

CONDITIONS SUMMARY

Application Number:	DA15/0504
Assessing Officer	Mathew Rawson
Land to be developed (Address):	Lot 13 DP 710086 123 - 135 Mulgoa Road PENRITH NSW 2750
Proposed Development:	Six (6) Storey Seniors Housing Development comprising 126 Bed Residential Aged Care Facility, 151 Independent Living Units, Associated Facilities, Ancillary Retail & Medical Suites, Basement Car Parking & Associated Works

General

1 [A001](#)

The development must be implemented substantially in accordance with the plan numbers tabled below and stamped approved by Council, the application form, BASIX Certificate No. 631339M_04 and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Description	Reference	Author	Dated
Basement Plan	PEN1 DA00	Tulich Project Management	02/11/15
Level 1 Plan	PEN1 DA01	Tulich Project Management	02/11/15
Level 2 Plan	PEN1 DA02	Tulich Project Management	02/11/15
Level 3 Plan	PEN1 DA03	Tulich Project Management	02/11/15
Level 4 Plan	PEN1 DA04	Tulich Project Management	02/11/15
Level 5 Plan	PEN1 DA05	Tulich Project Management	02/11/15
Level 6 Plan	PEN1 DA06	Tulich Project Management	02/11/15
Roof Plan	PEN1 DA07	Tulich Project Management	02/11/15
Sections AA/BB & N Elevation	PEN1 DA09	Tulich Project Management	02/11/15
Elevations S, W & E	PEN1 DA10	Tulich Project Management	02/11/15
Materials Sheet	PEN1 DA50	Tulich Project Management	02/11/15
BASIX Certificate & Commitments	–	Tulich Project Management	02/11/15
Waste Management Plan - Demolition and Construction	–	Tulich Project Management	–
Flood Management Plan	–	Emcorp Group	23/04/15

2 [A012 - Food Act](#)

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

3 [A019 - Occupation Certificate](#)

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

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.

4 [A038 - LIGHTING LOCATIONS](#)

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. 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).

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

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

6 [A CPTED](#)

Prior to the commencement of the facility's operation, the following community safety and crime prevention through environmental design (CPTED) requirements shall be satisfied:

Lighting

- Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed. Moreover, lighting should clearly illuminate the faces of users of pathways.
- Streetlights should shine on pedestrian pathways and possible entrapment spaces as well as on the road.
- Lights should be directed towards access/egress routes and entrapment spots to illuminate potential offenders, rather than towards buildings or resident observation points.
- Lighting should take into account vegetation and landscaping that may act as an entrapment spot. Lighting should also be selected and placed with consideration to the height of mature vegetation.
- Lighting should be designed so that it is 'vandal tough' or difficult for vandals to break.
- Avoid lighting spillage onto neighbouring properties as this can cause nuisance and reduce opportunities for natural surveillance.
- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.

Fencing

- Any fencing surrounding the perimeter of the development must maximise natural surveillance from the street to the buildings and from the buildings to the street, and minimise opportunities for intruders to hide. If fencing is being proposed, open style fencing is recommended.
- Railings/grills proposed for balconies should also ensure that surveillance to and from the street is maintained.
- Any fencing/gates within the development should also be constructed of open/grill style materials to maximise passive surveillance.
- Dark coloured open style fencing is recommended as it is easier to see through than lighter coloured fencing (lighter colours reflect light). This again helps to promote good levels of passive surveillance.

Basement Car Parking

- Resident, staff, visitor and retail tenancy parking spaces must be clearly identified within the basement car park.
- Pedestrian entry/exit points to the car park, including the lifts and stairwell, must also be fitted with access control systems to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces (walls/ceilings) should be light coloured to maximise light distribution.
- Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.
- Consider the use of well-placed convex mirrors to assist vehicles/pedestrians to see around corners, particularly given the proposed shape of the car park.
- Emergency assistance buttons (that have been proposed for the individual apartments) should also be considered for the basement car park, possibly near the stairwell or lift areas.
- CCTV cameras have been proposed for this development and are recommended for the basement car park, particularly on entry/exit points, including lift lobbies and stairwells.

Landscaping

- Dense, medium height vegetation with top to bottom foliage should be avoided around walkways/pathways. The use of low-level planting or high canopied vegetation (with clean trunks) will improve surveillance, provide clear lines of sight and avoid any potential concealment areas. Trees with dense low growth foliage along walkways/footpaths should be spaced or crown raised to avoid a continuous barrier.
- Avoid vegetation which conceals the building entrance from the street.
- Vegetation should be planned with consideration to the placement public and private space lighting, so as not to impact on the effectiveness of lighting.

Communal/Public Areas

- Communal areas and utilities must be easily seen and well lit.
- Access to communal areas must be restricted to residents, staff and authorised guests/visitors only.
- Clear signage must be displayed to indicate the location of facilities, and to indicate facilities that are accessible/for use by residents only.
- Common areas that are not intended for night time use should be securely locked after hours. Signage should indicate opening hours for each facility/area.
- Open style or transparent materials are encouraged on doors and/or walls of elevators/stairwells.

- Waiting areas and entries to elevators/stairwells should be close to areas of active uses, and should be visible from building entry.
- Seating should be located in areas of active uses.

Entrances

- All building entrances must be at prominent positions and clearly visible and legible to users.
- Entrances must be designed to allow users to see into the building before entering, including entrances to the front commercial buildings (pharmacy and convenience store).
- Entrances must be easily recognisable through design features and directional signage.
- Directional signage should be in place to direct visitors to the reception area upon entry.

Residential Developments Building Identification

- Each individual dwelling should be clearly numbered.
- Unit numbers should be clearly provided on each level.
- Each building entry should clearly state the unit numbers accessed from that entry.

Building Security & Access Control

- CCTV Recordings must be made 24 hours/7 days and footage must be kept for a minimum period of 30 days. The CCTV control system must be located within a secured area within the main ground floor reception area and must only be accessed by authorised personnel. Signage noting that CCTV cameras have been installed must also be clearly displayed throughout the building, as proposed.
- Access from the street and pedestrian connections from within the building must be secured by a swipe card system and/or intercom to restrict unauthorised access, except for the ground floor reception during the hours of 8.30am to 5.00pm.
- Access to service areas and staff areas must be restricted via a swipe card by authorised staff which will assist in restricting unauthorised access.
- Main entry doors for apartment buildings should be displayed requesting residents to not leave doors wedged open.
- Australian Standard 220 – door and window locks should be installed in all dwellings.
- External storage and loading dock areas should be well secured and well lit.
- Install viewers on entry doors to allow residents to see who is at the door before it is opened.
- If security grills are used on windows they should be operable from inside in case of emergencies.

Ownership & Space Management

- The management team must ensure that the building is maintained at all times, including replacement of lighting, regular maintenance of all public areas and landscaped open space and general repairs. Management must also ensure the speedy repair or cleaning of damaged or vandalised property and provide for the swift removal of graffiti. This will support good perceptions of safety for residents, staff and visitors.
- The varied use of physical and/or psychological barriers through gardens, lawn strips, varying textured surfaces will also assist in defining different spaces throughout the development as public, private or semi-private.

Way Finding/Finding Help

- All entrances to the seniors housing development must have clear signage, including directional information. Independent living units will be clearly identified and directional signage provided adjacent to each lift entry and at the main entries to the building.
- Signs should be large and legible, and use strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
- Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
- Signs should indicate how to report maintenance problems in the complex.
- The main pedestrian route through the main building and open public space should be indicated as such with appropriate signage.
- Where exits to pedestrian routes are closed after-hours this should be indicated at the entrance to the route and information on alternative routes should be clearly advised.
- Signs that provide way finding information should not be relied upon solely, the overall legibility of the design needs to be well considered. Users of the space need to be able to intuitively understand where they are within the complex or area and how they can get away.
- Commercial facilities fronting the development must be clearly signposted and numbered. Street

numbers should be at least 7 cm high, and positioned between 1 m and 1.5 m above ground level on the street frontage.

- Street numbers should be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g. by foliage).
- Location maps and directional signage should be provided for the proposed development to assist with wayfinding.

Graffiti/Vandalism

- Any blank surfaces fronting the development may be susceptible for graffiti vandalism. Graffiti resistant coatings must be used to external surfaces where possible, also including signage, furniture, retaining walls etc. Wall-hugging vegetation (i.e. 'green-screening') may also be considered to deter graffiti to vulnerable walls.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, commercial tenancies and common areas. This includes reporting incidents to police and/or relevant authorities.

7 [A Special \(Ambulance parking spaces\)](#)

Prior to the issue of a Construction Certificate, the applicant shall consult with the Ambulance Service of NSW in relation to the access to, design, and treatment of the proposed ambulance parking spaces at basement and ground level.

8 [A Special \(design verification CC\)](#)

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

9 [A Special \(design verification OC\)](#)

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

10 [A Special \(Fit and Use of Commercial Spaces subject to DA\)](#)

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

11 [A Special \(Operation Waste Management Plan\)](#)

Prior to the issue of a Construction Certificate an Operational Waste Management Plan is to be submitted to and approved by Council for the residential units, aged care facility and commercial premises.

12 [A Special \(Private Waste Contractor\)](#)

The development shall be serviced by a private waste refuse contractor. Suitable arrangements in this regard shall be made prior to the issue of an Occupation Certificate.

13 [A Special \(RMS Requirements\)](#)

Prior the issue of Occupation Certificate, the Principal Certifying Authority shall ensure that the following requirements of the Roads and Maritime Services (RMS) are adhered to:

(a) The proposed development shall comply with the Panthers Precinct Masterplan Transport Strategy and Penrith City Council's DCP.

(b) Roads and Maritime Services (RMS) has previously resumed and dedicated a strip of land along the Mulgoa Road frontage of the subject property. All buildings or structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Mulgoa Road boundary.

(c) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.6-2009.

(d) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

14 [A Special \(SEPP - Restriction on title\)](#)

In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a restriction as to user must be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development relates to the kinds of people referred to in subclause (1) of Clause 18. The restriction shall be registered on the land title prior to the issue of an Occupation Certificate.

15 [A Special \(SEPP detailed design requirements\)](#)

Prior to the issue of a Construction Certificate, documentation shall be submitted to, and approved by, the principal certifying authority demonstrating compliance with the requirements of Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

16 [A Special \(SEPP requirements for occupants\)](#)

In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the development can only be occupied by the following people:

(a) seniors or people who have a disability,

(b) people who live within the same household with seniors or people who have a disability,

(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

17 [A special Construction Noise](#)

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

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

18 **A special Operating noise of plant**

The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. **Prior to the issue of the 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. 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 for consideration and approval by Council.

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be submitted to and approved by Council. The Certificate is to outline that all plant and equipment have been installed to comply with the above information and the established noise criteria. Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

Demolition

19 **B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE**

Any 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 at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

Environmental Matters

20 **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.

21 **D002 - Spraygrass**

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

22 **D005 – No filling without prior approval (may need to add D006)**

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

23 **D007 - Cut and fill of land requiring Validation Certificate –limited to footprint**

Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

24 **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.

25 **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.

26 **D026 - Liquid wastes**

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.

27 **D131 - Approved noise level 2**

Noise levels within the premises shall not exceed the relevant design sound levels detailed in Table 1 of AS/NZS 2107:2000 "Acoustics - Recommended design sound levels and reverberation times for building interiors".

28 **D - Dust**

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

29 **D - Mud/Soil**

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

30 **D special Wastewater Diversion to Sewer**

Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.

BCA Issues

31 **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.

32 **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

33 **F001 - General Fitout**

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 AS 4674-2004 *Design, Construction and Fitout of Food Premises*.

Utility Services

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

Prior to the issue of an Occupation 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.

35 **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.

36 **G Special (Telecommunications Requirements)**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of an Occupation Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

37 **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.

38 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.

39 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.

40 H033 – Clothes line

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

41 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

42 **K027 - Car Parking**

A total of 170 off-street parking spaces are to be provided, linemarked and maintained for the development. The parking space dimensions and manoeuvring areas are to comply with AS 2890.1, AS 2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 170 spaces, 1 space for an ambulance and 12 parking spaces for persons with disabilities are to be provided. The spaces for persons with disabilities shall be in accordance with AS 1428.1 and are to be located close to all pedestrian accessways/entrances to the buildings.

43 **K101 - Works at no cost to Council**

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

44 **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.

45 **K203 - Section 138 Roads Act (roadworks requiring approval of civil drawings)**

Prior to the issue of a Construction Certificate for building or subdivision works the Certifying Authority shall ensure that a Section 138 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 for:

- Footpath works in Jamison Road.
- New ski lake access.
- 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
- Temporary construction vehicle access

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.

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.

46 **K205 - S68 Local Government Act – Stormwater drainage works CIVIL CONSTRUCTION IN LOTS**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for:

- Culvert modification works near Jamison Road.
- Installation of an access driveway to the GPT unit located at the existing culvert.

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 and best engineering practice. The culvert details shall extend to Mulgoa Road and demonstrate that the future extension of the culvert system can be implemented and convey a minimum of 21 m³/s. Details shall be provided of the private pipeline that is proposed parallel to the culvert system providing sufficient clearance for access, maintenance purposes and easement widths. A cross-section shall be shown that at proposed G/6.

The culvert modification works shall be designed to convey a maximum of 50 m³/s. Any exceedance of the allowable flows will require the submission of a detailed hydrological and hydraulic engineering assessment to be submitted with the application (i.e. connection of the 1050 mm pipe and/or the proposed 2.4 m x 0.9 m RCBC). The applicant will be required to submit details of the structural design of the concrete structure which demonstrates it can withstand the hydraulic and earth forces.

Note:

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

47 **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 No.	Equivalent Standard Axles (ESA)
3	5x10 ⁵
6	5x10 ⁵

- All footpaths shall be a minimum of 2.5m unless otherwise specified in the civil work plans submitted by Diversi Consulting.
- All roads within the development extent shall have footpaths have on both sides.

48 **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 Section 138 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.

49 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Diversi Consulting Pty Ltd, Project Number 15028, Drawing Numbers DA100 to 109, revision B, dated 26/06/2015.

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. A rainwater tank shall be installed and connected for reuse as required by the BASIX certificate. The construction plans must be amended to reflect the commitments made in the revised MUSIC modelling and WSUD Strategy dated 23/7/2015.

A detailed operation and maintenance manual for the stormwater treatment measures shall also be submitted to Council for approval.

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 Policy and Water Sensitive Urban Design Policy.

50 **K211 - Stormwater Discharge – Basement Car parks**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3:2015. (Plumbing and Drainage – Stormwater Drainage)

51 **K212 - No loading on easements**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and / or services easement have been designed clear of the zone of influence. This requirement also applies to future drainage structures such as culverts.

52 **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 27.1 m AHD.

53 **K216 - Flooding (Basement Access Crest Level)**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the crest of the basement access ramp is a minimum of RL 26.1 m AHD (flood level + 100 mm).

54 **K217 - Flooding – Flood Compatible Materials**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the structure below RL 26.5 m AHD (flood level + 0.5m) has been detailed with flood compatible building components in a accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.

55 **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.

56 **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 27.1 m AHD.

57 **K219 - Overland Flow Report Recommendations**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Overland Flood Report prepared by Diversi Consulting, reference number DC15028-RPT02-OLF, revision A, dated 14/08/2015. The overland flow report is a local analysis and has not considered any mainstream flood affectations.

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

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

- a) Two vehicles can pass simultaneously on the driveway/basement ramp at all curves and complies with AS 2890.1, Austroads and engineering best practice

59 [K223 - Performance Bond](#)

Prior to the issue of any Construction Certificate, a performance bond is to be lodged with Penrith City Council for any works associated with a Section 68 and/or Section 138 approval issued by Council.

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 telephone 4732 7777 for further information relating to bond requirements.

60 [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.

61 [K301 - Sediment & Erosion Control](#)

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

The erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

62 [K303 - Dilapidation report](#)

Prior to the commencement of works, a dilapidation report of all infrastructure fronting all development works in Jamison Road 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.

63 [K401 - Flooding – Surveyor Verification of floor levels](#)

A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 26.5 m AHD (standard flood level + 0.5m) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

64 [K402 - Street Lighting](#)

Street lighting is to be provided for all new streets to Penrith City Council's standards.

65 [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 27.1 m AHD.

66 [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 Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

67 [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.

68 **K503 - Stormwater Compliance**

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)
 - b) Overland flowpath works
 - c) Flood control works
- 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.

69 **K504 - Restriction as to User and Positive Covenant**

Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- b) Overland flowpath works
- c) Flood control works

shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

70 **K513 - Maintenance Bond**

Prior to the issue of any Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for all works associated with the Section 68 and/or Section 138 approvals issued by Penrith City Council.

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.

71 **K516 - Subdivision Compliance documentation**

Prior to the Penrith City Council accepting any of the works associated with the Section 68 and/or Section 138 approvals the following compliance documentation shall be submitted:

- a) Work As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work As Executed drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Statement of Compliance
- i) Structural Engineer's construction certification of all structures

72 **K - Waterways - Stormwater Management system operation and maintenance**

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

73 **K Special Condition – Easement to Council (replaces standard condition K005)**

The applicant is to grant an easement to Penrith City Council for drainage purposes (culverts) on the location shown on the plan accompanying this consent and on the basis that no claim for compensation will be made and that the applicant will meet all associated survey and legal costs.

Prior to the issue of an Occupation Certificate an easement for drainage flow shall be provided and evidence of registration shall be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority.

Note: The drainage easement widths shall be in accordance with Penrith City Council's Engineering Design Guidelines

74 **K Special Condition - VPA - CC**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the development complies with the schedule of works be as detailed in the Voluntary Planning Agreement for road works dated 28/11/2012 and as amended.

Note: Roads and Maritime Services have requested that the following works be highlighted in the development consent:

- (a) Provision for a continuous central median along Jamison road in accordance with the VPA.
- (b) Provisions for two right lanes in Jamison road (west leg) for right turns south in to Mulgoa in accordance with the VPA.

75 **K Special Condition - VPA - OC**

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.

76 **K Special Condition Amendments to Civil Plans for VPA - COUNCIL**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure the following amendments have been incorporated into the civil engineering plans associated with the Construction Certificate approval for the internal/external road network:

- All internal/external intersections are to accommodate the desirable turning paths for a 14.5m long coach with a minimum of 0.5m clearances from all kerbs, medians, edge lines and centrelines.
- The roundabout at the intersection of Central Link (Road 5), Panthers Link (Road 6) and Road 3 .
- Pavement threshold treatment shall be provided at the entry to the service road (northern leg of intersection of Road 5 & 6) including appropriate signage.
- Full barrier pedestrian fence (galvanised) over the culvert in accordance with Austroads and engineering best practice together with a guard rail or similar if required.
- Parking bay along the northern side of Road 3 (fronting the southern end of the sports centre) shall be a minimum 3m wide to accommodate coach parking.
- The kerb inlet pit located within the kerb return (north-eastern corner of the proposed Jamison Road/Harris Street intersection) shall be relocated a minimum 1 m from the tangent point.
- The roundabout at the intersection of Central Link (Road 5) and Panthers Link (Road 6 and Road 3) is to include a raised concrete splitter island at the Central Link (Road 5) northern leg and raised concrete splitter islands with pedestrian refuge facilities complying with Austroads, Australian Standards and Roads and Maritime Services guidelines and Technical Directions including median widths, lengths, signage, line marking and kerb ramps on the Central Link (Road 5) southern leg and Panthers Link (Road 3) eastern leg.
- Any painted diagonal pavement markings at medians are to be orientated with the flow of traffic in accordance with AS 1742.2: 2009, Austroads and Roads and Maritime Serves guidelines and Technical Directions.
- Both travel lanes in Panthers Link (Road 3) are to be 3.5 metres wide.
- The intersection of Panthers Link (Road 3) and "Future Road by Others" is to be widened and adjusted to accommodate turning swept paths for 14.5 metre long coaches that are a minimum of 0.5 metres clear of the centre of the intersection and kerbs.

77 **K Special Condition Amendments to Civil Plans for VPA - RMS**

Prior to the civil engineering drawings being submitted to Roads and Maritime Services for the Voluntary Planning Agreement road works, the following items shall be amended:

- The lane priority on the approach (south-bound) to the Jamison Road/Harris Street intersection shall be re-configured so the centre lane is a combined straight-through and right turn and the kerbside lane is a dedicated left turn.
- All pavement construction within Jamison Road shall be designed in accordance with the Pavement Design prepared by Geotechnique P/L, reference 13242/1AA-R1, dated 26/08/2014 and Council record ECM 6285009.
- The kerb inlet pit located within the kerb return (north-eastern corner of the proposed Jamison Road/Harris Street intersection) shall be relocated a minimum 1m from the tangent point.

78 **K Special Condition Flooding - No Offsite Impact**

The proposed development shall have no permanent detrimental off site impacts beyond the boundaries of the site in the 0.5% AEP event. Any temporary off site flood level increases shall be approved in writing by Penrith City Council prior to the issue of a Construction Certificate and supported by a Flood Impact Assessment. The assessment shall address remediation and timings to bring any off site flood level increases back to pre-development levels.

79 **K Special Condition Roads Act (RMS) 2**

A Roads Act approval under Section 138 of the Roads Act is to be obtained from the Roads and Maritime Services for works that are within the Jamison Road and Mulgoa Road reserve. In this regard, the Roads Act approval from the Roads and Maritime Services is to be gained **prior to the issue of the Construction Certificate for the development** and prior to the separate Roads Act approval being granted by Council for the footpath works.

A copy of the approved plans shall be submitted to Council for information purposes only.

80 **K Special Traffic Engineer Requirements**

The following requirements of the Australian Standards and Council Policy are to be adhered to:

- All vehicles are to enter and leave driveways in a forward direction;
- The driveway widths are to accommodate swept movements of the largest vehicle servicing the site and be designed to conform with AS 2890.2: 2002;
- Signage indicating the location of staff/ visitor parking is required at the driveway entrance;
- The required sight lines around the driveway entrance and exit are not to be compromised by street trees, landscaping, fencing or signposting;
- Subleasing of car parking spaces is not permitted by this consent;
- All car parking and manoeuvring must be in accordance with AS/NZS 2890.1: 2004, AS/NZS 2890.1: 2004 / Amt. 1:2005, AS 2890.2:2002, AS 2890.3: 1993, AS 2890.5: 1993, AS/NZS 2890.6:2009 and Council requirements;
- The proposed accessible parking spaces are to be designed to conform to AS/NZS 2890.6: 2009 and Council requirements. This includes provision of complying headroom clearances above car park paths of travel from entries and to exits and above dedicated parking and adjacent shared areas;
- All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials, etc;
- Secure bicycle parking for at least 24 bicycles is to be provided in accordance with AS 2890.3: 1993 and Council requirements;
- All bicycle path construction is to be in accordance with the relevant requirements of Section 7 "Austroads Cycling Aspects of Austroads Guides" and Roads and Maritime Services "Bicycle Guidelines" including line marking, signage and logos;
- The entry and exit driveways in the car park are to be presented in a way to highlight the right of way of pedestrians and cyclists on the footway.

Landscaping

81 **L000 Landscape Design**

Prior to the issue of a Construction Certificate a revised Landscape Design Report prepared by a suitably qualified and experienced landscape professional shall be submitted to, and approved by, Council. This revised Report shall be consistent with the amended architectural plans and provide for landscaping of the Jamison Road street frontage including street frontage, consistent with the Panther Precinct Master Plan.

82 **L001 - General**

All landscape works are to be constructed in accordance with the Report required by the condition above and the Landscape Design section of Council's Development Control Plan 2014.

Landscaping shall be maintained:

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

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

83 **L002 - Landscape construction**

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

84 **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 and experienced 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 and experienced landscape professional.

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

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 and experienced landscape professional.

iii. 3 Year Landscaping Report

Three years after an Occupation Certificate was issued for the development, a suitably qualified and experienced 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.

85 **L005 - Planting of plant**

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

86 **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.

87 **L007 - Tree protection measures—no TMP with DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Council's Development Control Plan.

88 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$32,390.00 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.

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$417,214.00 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.

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$149,943.00 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.

Payment of Fees

92 **P001 - Costs**

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

93 **P002 - Fees associated with Council land (Applies to all works & add K019)**

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

94 **Q01F - Notice of Commencement & Appointment of PCA**

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.

95 **Q05F - Occupation Certificate**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the buildings.

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

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

Schedule 1 (Deferred Commencement)

96 **S Special (Deferred commencement condition)**

Prior to the issue of an Operational Consent the applicant shall provide an engineering assessment of the proposed culvert modification. The engineering assessment is required to demonstrate to Council's satisfaction that there is no adverse impact to the capacity of the existing culvert and upstream drainage channel or to specify necessary works to maintain effective functioning of the drainage system. This includes but is not limited to:

- (a) No reduction in hydraulic efficiency of the local system
- (b) No increase in Top Water Levels (TWL) in the channel upstream of Mulgoa Road
- (c) No increase in overland flows upstream of the culvert

The engineering assessment shall undertake a hydrological and hydraulic analysis and provide details of any required augmentation and/or remediation works required for the existing culverts located in Jamison Road. The culverts assessment shall consider a total flow of 50 m³/s (21 m³/s + 29 m³/s). Any flow exceeding this shall be included in the report such as the 2.6 cubic metres per second from the culvert to the east of the development site.

Any required drainage works will be subject to Section 68 of the Local Government Act.