site. The development responds appropriately to the current and future aesthetic environment of the area and the development is considered to respond adequately to its context.

Scale – An appropriate scale is achieved through the use of architectural design features and the design of two towers separated by a pedestrian walkway, thereby reducing the perceived bulk of the development. The development is appropriate in scale and the built form of the development is consistent with that expected to occur in the future. Draft Penrith Local Environmental Plan 2010 will rezone the land for mixed use development with a possible floor space ratio of 4:1 and building height of 24 metres.

Built form – The design of the development is appropriate and for its purpose. Public domain is clearly defined, the development positively contributes to the character of the streetscape and adequate internal amenity and outlook is provided.

Density – The density of the development is consistent with the future permitted density for the area. A floor space ratio of 3.2:1 is achieved. Draft Penrith Local Environmental Plan 2010 will rezone the land for mixed use development with a possible floor space ratio of 4:1.

Resource, energy and water efficiency - The proposed units meet the relevant environmental amenity requirements in terms of solar access and ventilation. BASIX certification has been provided.

Landscape – A detailed landscape plan accompanies the application. Landscaping will assist with the aesthetic quality of the development. Landscaping is considered adequate given the nature of development proposed and the position of the site within the Kingswood shopping precinct.

Amenity – The internal amenity for residents is maintained through the delineation of public domain areas, the provision of outdoor balconies and the opportunity for natural light and ventilation.

Safety and security - Safety and security issues have been adequately addressed by orienting commercial areas towards the street frontages in order to provide adequate passive surveillance. Residential balconies will provide surveillance opportunities at both the front and rear of the development. Details of external lighting, security and CCTV have been provided with the application. NSW Police have completed a CPTED assessment and their recommendations will be incorporated into conditions of consent as appropriate.

Social dimensions and housing affordability - The development optimises the provision of affordable housing in the Penrith area, close to the public transport system, employment opportunities and local facilities. The development proposes a substantial number of one and two bedroom dwelling units.

Aesthetics – The design of the development incorporates a variety of architectural features and external finishes. The perceived bulk and scale of the development has been reduced through the use of these elements. In addition, the design of the development as two separate towers, separated by a pedestrian walkway, further reduces the bulk and scale of the development. The development has been designed with regard to the existing and likely future adjoining development. The development provides an improved aesthetic amenity along this section of the Great Western Highway.

An Architect's Design Statement was provided with the application, prepared by Peter Morson, Director of M.A.D. Architecture. The Statement concludes that the proposal is appropriate to the site and its context. It states that the proposal forms a key junction between the railway station and the hospital and will catalyse positive development within the medical precinct and along the Great Western Highway.

State Environmental Planning Policy (Infrastructure) 2007

Clause 87 of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) applies to residential development adjacent to a rail corridor. Sub-clause (3) states that:

If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The application has been accompanied by an Acoustic Impact Statement by Vipac Engineers and Scientists. The report concludes that, providing the recommendations in the report are correctly implemented, the development is predicted to comply with noise requirements. Council's Senior Environmental Health Officer has reviewed the report and appropriate conditions of consent are recommended to ensure compliance.

The application was also referred to Roads and Maritime Services (RMS) given the proximity of required excavation and frontage to the Great Western Highway. The RMS have no objections subject to conditions of development consent.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application is accompanied by a BASIX Certificate and BASIX Capability Statement by Benchmark Building Certifiers.

3. Section 79C (1) (a) (ii) – Any Draft Environmental Planning Instrument

Draft Penrith Local Environmental Plan 2010

Draft Penrith Local Environmental Plan 2010 (DLEP 2010) has been publicly exhibited and is now with NSW Planning and Infrastructure awaiting final gazettal. It is proposed to zone the site B4 Mixed Use under the provisions of DLEP 2010. The land containing the strip of Kingswood shops facing the Great Western Highway, between Somerset Street and Bringelly Road will permit a possible floor space ratio of 4:1 and building height of 24 metres. The following clauses contained within DLEP 2010 are of relevance:

Clause 4.3 – Height of Buildings. A maximum building height of 24 metres is proposed under DLEP 2010. The development provides a building height of approximately 28.22 metres at its highest point (Measured from maximum roof height to ground floor level.)

Clause 4.4 - Floor Space Ratio. A maximum floor space ratio of 4:1 is proposed under DLEP 2010. The development provides a floor space ratio of 3.2:1.

Clause 4.6 – Exemptions to Development Standards. Exemptions to development standards can be sought, in certain circumstances, under the provisions of DLEP 2010.

Draft SEPP 66 – Integration of Land Use and Transport

The Draft SEPP aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve the following planning objectives:

- (a) *improving accessibility to housing, employment and services by walking, cycling, and public transport;*
- (b) *improving the choice of transport and reducing dependence solely on cars for travel purposes*
- (c) *moderating growth in the demand for travel and the distances travelled, especially by car;*
- (d) *supporting the efficient and viable operation of public transport services;*
- (e) *providing for the efficient movement of freight.*

Clause 7 of the Draft SEPP indicates that it relates to developments having a gross floor space of more than 1 000m² and, although not specifically related to mixed use development, includes:-

- 7(a) *development for the purposes of retailing,*
- (c) *offices ...*
- (f) *parking stations having more than 200 spaces*

As such, consideration of the Draft SEPP 66 has been made.

The development is consistent with the objectives of the Draft SEPP 66, being located close to transport connections and pedestrian networks. Bicycle parking is provided for on site. Employment opportunities will be available during construction and after occupation, reducing the demand for travel to other centres.

If the Draft SEPP is gazetted prior to the determination of the application, transitional provisions apply (Clause 14(d)) which allows the assessment of the application to progress, without the detailed consideration of the provisions of the Plan.

However, the Draft has been in its current form since 2001 and is unlikely to be gazetted for some time.

4. Section 79C (1) (a) (iii) – Any Development Control Plan

Penrith Development Control Plan 2006

Penrith Development Control Plan 2006 (DCP 2006) applies to the development. The following sections are relevant for the planning assessment.

Part 2.1 Contaminated Land

The application is accompanied by a Contamination Report and Detailed Site Investigation by Noel Arnold and Associates. The excavation of the site to accommodate the proposed three basement levels will, in itself, effectively remediate the site. No other remediation works will be required outside of the footprint of the basement levels. The report provided is considered adequate and appropriate conditions of development consent will ensure compliance in this regard.

The development satisfies Part 2.1 of DCP 2006.

Part 2.2 Crime Prevention through Environmental Design

An assessment has been undertaken with regard to the CPTED principals. NSW Police have completed a detailed assessment of the application in this regard. A number of recommendations are provided and these will be incorporated as recommended conditions of development consent as appropriate. Safety and

security issues have been adequately addressed by orienting commercial areas towards the street frontages in order to provide adequate passive surveillance. Details of external lighting, security and CCTV have been provided with the application.

The development satisfies Part 2.2 of DCP 2006.

Part 2.6 Landscape

A detailed landscape plan accompanies the application, prepared by suitably qualified consultant in accordance with the requirements of DCP 2006. Landscaping will assist with the aesthetic quality of the development. Council's Landscape Officer has reviewed the application and appropriate conditions of development consent are recommended in response.

The development satisfies Part 2.6 of DCP 2006.

Part 2.9 Waste Planning

The application has been accompanied by a Waste Management Plan addressing waste generation during and after construction. Council's Waste Management Co-ordinator has reviewed this plan and appropriate conditions of consent are recommended to ensure that the development satisfies Council's requirements in this regard.

The development thereby satisfies Part 2.9 of DCP 2006.

Part 2.11 Car Parking

DCP 2006 requires that car parking be provided at the following relevant rates:

Apartments – on site resident parking for each dwelling

1 or 2 bedrooms: 1 space

In addition, provide visitor parking for developments that have 5 or more dwellings: 1 space for every 5 dwellings

Shops – 1 space per 26m² of net retail floor area

The development provides a total of 79 retail car parking spaces. A total of 1379m² retail tenancy space is available within the development. DCP 2006 requires that 53 car parking spaces be provided for the retail tenancies. An additional 26 car parking spaces have been provided for the retail tenancies. (The application has made note of the fact that a medical centre may be provided within the development. This may generate an additional car parking demand as car parking would be required to be provided based on the number of health care professionals and support staff. The additional retail car parking can accommodate any additional demand generated by other permissible land uses.)

The development provides a total of 107 residential car parking spaces. 97 residential apartments (with a mix of studio and one and two bedrooms) are provided within the development. However, ten (10) of the apartments dual key apartments and there is thereby the potential for an additional ten (10) one bedroom apartments should the dual key system be utilised. As such, car parking has been calculated on the basis of a potential 107 apartments. The requirement for resident car parking is therefore satisfied.

Assuming the potential for 107 residential apartments, a total of 22 visitor car parking spaces is required to be provided for the development. No provision has been made for visitor car parking utilising the previous resident car parking calculations. In this regard, it is noted that the figure of 107 apartments is a "worse case" scenario and

the number of individual one or two bedroom apartments may be as low as 97. This would reduce the requirement for resident car parking. Resident car parking spaces are provided at the lower levels of the basement and are separated from the retail car parking spaces. Access to the residential car parking spaces may be difficult for visitors due to security measures imposed for residents. There is the potential for residential visitors to utilise the additional retail car parking spaces. It is also noted that the site is located in close proximity to Kingswood railway station and other public transport links, with good pedestrian links. Parking for bicycles is provided within the development (19 lock up spaces for residents and 12 spaces for visitors to the development). These features will serve to reduce demand for car parking spaces within the development.

5. Section 79C (1) (a) (IV) – The Regulations

Environmental Planning and Assessment Regulation 2000

Clause 50 of the Regulation provides that a development application for a residential flat development, lodged on or after 1 December, 2003, must be accompanied by a design verification statement from a qualified designer. The application is accompanied by a SEPP 65 Compliance Table and an Architect's Design Statement prepared by Peter Morson of M.A.D. Architecture.

6. Section 79C (1) (b) – The Likely Impacts of the Development

Built and Natural Environment

Design

The provision of a quality design development in the Kingswood shopping precinct, within view of the greater western rail line, will result in a positive aesthetic contribution to the Penrith area. Careful consideration has been given to ensuring that the development is appropriate for its context and has a suitable relationship with adjoining and nearby development. This has been achieved through the design of two towers separated by a pedestrian street, thereby reducing the perceived bulk and scale of the development. The retail / commercial design component of the building has been designed with regard to the need to integrate with the existing and future adjoining retail / commercial development. This is achieved through the use of appropriate architectural design elements and forms.

Traffic, Access and Parking

As per the discussion under DCP 2006, the development provides a total of 79 retail car parking spaces. DCP 2006 requires that 53 car parking spaces be provided for the retail tenancies. An additional 26 car parking spaces have been provided for the retail tenancies.

The development provides a total of 107 residential car parking spaces. Car parking has been calculated on the basis of a potential 107 apartments. The requirement for resident car parking is satisfied.

A total of 22 visitor car parking spaces is required to be provided for the development. No provision has been made for visitor car parking. The requirement for 107 residential car parking spaces is a "worse case" scenario and the number of car parking spaces required may be as low as 97, depending on whether the dual key apartments are used as two individual apartments or not. This would also reduce the requirement for resident car parking. Resident car parking spaces are provided at the lower levels of the basement and are separated from the retail car parking spaces. Access to the residential car parking spaces may be difficult for visitors due

to security measures imposed for residents. There is the potential for residential visitors to utilise the additional retail car parking spaces. It is also noted that the site is located in close proximity to Kingswood railway station and other public transport links, with good pedestrian links. Parking for bicycles is provided within the development (19 lock up spaces for residents and 12 spaces for visitors to the development). These features will serve to reduce demand for car parking spaces within the development.

Accessible car parking spaces will be provided within the development and recommended conditions of development will ensure compliance with AS2890.6.

Vehicular access to the development is obtained from Wainwright Lane. The application has been amended to ensure that the loading bay complies with Council's minimum design requirements. A recommended condition of consent will require that "No Stopping" restrictions be implemented on the northern side of Wainwright Lane from the eastern side boundary for 25 metres to the west. This will ensure that sight distances around the loading bay and the basement entry and exit are maintained.

Noise

Noise generated by the development will predominantly be from the movement of vehicles and the loading and unloading of delivery trucks for the retail / commercial tenancies. Appropriate conditions of consent will ensure that noise impacts from the development do not adversely impact on the amenity of the area.

The site is located on the Great Western Highway and opposite the main western railway line. The application has been accompanied by Acoustic Impact Statement by Vipac Engineers and Scientists. The report concludes that, providing the recommendations in the report are correctly implemented, the development is predicted to comply with noise control requirements for the residential component of the development. Council's Senior Environmental Health Officer has reviewed the report and appropriate conditions of consent are recommended to ensure compliance.

Social and Economic Impacts

The development will provide positive social and economic impacts. The development provides for additional and upgraded retail and commercial floor space within the Kingswood shopping precinct. The development makes a positive design contribution to the Kingswood shopping precinct and will hopefully serve as a catalyst for other similar proposals. This will serve to stimulate economic activity with the Kingswood shopping precinct and, overall, within the Penrith local government area.

The development provides for a variety of additional low cost housing choice in close proximity to public transport links and employment opportunities. This will have a positive social impact in the area.

10. Section 79C (1) (c) – The Suitability of the Site for the Development

In light of the discussion provided in this report, the site is suitable for the development proposed. Indeed, the proposed mixed use development is consistent with Council's vision for the area as demonstrated by the provisions of DLEP 2010. The development satisfies relevant planning controls, including those pertaining to residential flat development. The site suitability is dependent upon appropriate remediation works being completed in accordance with the provisions of SEPP 55.

11. Section 79C (1) (d) – Any Submissions made in relation to the Development

Referrals

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

<i>Referral Body</i>	<i>Comments Received</i>
<i>Urban Design Review Panel</i>	Concerns raised in the Urban Design Review Meeting have been addressed through the provision of revised plans and during the assessment of the proposal.
<i>Building Surveyor</i>	No objections raised subject to conditions of development consent.
<i>Development Engineer</i>	No objections raised subject to conditions of development consent.
<i>Traffic Engineer</i>	No objections raised subject to conditions of development consent.
<i>Environmental Health</i>	Noise – No objections raised subject to conditions of development consent. Contamination - The excavation of the site to accommodate the proposed three basement levels will effectively remediate the site. Appropriate conditions of development consent are recommended to address outstanding Environmental Health concerns.
<i>Public Health</i>	No objections raised subject to conditions of development consent. All future uses of the commercial / retail tenancies will require a development application enabling assessment of any future skin penetration premises and food premises.
<i>Landscape Architect</i>	Recommended conditions of consent provided.
<i>Waste Services</i>	Appropriate conditions of consent are recommended to ensure that the development satisfies Council's requirements in this regard. .
<i>Community Safety</i>	Appropriate conditions of consent are recommended to ensure that the development satisfies Council's requirements in this regard.
<i>NSW Police</i>	The response from NSW Police summarises their assessment with regard to Crime Prevention Through Environmental Design (CPTED). A number of recommendations are provided and these will be incorporated as recommended conditions of development consent as appropriate.
<i>Roads and Maritime Services (RMS)</i>	No objections subject to conditions of development consent. However, concern is raised in relation to the impact of traffic turning right from Bringelly Road into Wainwright Lane on the performance of the signalised intersection of the Great Western Highway

<i>Referral Body</i>	<i>Comments Received</i>
	and Bringelly Road. This will be reviewed and managed by Council through consultation with the Local Traffic Committee.

Community Consultation

In accordance with Part 2.7 Notification and Advertising of DCP 2006, the original design of the application was placed on public exhibition and notified to adjoining property owners from 24 June to 8 July 2013. Three (3) submissions were received at the end of the exhibition period. The submissions are summarised as follows:

Submission 1 – Nepean Blue Mountains Local Health District provided a submission on the proposal. The proximity of the site to Nepean Public Hospital and Nepean Private Hospital is noted. The submission raised concern over the impact that the development will have on parking in the area, particularly with regard to the proposed residential apartments. The submission considers that parking provision for the development may not be sufficient and that proximity to public transport links will not guarantee that residents will not have a vehicle or that the residents of some units may have more than one vehicle. The submission raises concern over parking calculation for the ten (10) dual-key apartments as it is considered to potentially represent 20 apartments and concern is that the parking provision does not reflect this. The submission notes the existing problem with car parking in the area and states that the new multi-storey car park at Nepean Public Hospital will assist in ameliorating a portion of the demand generated by the public hospital, it will not address demands relating to the private hospital and other specialist medical uses in the area. Future development may further exacerbate this.

Response – Car parking provision for the development has been addressed previously in this report under the heading of *DCP 2006, Part 2.11 – Car Parking* and under the heading *Traffic, Access and Parking*. The development does not provide for residential visitor car parking, however the development provides for an additional 26 car parking spaces for retail tenancies. The proximity of the development to Kingswood railway station and other public transport and pedestrian links is noted.

Submission 2 – The University of Sydney owns the property at 29-33 Rodgers Street which is opposite the development on the other side of Wainwright Lane. The University has provided a submission raising concern over the increased traffic flow in Wainwright Lane and the noise impact from delivery vehicles. Concern is also raised over the potential for traffic congestion/conflict with the proposed site layout. The submission recommends separate ingress and egress to the development provided at opposite ends of the development. The submission recommends no parking in Wainwright Lane to prevent conflict with delivery vehicles and also recommends appropriate directional signage. The submission also raises concern over safety and security and suggests a footpath in Wainwright Lane with street level activation and street lighting (having regard to nearby residential development).

Response – A recommended condition of consent will require that “No Stopping” restrictions be implemented on the northern side of Wainwright Lane from the eastern side boundary for 25 metres to the west. This will ensure that sight distances around the loading bay and the basement entry and exit are maintained. The application has been assessed with regard to CPTED principles and details of external lighting, security and CCTV have been provided with the application. Residential balconies will provide surveillance opportunities at both the front and rear

of the development. The development provides for improved amenity and surveillance within Wainwright Lane.

Submission 3 – A further submission from a private individual also raises concern over the adequacy of proposed car parking for the development as they consider that many households will own more than one car and there is insufficient parking for visitors.

Response – As per the response to submission 1.

8. Section 79C (1) (e) – The Public Interest

The development provides for additional and upgraded retail and commercial floor space within the Kingswood shopping precinct. At the same time, the development provides for a variety of additional low cost housing in close proximity to public transport links. The development makes a positive design contribution to the Kingswood shopping precinct and will hopefully serve as a catalyst for other similar proposals. The development is consistent with the overall design vision for the medical precinct. Appropriate consideration has been given to access provision and CEPTED principles in the design of the development. The development is in the public interest.

Section 94 Contributions

Citywide S94	Rate	Total
DOS*	\$1,784.00	\$381,776.00
LOS	\$645.00	\$138,030.00
Cultural*	\$131.00	\$33,641.00
Kingswood Neighbourhood Centre	\$140.00	\$35,952.00
Grand Total		589,399.00

All rates are subject to indexing on a quarterly basis and the adjustments to the payable contributions are made at time of payment. Contributions are required to be paid prior to the issue of a Construction Certificate.

Conclusion

The proposed mixed use development satisfies relevant planning controls, including those pertaining to residential flat development. The development provides for additional and upgraded retail and commercial floor space within the Kingswood shopping precinct. At the same time, the development provides for a variety of additional low cost housing in close proximity to public transport links. The development makes a positive design contribution to the Kingswood shopping precinct and will hopefully serve as a catalyst for other similar proposals. The proposed mixed use development is consistent with Council's vision for the area as demonstrated by the provisions of DLEP 2010.

After completion of an assessment of the application, it is recommended that the application be approved subject to the imposition of conditions of consent.

RECOMMENDATION

That:

1. The information contained in the report on Development Application No. 13/0554 for the Construction of an eight (8) storey Mixed Use Development comprising three (3) levels of car parking, 10 commercial tenancies and 97 residential apartments at Lot 30 DP 658427, Lot 31 DP 651861, Part Lot 32 DP 14333, Lot 33 and Lot 34 DP 1089178, No 240-250 Great Western Highway, Kingswood be supported for approval subject to the following conditions:

Standard Conditions

2.1 A001 - Approved Plans

The development must be implemented substantially in accordance with the stamped approved plans issued by Penrith City Council and other plans, reports or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions.

2.2 A014 -

Lot 30 DP 658427, Lot 31 DP 651861, Part Lot 32 DP 14333, Lot 33 and Lot 34 DP 1089178 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

2.3 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.

2.4 A019 – Occupation Certificate

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

2.5 A026 - Advertising sign

A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan–Advertising Signs.

2.6 A038 – Lighting Location

Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 “Control of the obtrusive effects of outdoor lighting” (1997).

2.7 A039 - Graffiti

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

2.8 A046 – Construction Certificate

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

2.9 B001 - Demolition of existing structures

The existing buildings/ structures on the subject site are to be demolished as part of the approved work.

2.10 B002 - As for demolition and disposal to approved landfill site

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

All demolition and excavated material shall be disposed of [in accordance with the approved waste management plan for the development. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority prior to commencement of demolition.

2.11 B003 - Asbestos

You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" before any demolition works commence on the site.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

2.12 B004 - Dust

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

2.13 B005 - Mud/ Soil

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

2.14 D001 - Implement approved sediment and erosion control measures

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

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

2.15 D004 - Site remediation works

Site remediation works shall be carried out generally in accordance with the approved contamination report and remedial action plan as well as Penrith Contaminated Land Development Control Plan, the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed.
- A validation report, prepared by an appropriately qualified person as defined in Penrith Contaminated Land Development Control Plan, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan, relevant NSW Environment Protection Authority requirements and Penrith Contaminated Land Development Control Plan.

2.16 D06A - *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 Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land 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, 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.”}

2.17 D009 - Covering of waste storage area (Applies to building works/demolition)

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

2.18 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.

2.19 D014 - Plant and equipment noise

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

2.20 D020 - Vehicle wash bay

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

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

2.21 D026 – Liquid Waste

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.

2.22 E001 – BCA Compliance

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).

2.23 E005 - Smoke detector sinterconnect

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

2.24 E006 - *Disabled access and facilities*

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

2.25 E008 - *Fire safety list with Construction Certificate*

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

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

2.26 E009 - *Annual fire safety statement-essential fire safety*

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

2.27 G002 - Section 73 Compliance Certificate

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.

2.28 G004 - Endeavour 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 padmounted 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.

2.29 H041 -

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

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

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

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

2.30 H001 – Stamped plans & erection of site notice 1 (Class 2-9)

Stamped plans, specifications, a copy of the development consent and any other Certificates/ Information 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 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 is 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 construction and associated landscaping works have been completed.

2.30 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.

2.31 H011 - Engineering plans & specifications

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

2.32 H022 - Survey

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

2.33 H024 - Glass installations AS1288

Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.

2.34 H025 – Construction of garbage rooms

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

2.35 H032 - Painting

The building is to be painted internally and externally. *Painting*

2.26 H033 – Clothes Line

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

2.27 L001 – General Landscaping

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

Plan, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

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

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

2.28 L002 -

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

2.29 L003

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (2 / 3) landscape works.

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

ii. Maintenance Report

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

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (2 / 3) landscape works.

2.30 L005 - Planting of plant material (Applies to most building/subdivision, not fitouts)

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

2.31 L006 - AS requirements (Applies to most building/subdivision, not fitouts)

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.

2.32 Landscape Special

2.33 P001 - Costs

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

2.34 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.

2.35 Q001 - Notice of Commencement & Appointment of PCA

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

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

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

Information to accompany the Notice of Commencement

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

2.36 Q006 – *Occupation Certificate (Class 2-9)*

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

Section 94 Contributions

2.37 Section 94 Contributions Cultural Facilities

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$33,641.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted

Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

2.38 Section 94 Contributions District Open Space

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$381,776.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

2.39 – Section 94 Contributions Local Open Space

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$138,030.00 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 Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

2.40 - Section 94 Contributions Kingswood Neighbourhood Centre

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Kingswood Neighbourhood Centre. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$35,952.00 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 Kingswood Neighbourhood Centre may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Engineering matters

2.41 All road works, stormwater works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

2.42 Prior to the issue of a Construction Certificate a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Replacement of damaged kerb and gutter
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

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.

Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

Note: Approvals may also be required from the Roads and Maritime Service for classified roads.

2.43 Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of full width path paving for the full length of the development frontage in both Wainwright Lane and The Great Western Highway.

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

A maximum crossfall of 2% across the footway is to be designed from the building frontage to the existing top of kerb. Full details of path paving materials are to be submitted with the application.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

2.44 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by by

Williams Consulting Engineers Australia, reference number 2013/060/1-4, dated June 2013.

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.

- 2.45 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- a) The crest in the access ramp to the basement car park is a minimum of 100mm above the top of kerb.

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

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

- 2.47 Prior to the issue of any Construction Certificate a performance bond is to be lodged with Penrith City Council for foot paving works in Wainwright Lane and The Great Western Highway.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's **Development Engineering Unit** on 4732 7777 for further information relating to bond requirements

- 2.48 Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

Note:

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

- 2.49 Prior to the issue of an 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.

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

Notes:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 for further information on this process.

Allow eight (8) weeks for approval by the Local Traffic Committee.

- 2.51 Prior to the issue of an Occupation Certificate directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 2.52 Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Penrith City Council for path paving works in Wainwright Lane and The Great Western Highway.

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

Traffic

- 2.53 Any temporary loading zones required during construction will be subject to a separate application to and approval by the Local Traffic Committee and payment of the appropriate fees.
- 2.54 Prior to the issue of an Occupation Certificate, and to maintain sight distances around the new loading bay and basement entry and exit, "No Stopping" restrictions are to be implemented on the northern side of Wainwright Lane, from the kerb ramp immediately to the east of the eastern site boundary, for 25m to the west. This is subject to a separate application to, and approval by Council's Local Traffic Committee prior to implementation and installed at no cost to Council.
- 2.55 Prior to the issue of an Occupation Certificate, any proposed loading zone on the northern side of Wainwright Lane, is subject to a separate application to, and approval by Council's Local Traffic Committee prior to implementation and installed at no cost to Council.
- 2.56 Prior to the issue of an Occupation Certificate, all secure bicycle parking is to be provided in accordance with *AS2890.3:1993 Bicycle Parking Facilities*
- 2.57 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 2.58 Subleasing of car parking spaces is not permitted by this Consent.

Roads and Maritime Service Recommended Conditions

- 2.57 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to RMS for determination prior to the issue of a construction certificate.
- 2.58 The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to

Council for approval, which shows that the proposed development complies with this requirement.

- 2.59 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004.
- 2.60 The proposed development should be designed such that road traffic noise from adjacent public roads is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
- 2.61 A Road Occupancy License should be obtained from TMC for any works that may impact on traffic flows on Great Western Highway during construction activities.
- 2.62 Should the post development storm water discharge from the subject site into the RMS system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the RMS for approval, prior to the commencement of works.

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO BOX 973 Parramatta CBD 2124

- 2.63 The developer is to submit design drawings and documents relating to the excavation of the site and support structures to RMS for assessment, in accordance with Technical Direction GTD2012/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by RMS.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8848 2114

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings.

The notice is to include complete details of the work.

- 2.64 Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- 2.65 All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

Waste

- 2.66 Prior to the release of the Construction Certificate, details of a Provision of a waste chute system or communal storage area (for 1 garbage and 1 recycling bin) on residential floor of the building.

In the event that a communal storage area is provided, the bins are to be rotated by a caretaker on a daily basis.

Substation

- 2.67 The Substation area shall be screened properly and the screen is to be designed in a manner that is compatible and consistent with the rest of the building. Details are to be submitted to council for consideration and approval with the construction certificate.

Environmental Health

- 2.68 The removal of the underground petroleum storage system is to be undertaken in accordance with the relevant legislation, Guidelines, Technical Notes and Australian Standards, including the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008, the Guidelines for implementing the Protection of the Environment (Underground Petroleum Storage Systems) Regulation 2008 and the UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS.

- 2.69 At the time of the removal of the underground petroleum storage system, the excavation pit(s) and excavated soils should be inspected, sampled and tested by an appropriately qualified environmental specialist. The environmental specialist is to ensure that adequate sampling is undertaken of the soil to ensure that any contaminated soil is removed from the site to an approved waste facility.

- 2.70 At the time of the removal of the underground petroleum storage system, if any groundwater is located then this is also to be tested to determine whether it has been contaminated. In the event that contaminated groundwater is identified a NSW Accredited Site Auditor is to be engaged to determine the appropriate procedures to ensure that the site is in a state that is suitable for its intended use. If in the opinion of the Site Auditor remediation works are required, then all works on the site are to immediately cease and a development application is to be lodged and approved by Council for this remediation. Construction works cannot recommence until such time as the remediation have been completed and the site has been validated and deemed suitable for use by the Site Auditor.

- 2.71 A Validation Report prepared by a suitably qualified environmental specialist is to be submitted to Council within sixty (60) days of the removal of the underground petroleum storage system or completion of remediation works.

- 2.72 Prior to the issue of the Construction Certificate, an assessment is to be undertaken on any vibration impacts associated with the construction of the development. A report on this assessment is to be prepared and submitted to Council for approval. The assessment is to be undertaken in accordance with the NSW Department of Environment, Climate Change and Water's 'Assessing vibration: a technical guideline'. Should the assessment identify any mitigation measures that are required to ensure that the development does not adversely impact the surrounding properties then these measures are to be implemented during the construction phase of the development.

The Construction Certificate cannot be issued until such time as the above report has been reviewed and approved by Council.

- 2.73 Noise levels from or in the premises shall not exceed the relevant noise criteria detailed in “Acoustic Report for the Assessment Railway/Road Traffic Noise & Vibration Impact on the Proposed Development at the 39-47 Henry Street Penrith” prepared by Far West Consulting Engineers dated 6 July 2010, and their additional correspondence dated 31 January 2011. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the works have been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of the Compliance Certificate.

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

- 2.74 Prior to the issue of the Construction Certificate, further assessment of the construction noise impacts is to be undertaken and a report of this assessment is to be submitted to Council for approval. The assessment is to be undertaken in accordance with the relevant guidelines, including the NSW Department of Environment and Climate Change's Interim Construction Noise Guideline. Should the assessment identify any measures that are required to ensure that the development does not adversely impact the surrounding properties then these measures are to be implemented prior to and during the construction phase of the development.

The Construction Certificate cannot be issued until such time as the above report has been reviewed and approved by Council.

- 2.75 Prior to the issue of the Occupation Certificate, details of all plant and equipment including air conditioning units are to be submitted to Council. This plant and equipment are to be selected and designed to meet the following noise criteria:
- (a) 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.
 - (b) Australian/New Zealand Standard 2107:2000 Acoustics-Recommended design sound levels and reverberation times for building interiors
- 2.76 Prior to the issue of the Occupation Certificate, a compliance certificate is to be submitted to Council outlining that all plant and equipment have been installed to comply with:
- 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.
 - Australian/New Zealand Standard 2107:2000 Acoustics-Recommended design sound levels and reverberation times for building interiors
- 2.77 Prior to the Occupation Certificate, the building shall be clearly identified with street numbers visible to assist visitors and emergency services.

Security and Safety

- 2.78 Pedestrian walkways around the car park and linkages to the hospital buildings must also be well lit.

- 2.79 Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site being traversed.
- 2.80 All lighting should be vandal resistant.
- 2.81 All surfaces within the car park should be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.
- 2.82 The proposed stairwells and lifts must be well lit, clearly signposted and enable good levels of passive surveillance at all times.
- 2.83 Stairwells must use transparent materials (e.g. glass or open style fencing) wherever possible to allow natural light into the stairwells and maximise opportunities for surveillance from outside the car park.
- 2.84 Where certain design features are unavoidable (eg. Blind corners, small enclosed spaces) mirrors should be used to minimise potential entrapment spots.
- 2.85 CCTV must be installed to cover all levels of the car park and common area within the retail floor of the building, including all pedestrian and vehicle entrances/exits, lifts and stairwells, bike racks, paying machines and perimeter areas.
- 2.86 CCTV cameras shall be made of sturdy, vandal resistant materials.
- 2.87 Adequate lighting must be provided to enable cameras to operate effectively at night.
- 2.88 Effective directional signs should be considered to provide guidance to visitors in locating entry/exit points, fire exits and units etc. It can also assist in controlling activities and movements throughout the premises and ground.
- 2.89 Warning signs can be displayed around the perimeter of your unit block and property to warn intruders of what security treatments have been implemented to reduce opportunities for crime (Warning: Trespassers will be prosecuted. Warning: This property is under electronic surveillance).

Amended Landscape Plan

- 2.88 Prior to the commencement of landscape works on site, an amended landscape plan is to be prepared and submitted to Council for approval addressing the following:
- Seating arrangements are required to be redesigned for a successful space. Accessible seating is required (armrests and comfortable backs to seats, and spaces next to seats for those in wheelchairs to be able to sit beside an able bodied person). Seating in both north-south and east-west arcades should be positioned to maximise access to direct sunlight. Consideration should be made for seating with backs, as a planter bed wall is not a comfortable solution for a back to seating
 - Enlargement of the planter boxes within the ground floor area is required to sustain successful and amenable planting able to reach maturity.
 - Provision of bins within the ground floor area
 - Details on paving type and drainage within the ground floor area and Great Western Highway frontage are to be provided together with slip resistance information.
 - Planting details for garden beds on podium are required for assessment.
 - Removal of street planting within the Great Western Highway frontage of the property.

- External walls shall be designed with adjacent furnishings so they are not skateable. When this is not possible, anti-skate devices shall be robustly incorporated.
- Public art shall be incorporated into the landscape design. The applicant is to liaise with Council's Cultural Development Officer in this regard.
- An uncoloured broom finish concrete is to be provided on footpaths at the Great Western Highway and Wainwright Lane frontages with appropriate joining between slabs. The extent of the paving shall interface with a "private property" paving type at an appropriate point.

Bonds

- 2.89 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond is based upon the estimated value of the works with a bond of \$10,000 payable for the subject development.

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

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