

CONDITIONS SUMMARY

Application Number:	DA14/1111
Assessing Officer	Jonathon Wood
Land to be developed (Address):	Part Lot 1 DP 1043008 73 Mulgoa Road PENRITH NSW 2750
Proposed Development:	Staged Construction of Four (4) Storey Multi-Deck Car Park including Rooftop Parking & Ground Floor Retail Premises (3), Eight (8) Storey Serviced Apartments Building (83 Apartments), Western Extension of Ransley Street & Associated Works

General

1 [A001](#)

This consent permits development to occur in 2 Stages, with Stage 1 being for the construction of the multi-deck carpark and associated works and Stage 2 being for alterations to the Stage 1 works and construction of a Serviced Apartment development and associated works. For the avoidance of doubt any reference to a construction certificate or occupation certificate is a reference to a construction certificate or occupation certificate for the relevant stage, unless otherwise specified within the specific condition.

2 [A003 - Deferred Commencement use only](#)

The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council and other plans or documents approved in respect to Schedule 1 by Council, except as may be amended by the following conditions.

3 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

4 [A019 \(amended\) - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

5 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The operating hours for the development are:

- Serviced Apartments: 24 hours, seven (7) days per week;
- Multi-Deck Carpark: 24 hours, seven (7) days per week;
- Car wash: 9am-9pm seven (7) days per week;
- Retail Tenancies: 6am – 12 midnight, seven (7) days per week;

Delivery, garbage collection and service vehicles generated by the development are to be restricted to 7:00am to 10:00pm Monday to Sunday.

6 [A039 - Graffiti](#)

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

7 [A046 - Obtain Construction Certificate before commencement of works](#)

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

8 [A047](#)

A separate development application must be submitted to Penrith City Council for any proposed food business or skin penetration business as defined under the NSW Food Act 2003 and Public Health Act 2010. Additionally, a separate development application shall be provided for the proposed gymnasium.

9 [A CPTED Building Security & Access Control](#)

Building Security & Access Control

- CCTV should be operational within the car park and public areas of the serviced apartments. Management should have a CCTV Code of Practice and Operational Requirements developed.
- A boom-gate system must be installed at entry and exits to the car park to control access and reduce the risk of motor vehicle theft.
- The ground floor retail/commercial spaces must be kept locked when not in use and accessible to authorised staff/patrons only.
- Australian Standard door and window locks should be installed in all retail/commercial spaces and dwellings, including doors onto balconies, to minimise the risk of break and enter offences.

10 [A CPTED Commercial Developments Building Identification](#)

Commercial Developments Building Identification

The building and car park must be clearly signposted with location maps and directional signage to aid users in way finding.

11 [A CPTED Entrances](#)

Entrances

- The entrance to the serviced apartment lobby should be at a prominent position and clearly visible and legible to the users. Its current south west orientation provides limited opportunity for natural surveillance (prior to further development at the rear of this site) and good lighting and clear signage will be essential at this location.
- Entrances should allow users to see into and out of the building before entering and exiting.

12 [A CPTED Lighting](#)

Lighting

All areas intended to be used at night should allow appropriate levels of visibility. The lighting plan must be inclusive of the peripheries of the site to ensure all pedestrian walkways and access points into the car park and apartment building are lit to standard.

13 [A CPTED Movement Predictors](#)

Movement Predictors

- The pedestrian link bridge between the multi-storey car park and the Penrith Panthers Club must be clear of screening to increase visibility, have good lighting to reduce vulnerability for users and minimise opportunities for antisocial behaviour such as assaults or theft. The area beneath the pedestrian bridge must also be well lit and clear of screening to allow for maximum surveillance from the ground level of the buildings on each side.
- Emergency intercoms, telephones and CCTV coverage should be included in the design of the pedestrian bridge.

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

Sight distance requirements and driveway widths are to be met in accordance with AS/NZS 2890.1:2004 and Council requirements. The required sight lines around the driveway entrance and exit are not to be compromised by street trees, landscaping, fencing or signposting.

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

All car parking and manoeuvring must be in accordance with AS/NZS 2890.1:2004, AS/NZS 2890.1:2004/Amt. 1:2005, AS2890.2:2002, AS 2890.3:1993, AS 2890.5:1993, AS/NZS 2890.6:2009 and Council requirements.

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

Subleasing of car parking spaces is not permitted.

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

The boundary of Lot 151 DP 863625 & Lot 1 DP 1043008 is required to be adjusted to ensure the development is located on one (1) property title.

A copy of the registered plan 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.

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

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).

19 **A Special (BLANK)**

The provision of any off-road shared-use paths or on road bicycle lanes are to be in accordance with the relevant sections of Part 6A Austroads Guide to Road Design - Pedestrian and Cyclist Paths; Austroads Cycling Aspects of Austroads Guides; and the NSW Bicycle Guidelines. The provision of 14 secure bicycle parking at the facility is to be in accordance with AS2890.3:1993 Bicycle Parking Facilities.

20 **A Special (BLANK)**

The Flood Evacuation Strategy is to be updated for each of the end users of the carpark, retail space, carwash, and serviced apartments in order to ensure that all operators are aware and form part of the flood evacuation planning across the site.

21 **A Special (BLANK)**

Prior to the issue of an Occupation Certificate the Certifying Authority shall ensure that all works triggered by this development within the schedule of works and timings as detailed in the Voluntary Planning Agreement for road works dated 28/11/2012 and as amended, have been completed to the satisfaction of the Roads and Maritime Services and Penrith City Council.

22 **A special BLANK**

All retail spaces are subject to a separate Development Application for the fit out and use. The applications for fit out of the retail spaces cannot be considered until an **Occupation Certificate** has been issued for the development.

23 **A Special BLANK**

Staff amenities are to be indicated on the plans for a **Construction Certificate** for the proposed carwash and retail space outlets.

24 **A Special Condition (BLANK)**

The stormwater management system shall be provided generally in accordance with the concept Stormwater Management Plan and WSUD Measures Plan (number 008-C-9131 Revision B prepared by Diversi Consulting dated 3/9/2014 and Panthers Precinct Redevelopment Stormwater Management and WSUD Strategy prepared by Diversi Consulting Pty Ltd lodged for development approval, reference numbers (008-C-911), revision (D), dated (10/9/2014).

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. The detailed plans must show the locations and details of the CDS GPTs discussed in the WSUD Strategy.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with the Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

25 **A Special Condition (BLANK)**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

26 **A Special Condition (BLANK)**

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

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
 - Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to been undertaken have been satisfactorily completed.

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

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

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

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

All works associated with the project including the location of stormwater management systems must be completed in accordance with the requirements of the NSW Office of Water.

Demolition

29 [B004 - Dust](#)

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

30 [B005 - Mud/Soil](#)

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

31 [B006 - Hours of work](#)

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

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

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Environmental Matters

32 [D001 - Implement approved sediment& erosion control measures](#)

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

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

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

33 [D002 Spraygrass](#)

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

34 [D009 - Covering of waste storage area](#)

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

35 **D013 - Approved noise level 1**

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the approved Acoustic Report (required by Deferred Commencement Consent Condition 1).

The recommendations provided in the 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 for the relevant stage. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

36 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

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

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith 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."}

37 **D Special (BLANK)**

Twelve (12) months after the issue of the Occupation Certificate for the relevant stage an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitably qualified acoustic consultant and is to address, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the approved acoustic report. It is also to consider the requirements of the NSW Environment Protection Authority's Industrial Noise Policy, other relevant guideline documents and the conditions of this development consent.

Should the Compliance Report identify any non-compliance issues, the Report is to provide suitable recommendations for the mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

BCA Issues

38 **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.

39 **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.

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

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

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

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

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

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

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

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

(b) formulating an alternative solution which:

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

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

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

Health Matters and OSSM installations

42 **F special condition - Carwash**

If the car wash site uses hot or warm-water systems and stores the heated water in tanks or transit piping, this is defined as a regulated system under the Public Health Act 2010. The construction and operation of the premises must therefore comply with the Public Health Act 2010, the Public Health Regulation 2012 and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease. The occupier is required to register with and notify Council of the existence of the warm-water system.

43 **F Special condition - Fitout general**

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

44 **F special condition - Installation requirements**

Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems must be installed in accordance with AS/NZS 3666.1:2011 *Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning*, as applicable to the specific system. An air-handling system must be fitted with supply air filters.

The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.

45 **F special condition - Installation requirements**

When an air handling, hot water, humidifying, warm water or water cooling system is installed a certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS3666.1:2011.

46 **F special condition - Operational requirements**

The water-cooling system shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.3:2011 *Air-handling and water systems of buildings – Microbial control – Performance-based maintenance of cooling water systems* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

47 **F special condition - Operational requirements**

There must be safe and easy access to a regulated system (as defined in the Public Health Act 2010) for the purpose of the cleaning, inspection and maintenance of the system.

48 **F special condition - Operational requirements**

A water-cooling system must be equipped with a disinfection procedure that is in operation at all times and that is designed to control microbial growth so that:

- (a) the level of *Legionella* in the system is not more than 10 colony-forming units per millilitre, and
- (b) the heterotrophic plate count in the system is not more than 100,000 colony-forming units per millilitre.

If these levels are exceeded, remedial action must be taken as soon as practicable by a competent person or a person acting under the supervision of a competent person. A **competent person** means a person who is a tertiary qualified chemist, chemical engineer, engineer or microbiologist and who has relevant expertise.

49 **F special condition - Operational requirements**

Any liquid discharge from the regulated system, resulting from the operation, maintenance and/ or cleaning operations, is to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.

50 **F special condition - Operational requirements**

All chemicals shall be stored in adequately labelled containers with tight fitting lids and banded or stored in such a way to prevent the chemical entering the stormwater system.

51 **F special condition - Operational requirements**

The occupier of a premises on which a water-cooling system is installed must ensure that the system is certified annually by a competent person as being equipped with a disinfection procedure that is effective under the range of operating conditions that could ordinarily be expected for the system concerned.

The occupier must keep a copy of the most recent certificate at the premises and make it available for inspection on request by an authorised officer.

The occupier must submit a copy of the certificate to Council within 14 days of the certificate being issued.

52 **F special condition - Registration and notification**

Cooling towers and warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the system.

Utility Services

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

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

54 **G004 - Integral Energy**

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

Construction

55 **H001 - Stamped plans and erection of site notice**

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

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

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

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

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

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

56 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.

57 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.

58 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.

59 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.

60 H041 - Hours of work (other devt)

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

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

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

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

Engineering

61 K100 - Road Works

Prior to the Issue of a Construction Certificate

a. The applicant shall prepare and submit detailed engineering plans that demonstrate complete ingress and egress for all vehicles including heavy rigid to and from the development. The roundabout at Ransley Street is to be adjusted to provide raised concrete splitter islands on the northern, eastern and southern legs with complying pedestrian refused provisions on the northern, southern and western legs. The roundabout at Ransley Street is to accommodate 14.5m coach turning swept paths that are a minimum of 0.5m clear of kerbs and medians.

The engineering plans shall detail the full extent of Ransley Street and all roundabout legs demonstrating that all vehicle types can enter the development's access point. All plans shall include but not be limited to existing & proposed signage and line-marking, vehicle swept paths, pram ramps, footpaths, travel lane widths and kerb radii.

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

The proposed roundabout adjustment shall demonstrate compliance with the traffic modelling and the Voluntary Planning Agreement (as amended) that supported the rezoning and applicable Development Control Plan for the Panther's site with regard to approach travel lanes.

The cul-de-sac is to be increased in width from the residential radius of 8.5m to 13.5m to enable manoeuvrability for vehicles, noting this increase is not to compromise pedestrian movement.

Note: Any proposed changes in close proximity to the traffic signals may require concurrence from Roads & Maritime Services.

b. The applicant shall dedicate portions of Lot 1 DP 1043008 for Road Reserve to facilitate the western and southern legs of the roundabout in Ransley Street. The extent of the dedication shall be to the end of the splitter islands or a minimum of 20m (from the prolongation of the kerb return) which ever is greater. All costs associated with the dedication shall be borne by the applicant.

62 K101 - Works at no cost to Council

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

63 K202 - Section 138 Roads Act – Minor Works in the public road

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)
- 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:

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

64 [K202A - Infrastructure Bond](#)

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 shall be determined accordance with Council's adopted Fees and Charges.

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 4732 7777 or visit Council's website to obtain the form and request for final inspection.

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

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of the Ransley Street extension works including modifications and upgrade of the roundabout.

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

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

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Separate Approvals may also be required from the Roads and Maritime Service for classified roads.
3. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

66 K205 - Construction Certificate for Subdivision Works

Prior to the issue of a Construction Certificate for development works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Diversi Consulting, reference number 008-C-9304 P1, 008-C-9306 A, and that all development works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

The development works may include but are not limited to the following:

- Public and private roads
- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

The Construction Certificate must be supported by engineering plans, calculations, specifications, any certification relied upon and shall include the following amendments:

- Finished Floor Levels for the Serviced Apartments and Multi-deck Car Park shown on Diversi Consulting plan, 008-C-9304 P1 have not been endorsed by Council's Engineering Department from a mainstream and local flooding perspective
- The proposed cul-de-sac on road 1 shall have a minimum radius of 13.5m
- Vehicular crossings shall be consistent with Council's heavy duty specification
- Drainage pit 7B to be relocated outside of the kerb return and a minimum 1m away from the vehicular crossing

Note:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

67 K206 - Road design criteria table

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road	Road Reserve Width	Carriageway Width	Verge	Footpath	ESA
Ransley Street Extension	21m	12m (including on-street parking)	TBA at Detailed Design Stage	TBA at Detailed Design Stage	1 x 10 ⁶

Note:

Dimensions for the proposed road detailed in the table above may differ from the roundabout works issued under S138 of the Roads Act. The internal road works must consider the approved roundabout works.

68 **K208 - Road Safety Audit**

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit; on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or S138 Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifying Authority for information purposes.

69 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Diversi, 008-C-9300 D, 9301 A, 9304 B, 9305 A & 9306 A.

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 any Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments, Engineering Guidelines and Water Sensitive Urban Design (WSUD) Policy.

70 **K215 - Flooding (Floor levels)**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL (26.2)m AHD (combined flood level + 0.2m).

71 **K218 - Flooding – Structural Adequacy**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the structure can withstand the forces of floodwater including debris and buoyancy up to the 1% Annual Exceedence Probability Event.

72 **K219 - Flooding - Flood Proofing**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that all electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL (26.2)m AHD (combined flood level + 0.2m).

73 **K222 - Access, Car Parking and Manoeuvring – Minor Development**

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

- a) Off street access and parking complies with AS 2890.1.
- b) Vehicular access for Emergency Services has been designed for a Heavy Rigid vehicle in accordance with AS 2890.2.
- c) Sight distance at the street frontage has been provided in accordance with AS 2890.1.
- d) All cars can enter and exit the site in a forward direction.

74 **K223 - Performance Bond**

Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Penrith City Council for Ransley Street Extension works.

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.

75 [K224 - Construction Traffic Management Plan](#)

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

76 [K302 - Traffic Control Plan](#)

Prior to commencement of works, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the 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: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

77 [K303 - Dilapidation report](#)

Prior to the Commencement of Works, a dilapidation report of all Council managed infrastructure within the Panther's site including but not limited to Ransley Street, Panthers Place etc. is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees.

78 [K402 - Street Lighting](#)

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

79 [K403 - Flooding - Flood Proofing](#)

All electrical services associated with the proposed building works shall be adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above RL 26.2m AHD (standard flood level + 0.2m).

80 [K501- Penrith City Council clearance – Roads Act/ Local Government Act](#)

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.

81 [K502 - Works as executed – General and Compliance Documentation](#)

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

82 [K509 - Linemarking & Signage](#)

Prior to the issue of any 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.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.
3. Applicable fees are indicated in Council's fees and charges

83 [K510 - Entry/ Exit signage](#)

Prior to the issue of an Occupation Certificate signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that the eastern vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The western vehicular access is to be used for egress purposes only and appropriately signposted "No Entry".

84 [K513 - Maintenance Bond](#)

Prior to the issue of any Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for roundabout works.

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.

85 **K514 - Subdivision Compliance documentation**

Prior to the issue of any Occupation Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all road/civil works. The WAE drawings shall be marked in red on copies of the stamped Roads Act Approval drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) Documentation for all road pavement materials used demonstrating compliance with Council's Engineering Construction Specification for Civil Works.
- c) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Statement of Compliance
- d) Structural Engineer's construction certification of all structures

Note:

At the time of this consent it was not confirmed if the entire Ransley Street extension will be dedicated to Penrith City Council. In the event that the Ransley Street extension is dedicated to Penrith City Council as a local road then the following compliance documentation for the existing road may include but is not limited to the following requirements:

- Confirmation that the roadway has a minimum 20 year life expectancy
 - That the road has been constructed in accordance with Councils Engineering Guidelines
 - Any awnings extending over future road reserve has been certified by a Structural Engineer

86 **K Special Condition BLANK**

Prior to the issue of an Occupation Certificate for Stage 1 the Certifying Authority shall ensure that portions of Lot 1 DP 1043008 are dedicated for Road Reserve to facilitate the western and southern legs of the roundabout in Ransley Street. The extent of the dedication shall be to the end of the splitter islands or a minimum of 20m (from the prolongation of the kerb return) which ever is greater. All costs associated with the dedication shall be borne by the applicant.

87 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the western leg of the Ransley Street roundabout maintains the current two lanes of traffic heading in a westbound and eastbound direction.

88 **K Special Condition BLANK**

Sight distance requirements and driveway widths are to be met in accordance with AS/NZS 2890.1.2004 and Council requirements.

Landscaping

89 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plan Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Prior to the issue of a Construction Certificate the following amendments are to occur to the landscape plan:

- The street tree plantings are to align with the Panthers Masterplan document and incorporate a Water Gum Species;
- A detailed schedule of trees and plants is required, detailing pot and mature size of the vegetation.

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.

90 L002 - Landscape construction

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

91 L003 - Report requirement

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

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 suitably qualified landscape professional.

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

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 suitably qualified landscape professional.

iii Three Year Landscaping Report

Three years after an Occupation Certificate was issued for the development, a suitably qualified landscape professional shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

- (a) The landscaping on site has matured and is in accordance with the original landscape approval.
- (b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

92 L006 - Aust Standard

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

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

Certification

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

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

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

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

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

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

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

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

Information to accompany the Notice of Commencement

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

Schedule 1 (Deferred Commencement)

95 **S Specia (BLANK)**

The conditions below are to be satisfied within a period of 12 months in order for the consent to become operational.

(A). Prior to the issue of an Operational Consent revised plans are to be submitted to Penrith City Council that provide for Architectural Excellence to the Serviced Apartment Building through the below treatments to the northern façade:

- Wrapping of balconies around corners from the western and eastern facades;
- Provision of full height windows to living room areas on the northern façade;
- Removal of vertical screen elements on the northern façade;
- Cutting back of the roof form at the upper level to downplay the visual scale at the upper level.

(B). Prior to the issue of an Operational Consent a revised Acoustic Report is to be prepared that:

- Addresses the impacts of the 'I-Fly' facility on residents of the Serviced Apartments and provides for recommendations and mitigation measures to ensure that the noise intrusion is below relevant threshold criteria;
- Assesses the impact of traffic movements, including deliveries and waste vehicles, utilising the multi-deck carpark on the closest residential receivers (aged care facility) and provides for recommendations and mitigation measures to ensure that the noise intrusion is below relevant threshold criteria.

The above matters are to be informed by at least 7 days of monitoring to establish background noise levels.