

RECOMMENDATION (Amended)

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.~~

Prior to the occupation of the commercial tenancies within the development, a separate development approval is to be obtained from Penrith City Council to use each tenancy within the development.

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.~~

All demolition works are to be conducted in accordance with the provisions of AS 2601-2001 *The Demolition of Structures*. Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of in accordance with the approved waste management plan for the development.

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 and **construction** 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).~~

{Note: Visit www.urbangrowth.nsw.gov.au to obtain a copy of the publication.}

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.~~

Site remediation works shall be carried out generally in accordance with the Remedial Action Plan, as approved under Condition 73, as well as Penrith 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~~

2.32 P001 - Costs

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

2.33 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.

2.34 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.

2.35 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

2.36 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.

2.37 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.

2.38 – 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.

2.39 - 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

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

2.41 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.

2.42 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.

- 2.43** 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.

- 2.44** 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

- 2.45** 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.

- 2.46** 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

- 2.47** 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.

2.48 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.

2.49 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.

2.50 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.

2.51 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

2.52 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.

2.53 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.

2.54 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.

- 2.55 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*
- 2.56 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 2.57 Subleasing of car parking spaces is not permitted by this Consent.

Roads and Maritime Service Recommended Conditions

- 2.58 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.
- 2.59 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.
- 2.60 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.
- 2.61 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.
- 2.62 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.
- 2.63 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

- 2.64 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 ~~shall be submitted and approved for the provision of a~~ Provision of a waste chute system or ~~communal~~ storage area (for 1 garbage and 1 recycling bin) on ~~the~~ 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.~~

~~An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:~~

- ~~a) Supervise the remediation works.~~
- ~~b) Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.~~
- ~~c) Address off site impacts and proposed management strategies where relevant.~~
- ~~d) (after completion of works) Certify by way of a Compliance Certificate or other written documentation that remediation works have been carried out~~

in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the Validation Report). A copy of the Compliance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement**.

{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.”}

- ~~2.70 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.~~

The decommissioned underground petroleum storage tanks are to be disposed of at a lawful waste facility. Suitable documentation is to be provided to Council demonstrating the lawful disposal of the tanks with the submission of the Validation Report.

- 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.~~

Noise levels from and within the premises shall not exceed the relevant noise criteria detailed in “240-250 Great Western Hwy Acoustic Impact Assessment for DA Submission” prepared by Vipac Engineers & Scientists Ltd dated 5 June 2013 (Ref. No. 20C-13-0144-TRP-2688667-0-draft). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application**. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

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

- ~~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.~~

All mechanical plant and equipment is to comply with the noise criteria outlined in “240-250 Great Western Hwy Acoustic Impact Assessment for DA Submission” prepared by Vipac Engineers & Scientists Ltd dated 5 June 2013 (Ref. No. 20C-13-0144-TRP-2688667-0-draft).

Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

- ~~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~~

The "Construction Noise Assessment" included at Appendix A of "240-250 Great Western Highway, Kingswood, Acoustic Assessment – RFI Assessment" prepared by Vipac Engineers & Scientists Ltd dated 12 November 2013 (Ref. 20E-13-0249-TRP-515606-0) is to be implemented and complied with during the construction phase of the development.

~~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~~

~~Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used or recycled in accordance with the approved Waste Management Plan.~~

~~Waste is to be stored in a designated storage area prior to removal for disposal or recycling. Where possible, the waste storage area is to be located so that it is not visible to the occupiers of adjoining properties. The waste storage area is to be undercover, or is to be provided with a weatherproof cover, when it is unattended or not in use. The waste storage area is to be maintained to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties.~~

~~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.~~

~~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.~~

2.77 Prior to the issue of the Construction Certificate, a Remedial Action Plan is to be submitted to Council for approval. If Council is not the principal certifying authority, then correspondence confirming Council's approval also needs to be submitted to the certifying authority.

The Remedial Action Plan is to be prepared with consideration of the relevant contaminated land planning guidelines and policies, including but not limited to SREP No. 20, SEPP 55, the Contaminated Land Management Act and all relevant NSW Environment Protection Authority Guidelines.

The Remedial Action Plan is to address, at minimum:

- Unexpected finds, such as through the inclusion of an Unexpected Finds Protocol.
 - Validation sampling once soils have been excavated and removed for the construction of the basement.
 - Waste classification for excavated contaminated soils.
- 2.78 Delivery and service vehicles (including garbage collection vehicles) generated by the development are limited to the hours of 7am and 10pm.
- 2.79 Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.

Security and Safety

- 2.80 Prior to the Occupation Certificate, the building shall be clearly identified with street numbers visible to assist visitors and emergency services.
- 2.81 Pedestrian walkways around the car park and linkages to the hospital buildings must ~~also~~ be well lit.
- 2.82 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.
- 2.83 All lighting should be vandal resistant.
- 2.84 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.
- 2.85 The proposed stairwells and lifts must be well lit, clearly signposted and enable good levels of passive surveillance at all times.
- 2.86 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.
- 2.87 Where certain design features are unavoidable (eg. Blind corners, small enclosed spaces) mirrors should be used to minimise potential entrapment spots.
- 2.88 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.
- 2.89 CCTV cameras shall be made of sturdy, vandal resistant materials.
- 2.90 Adequate lighting must be provided to enable cameras to operate effectively at night.
- 2.91 Effective directional signs **shall be installed** 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.
- 2.92 Warning signs **shall** be displayed around the perimeter of **the** 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

- 2.93 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

2.94 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.