

SWCPP Ref. No.:	2016SWT003
DA No.:	DA16/1236
PROPOSED DEVELOPMENT:	Staged Construction of Twin Creeks Resort including 198 Room Hotel & Related Facilities & Alterations & Additions to Existing Twin Creeks Golf & Country Club Building - Lot 221 DP 270417, Lot 47 DP 270417,2 - 8 Twin Creeks Drive, LUDDENHAM NSW 2745
APPLICANT:	Twin Creeks Holdings (Australia) Ltd
REPORT BY:	Paul Anzellotti, Senior Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Council is in receipt of a Development Application from Twin Creeks Holdings (Australia) Ltd for the staged construction of the 'Twin Creeks Resort' including a 198 room Hotel and related facilities on Lot 221, DP 270417 (10 Twin Creeks Drive, Luddenham), alterations and additions to the existing Twin Creeks Golf and Country Club building on lot 47, DP270417 (2-8 Twin Creeks Drive, Luddenham) and upgrading of an existing Sewage Management Treatment Plant on Lot 1, DP 270417 in association with the proposed development.

The subject site is zoned E4 - Environmental Living under Penrith Local Environmental Plan 2010. Development for the purposes of a hotel is not permitted within the E4 zone. While so, under Clause 2.5 '*Additional permitted uses for particular land*' of the Penrith LEP, *hotel or motel accommodation* and *neighbourhood shops* are permitted on Lot 221, DP 270417. In this regard, as both the hotel and convenience store elements are provided entirely within Lot 221, the proposed use is permissible, notwithstanding the zoning of the land. The additional uses located on Lot 221 are considered to be ancillary development to the proposed hotel and are therefore permissible with consent.

The existing Twin Creeks Golf Clubhouse located on Lot 47, DP 270417 along with the associated function centre, restaurant and bar are a prohibited land use which currently operate under the Environmental Planning and Assessment Act planning provision of 'existing use rights'. It is acknowledged that the operation of the Twin Creeks Golf Club and golf course have been in operation for an extended period of time and in this regard the EPA Act and Regulations do allow for the enlargement, expansion or intensification of a use dependent on existing use rights. In this regard, approval for the portion of the proposal upon Lot 47, DP 270417 is considered permissible subject to Development Consent.

Amplification of the existing Sewage Treatment Plant on Lot 1, DP 270417 under Community Ownership is considered to be a consequence of the proposed current development application. In this regard, proposed works on to the existing Sewage Treatment Plant is considered a consequence of the proposed development and considered permissible subject to Development Consent.

In accordance with Section 23G of the *Environmental Planning and Assessment Act, 1979* the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal's capital investment value is \$98,888,059.00.

In accordance with Clause 104 (Traffic Generating Development) under State Environmental Planning Policy (Infrastructure) 2007, the development application was referred to the NSW Roads and Maritime Services for

comment. In their letter dated 25 January, 2017, the RMS did not originally support the development and requested that additional Sidra modelling of the Mamre Road/Luddenham Road and Elizabeth Drive/Luddenham Road intersections be undertaken. Following the receipt of an amended Traffic Assessment Report, the application was once again referred to the RMS. Correspondence received from the RMS dated 23 January, 2018 has advised that no objection was raised with the proposal as amended subject to appropriate conditions being included with any determination granted.

The application was also referred to Sydney Water under Clause 78 of the Sydney Water Act as the proposed works may increase the demand for water supplied to the Twin Creeks development. Correspondence received from Sydney Water dated 20 March, 2017 have recommended that the developer meets with Sydney Water to initiate the required investigation to determining servicing requirements.

The development application had been originally advertised in local newspapers and notified to all adjoining and adjacent property owners and placed on public exhibition from 2 December 2016 to 31 January 2017. Council received 23 submissions from 19 properties as well as petition containing 85 signatures.

Following the receipt of amended plans and documents, the application was re-notified from 27 November to 11 December 2017. During this re-notification period 6 submissions were received. All submissions received were opposed to the development.

Key Issues identified for the proposed development include:

Roads and Maritime Services (RMS)

In accordance with Clause 104 (Traffic Generating Development) under the State Environmental Planning Policy (Infrastructure) 2007 the application was referred to the RMS for comment. Subject to the provision of a new left turn/slip lane to be provided on the Luddenham Road approach to Mamre Road, the traffic impact of the proposal was considered acceptable.

Sydney Water

As the proposal may increase the demand for water supplied to the Twin Creeks development, the application referred to Sydney Water under Clause 78 of the Sydney Water Act. Comments returned have advised that should development consent be forthcoming, it is recommended that the developer meet with Sydney Water to initiate a required investigation to determine servicing requirements, any determination to be accordingly conditioned.

Bulk and scale

The proposed built form has been considered in relation to the context of the subject site and its surrounds, desired future redevelopment of Western Sydney and treatment in terms of architectural characteristics and possibly amenity impacts. The stepped curved nature of the built form is considered to allow for a reduction in the impact of the building in relation to its surrounds and provide for most surrounding premises a retention of vistas.

Amenity

The proposal was considered in relation to potential overlooking and overshadowing concerns on adjoining residential properties. While it is considered that the built form will not create overshadowing concerns to surrounding premises, it is considered that the design can be amended through design modifications to mitigate potential overlooking concerns to surrounding residential properties. In this regard, it is considered that any determination be accordingly conditioned.

Landscaping

The proposed development will introduce a significant amount of additional landscaping to the subject site. While so, it is not considered that adequate trees and species have been nominated and an amended landscape plan will be required in response to design changes outlined within this report. This is addressed through recommended conditions of consent.

Noise

The application was accompanied by an acoustic report which indicated that the development was capable of achieving the relevant noise criteria's applicable to mitigate potential adverse impacts. It is however noted that there are deficiencies in the report that need to be addressed. Following amendments to the development, a revised acoustic report has not been submitted. It is however considered that suitable measures can be incorporated into the amended development and as such a 'deferred commencement' is recommended for the submission and approval of an updated report.

Child Care Centre

The application as amended has provided for the removal of an identified Stage 3 redevelopment and replacement with a child care centre located adjoining residential properties to the south west of the subject site. No details have been provided in regard to the operation or capacity of this centre. The location of this centre is considered to create a direct amenity concern to adjoining residents and it is recommended it be deleted as part of the current proposal.

Operation of the Sewage Treatment Plant

Consideration has been given to the operation of an upgraded Sewage Treatment Plant and disposal of treated effluent as a consequence of the proposal noting that the proposed development will create a volume of waste water entering the existing Sewage Treatment Plant (STP) beyond its current capacity. In this regard, consideration has been given to the area to be used for irrigation of treated effluent as well as the upgrading of the existing STP.

The application was accompanied by a Wastewater Assessment Report indicating how the proposed works may satisfy servicing requirements as a consequence of the development. It is however noted that there are deficiencies in the report and the requirement for additional information that need to be addressed, however the applicant has provided sufficient information and advice to confirm that technology is available to respond to site constraints in terms of disposal areas through reduction in nitrogen levels, and by consequence, a reduction in necessary disposal and irrigation areas

In this regard, it is considered that this can be addressed to the satisfaction of Council prior to an operational consent being granted via a 'deferred commencement' consent.

An assessment under Section 23G and Section 79C of the EP&A Act 1979 (as amended) has been undertaken and the application is recommended for approval subject to a 'Deferred Commencement' consent.

Site & Surrounds

The subject site for the proposed 'Twin creeks Resort' is a large irregular shaped site located on the western side of Twin Creeks Drive, opposite the intersection of Twin Creeks Drive and Medinah Avenue. The site is known as 2-10 Twin Creeks Drive, Luddenham but is comprised of two lots that have the following property description:

- Lot 221, DP 270417, and
- Lot 47, DP 270417

Lot 221 is currently vacant and accommodates no built form. A previous development approval was granted for the subject site by Penrith City Council on the 2 February, 2015 for the construction of two separate, two storey buildings containing a total of 24 motel rooms and associated car parking. This consent was not acted upon and has expired. The existing clubhouse, car park and part of the golf course is currently situated on Lot 47. The existing sewage treatment plant is located on the north eastern side of Twin Creeks Drive 110 metres from the existing Clubhouse and has the following property description:

- Lot 1, DP 270417

The site is located within the Twin Creeks Estate, a Community Title rural-residential development surrounding an 18 hole golf course. The subject site of the development is within and adjoining the site of the Twin Creeks Golf and Country Club and as such it is located within, and adjacent to, a master planned golf course, community facilities and a low density residential environment.

Residential dwellings surrounding the subject site are predominately one and two storey in height. The nearest residential allotments are to the south east across Twin Creeks Drive and the north west along Medinah Avenue and also adjoining the subject lot to the south-east adjoining the existing community facilities and along Crystal Downs Close.

Proposal

Background

Development application DA16/1236 was originally received by Penrith Council on the 22 November, 2016 providing for the staged construction of Twin Creeks Resort including the construction of a 275 room hotel across 12 floors and sited around a new lagoon pool. The ground floor provided the hotel foyer and host of additional services and facilities. In addition, significant renovations and expansion to the existing clubhouse building and facilities were proposed including the replacement of the existing car park with two levels of underground car parking and a multipoint entry to the resort, golf club and function facilities.

Following a preliminary assessment of the application and a subsequent briefing of the Sydney West Planning Panel undertaken on the 22 February, 2017, the applicant was provided with correspondence on the 14 March, 2017 advising of matters requiring further consideration.

Following discussions between Council and the applicant and an additional briefing of the Sydney West Planning Panel on the 24 August, 2017, amended plans and documentation were provided for Council's consideration in response to original contentions raised. The application as amended was renotified to adjoining neighbours and property owners.

A final briefing of the Sydney West Planning Panel was provided for on the 29 January, 2018

Current Proposal

The proposal as amended involves the following:

The construction of a 198 room hotel across 10 floors and sited around a new lagoon pool. The ground floor provides the hotel foyer and a host of additional support services and facilities including:

- Day spa (182.2 sqm)
- Gymnasium (195 sqm)
- Resort shop/boutique (97.1 sqm)
- Convenience store (100.8 sqm)
- Administration area
- Kitchen and function facilities
- Lagoon pool, deck and bar

Significant renovations and expansion to the existing Clubhouse building and facilities including:

- The construction of a second level with new administration offices, additional locker room facilities, 2 lounge areas, a sports bar and multiple small function spaces including a karaoke bar.
- Extension to the ground level increasing the restaurant size to accommodate up to 100 guests and the outdoor terrace casual dining area to accommodate an additional 50 guests. The ground floor will also provide the construction of a 400 person function space, incorporating views of the lagoon pool, ceremonial lawn and golf course.

The following works are proposed to the existing car parking facilities:

- Replacement of the existing car park with two levels of underground car parking and a multipoint entry to the resort, golf club and function facilities.
- Basement Level 2 is proposed to be provided with a total of 87 car parking spaces (including 1 accessible space and 12 staff parking spaces), 24 bicycle parking facilities, 7 motorcycle parking spaces and hydrant and sprinkler pump room. The provided plans have also indicated additional parking for stage 3 (allowing for a overall total to this level of 134) spaces, but while so these parking spaces are not included noting that the original nominated stage 3 of the proposal as amended is now deleted.
- Basement Level 1 is proposed to be provided with a total of 212 car parking spaces (including 10 accessible spaces and 7 staff parking spaces), 24 bicycle parking facilities, separate garbage truck ramp entry, waste room, waste collection room, loading bay, hotel store/workshop, hotel laundry/storage room and main switch room.
- The existing vehicle access via Twin Creeks Drive is maintained with separate Porte-Cocheres area also provided at the eastern extent for the Golf Club, Hotel and Function Centre respectively. In addition, a total of 35 parking spaces (including 2 accessible spaces) are proposed via open at grade parking adjoining the hotel and Clubhouse. The open grade car parking area is provided with landscaping and vegetation.
- The loading dock for the entire facility is located underground at the western end of the carpark and adjacent to the existing basement facilities.

The following works are proposed in regard to waste water:

- As a consequence of the proposed redevelopment, the existing Twin Creeks Waste Water Treatment Plant is proposed to be redeveloped to manage the increase in volume of waste water beyond its current capacity. Following the treatment of waste water, this treated effluent is to be combined with stormwater collected from the subject site in irrigation dams and ponds on the golf course and dispersed by irrigation on site.

The proposed development is to be provided in two (2) stages consisting of the following:

- Stage 1 of the development will comprise construction of the hotel, part of the new car park, lagoon pool and main function room. A temporary car park of 104 spaces is proposed to be maintained during Stage 1

works.

- Stage 2 of the development will comprise of the clubhouse renovations and expansion, construction of the remaining car parking and grand entry precinct.

The hours of operation for the proposed development are as follows;

- Hotel reception: 24 hours
- Day spa: 7am to 7pm
- Gymnasium: 6am to 10pm
- Resort shop/boutique: 9am to 7pm
- Convenience store: 7am to 11pm
- Administration area: 9am to 6pm
- Kitchen and function facilities: Kitchen - 6am to 11pm, Function facilities - 6am to 12am, Room service - 24 hours
- 400 person function space: 6am to 12am
- Lagoon pool, deck and bar: Lagoon pool - 8am to 9pm, Alfresco dining and bar - 7am open for breakfast to 10pm close for dinner

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

- **Section 23G – Sydney Western City Planning Panel (SWCPP)**

Under Section 23G of the Environmental Planning and Assessment Act 1979, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

Under Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979, a regional panel has the function of determining applications for development that has a capital investment value of more than \$20 million.

The application meets the above criteria and as such the Sydney West City Planning Panel is the determining authority.

- **Section 79BA - Bushfire prone land assessment**

Section 79BA '*Consultation and development consent - certain bushfire prone land*' of the Environmental Planning and Assessment Act, 1979 requires that a Consent Authority;

(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or

(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.

An assessment of the provided plans has identified that the proposed hotel and alterations and additions to the existing Twin Creeks Golf Clubhouse are not located on land identified by Council's mapping as being bush fire prone.

It is noted that Lot 1, DP 270417 providing for the proposed upgrading to the existing sewage treatment plant (STP) is located on identified bushfire prone land and is therefore required to be assessed accordingly under the '*Planning for Bushfire Protection (PBP) – 2006*' document prepared by the Rural Fire Service. While so, it is noted that the proposed upgrade works will involve the construction of a metal shed to accommodate storage tanks associated with the STP. A '*shed*' is classified as being a Class 10a building under the Building Code of Australia.

Section 4.3.6 of PBP advises "*where a Class 10a building (e.g. shed) is constructed in proximity to another residential class of building, the Class 10a should meet the requirements of that Class or be located >10 metres away from the main building.*"

An assessment of the proposal and site investigation has provided that the proposed shed is located at least 10m away from both the existing Clubhouse and proposed hotel, nor is located in the vicinity of any other buildings. In this regard, it is considered that the proposed upgrading works for the existing STP complies with "*the aims and objectives of PBP in relation to other matters such as access, water and services, emergency planning and landscaping/vegetation management*", the proposal therefore satisfactory in relation to an evaluation under Section 79BA of the Environmental Planning and Assessment Act, 1979.

- **Section 79C - Evaluation**

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

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

State Environmental Planning Policy (Infrastructure) 2007

In accordance with Clause 104 (Traffic Generating Development) under the State Environmental Planning Policy (Infrastructure) 2007, the application was required to be referred to the Roads and Maritime Services (RMS) for comment as the proposed development will provide for a tourist facility with 200 or more motor vehicles with access to any road.

In response to the provision of an amended Traffic Assessment Report, the RMS provided the following comments to Council dated 23 January, 2018:

- 1. The Sidra analysis for the intersection of Mamre Road/Luddenham Road shows increase in queue distance for left turn movement on Luddenham Road post development (to 24m for weekday PM peak). This situation would result in additional delays for right turn movements and potential safety issues when merging south bound traffic on Mamre Road. Roads and Maritime recommends a left turn lane/slip lane to be provided on Luddenham Road approach at the intersection to cater for the left turn traffic volume on Luddenham Road.*
- 2. Council should ensure that the required sight distances for turning movements from Luddenham Road is not restricted by vehicles turning left into Luddenham Road from Mamre Road.*
- 3. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.*

The above comments are noted and should the application be approved any determination shall be appropriately conditioned.

The accompany 'Traffic & Parking Impact Statement' prepared by Traffic and Parking Consultants was also referred to Council's Senior Traffic Officer who reviewed the proposed development and raised no objections subject to the imposition of conditions relating to parking and manoeuvrability across the site.

Noting the above, the development is considered to be satisfactory for the purposes of Clause 104 of the *State Environmental Planning Policy (Infrastructure) 2007*.

State Environmental Planning Policy No 55—Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state or will be suitable, (after remediation) for the purpose for which the development is proposed to be carried out.

The application has been accompanied by a Preliminary Site Investigation Report prepared by Douglas Partners dated September, 2016 with the following discussion and recommendations provided;

8. Discussion

Based on historical and site observation, the following land uses were identified at the site:

- *Partly agricultural land used for grazing between 1926 and 1963;*
- *Partly a golf course established between 1963 and 1988; and*
- *The existing clubhouse and part of a newer golf course which commenced operations in 2006.*

In general, the above land uses are considered to present a relatively low level of risk of contamination. There are, however, potential localised areas which may be impacted by the following:

Addition of insecticide and fungicide into water bodies to protect livestock from infestation against parasites.

- The pond noted in the 1970 historical aerial photography and gully/drainage line noted in the 1955, 1970 and 1982 aerial photography could potentially include areas used for livestock dips. Contaminants of concern could include: heavy metals, OCP, OPP and carbamates.*
- Historical filling in relation to backfilling of former pond/gully with potentially contaminated soils/materials.*
- Contaminants of concern could include: heavy metals, TRH, BTEX, PAH, PCB, OCP and asbestos.*
- Application of pesticide, herbicide and fertilizers to enhance the appearance and useability of former and existing golf courses. Contaminants of concern could include: heavy metals, OCP, OPP and carbamates.*

9. Recommendations

It is recommended that further investigation be undertaken as follows:

- Detailed assessment for potential soil and groundwater contamination of the site particularly targeting the potential areas of environmental concern as outlined in Section 8 of the report.*

In addition the following are recommended either prior to or as part of the redevelopment of the site:

- Salinity assessment required to assess if salinity potential is evident within the site;*
- Waste classification of any excavated soils requiring off-site disposal; and*
- Incorporation of an unexpected finds protocol as part of the construction management plan, in particular addressing unexpected findings of contamination during earthworks.*

Noting the above, a Detailed Site Investigation (DSI) prepared by EI Australia dated August, 2017 was provided for Council consideration with the following recommendations provided;

Based on the findings of the intrusive investigations performed as part of the DSI, the following will require implementation before the site can be confirmed as suitable for the proposed development:

- Prior to site demolition, carry out a Hazardous Materials Survey on existing site structures to identify potential hazardous building products that may be released to the environment during demolition;*
- Undertake supplementary investigation of soils present within the footprint of the existing site structure to characterise the quality of fill and natural soils;*
- Any material being removed from site (including virgin excavated natural materials (VENM) should be classified for off-site disposal in accordance with the EPA (2014) Waste Classification Guidelines; and*
- Any material being imported to the site should be assessed for potential contamination in accordance with the NSW EPA guidelines as being suitable for the intended use or be classified as VENM.*

The DSI and its recommendations was assessed by Council's Environmental Management Team and supported subject to the provision of appropriate conditions with any development consent granted. As such, in accordance with Clause 7(b) of the *SEPP No. 55 - Remediation of Land*, Council is satisfied that the land will be suitable, subject to the provision of appropriate conditions, for the proposed use.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 - 1997) (SREP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas, including Penrith), except for land covered by *Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme*. SREP 20 is supported by an Action Plan which includes actions necessary to improve existing conditions.

The development proposal is in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures. Council's Development Engineers have reviewed the application and subject to recommended conditions of consent relating to stormwater, erosion and sediment controls have no objections to the proposal.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 2.5 Additional permitted uses for particular land	Complies - See discussion
Clause 4.3 Height of buildings	N/A
Clause 4.4 Floor Space Ratio	N/A
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 5.10 Heritage conservation	N/A
Clause 5.11 Bush fire hazard reduction	Complies
Clause 7.2 Flood planning	Complies - See discussion
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion
Clause 7.9 Development of land in the flight paths of the site reserved for the proposed	Complies - See discussion
Clause 7.21 Twin Creeks	Complies - See discussion
Schedule 1 Additional permitted uses	Complies - see Appendix - LEP 2010

Clause 1.2 Aims of the plan

The development application is considered to be consistent with the aims of the Penrith Local Environmental Plan 2010 as it is considered to foster Council's vision of Penrith via the provision of an employment and investment opportunity.

Clause 2.3 Permissibility

The subject site is situated on 3 lots providing for the following uses

Lot 221, DP 270417

Lot 47, DP 270417

Lot 1, DP270417

- Hotel consisting of 198 rooms
- Expanded restaurant - level 1
- Sewage treatment plant
- Lagoon pool, deck and bar
- Expanded function facilities
- Resort shop/boutique
- Clubhouse bar and lounge areas
- Convenience store
- Basement and at-grade car park
- Administration area
- Kitchen
- Day spa
- Gymnasium
- Basement car park
- Cheche/child care

The following comments are provided in regard to the proposed uses on each lot;

Lot 221, DP 270417

Under Schedule 1, Clause 16 of the Penrith Local Environmental Plan 2010 *hotel or motel accommodation* and *neighbourhood shop* are provided as an additional permitted use under the subject lot. In this regard the provision of a hotel and convenience store are permissible subject to development consent. The additional proposed uses on lot 221 are dependent on these components being considered as ancillary development to a hotel.

Noting the above, NSW Planning Circular PS 13-001 issued on the 21 February, 2013 provides the following discussion on '*Development for a purpose*',

Development is considered to be for a particular purpose if that purpose is the dominant purpose of the development. This purpose is the reason for which the development is to be undertaken or the end to which the development serves.

The Planning Circular also provides the following definition for an 'Ancillary use'

An ancillary use is a use that is subordinate or subservient to the dominant purpose. The concept is important when a development involves multiple components on the same land.

To put it simply:

- *if a component serves the dominant purpose, it is ancillary to that dominant purpose;*
- *if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land. It is a dominant use in its own right. In such circumstances, the development could be described as a mixed use development.*

Noting the above discussion it is considered that the dominant purpose of the proposed development on Lot 221 is one of a hotel. Each additional use proposed is considered to operate as an ancillary element to the dominant use, being the hotel, rather than operating in isolation to the proposed hotel. Their location on the ground floor is also considered to limit the footprint of these ancillary uses in relation to the proposed dominant purpose.

Lot 1, DP 270417

Lot 1 currently maintains a Sewage Treatment Plant (STP), a separate parcel of land which is owned and operated by the *Community Association DP 270417*. Development Consent for the STP was granted by Penrith City Council on the 3 March, 2003 (DA02/0854), with the operation of the STP for the broader Twin Creeks Estate including the existing Golf Club facilities and surrounding residential developments. The existing STP is provided with a design capacity of 270kL/per day, the current proposal to increase this

capacity to 745k/L per day.

An increase in the capacity of the proposed STP is related solely to the proposed hotel, increased function centre facilities and alterations to the existing Golf Club House. The increase in operation capacity of the STP can therefore be considered ancillary to the service of a dominant use as previously discussed above under the description provided for Lot 221 in association with the 'NSW Planning Circular PS 13-001'. In this regard, the proposed STP amplification is considered to be associated with the hotel development and is therefore considered an ancillary component to the current development proposal.

Correspondence provided to Council dated 7 September, 2017 by the applicant has requested a formal amendment to DA16/1236 to include Lot 1, DP 270417. In this regard, correspondence (dated 18 September, 2017) providing for owners consent by the *Community Association DP 270417* authorising the inclusion of Lot1, DP 270417 as part of the current application was received by Council on the 18 January, 2018.

Lot 47, DP 270417 - Existing Use Rights

The existing Twin Creeks Golf Clubhouse located on Lot 47, DP 270417 is provided on an E4 - Environmental Living zone. In this regard it is noted that the operation of the existing facility is not a permissible use within the subject zone, the existing club facility along with the associated function centre, restaurant and bar area a prohibited land use which currently operate under the planning provision of existing use rights which is defined as follows under Clause 106 of the Environmental Planning and Assessment Act, 1979;

106 Definition of "existing use"

In this Division, existing use means:

(a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for Division 4 of this Part, have the effect of prohibiting that use, and

(b) the use of a building, work or land:

(i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and

(ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

It is acknowledged that the operation of the Twin Creeks Golf Club and golf course have been in operation prior to the gazettal of the Penrith Local Environmental Plan 2010, development consent granted for instance for a 18 hole golf course on the 3 February, 2003 (DA01/2809). The subject site has continued to operate in this nature and it is not considered that development consent has lapsed. In this regard, Clause 108 of the EPA Act in respect to existing use rights does allow for alterations or extensions of an existing use as follows;

108 Regulations respecting existing use

(1) The regulations may make provision for or with respect to existing use and, in particular, for or with respect to:

(a) the carrying out of alterations or extensions to or the rebuilding of a building or work being used for an

existing use, and

(b) the change of an existing use to another use, and

(c) the enlargement or expansion or intensification of an existing use.

(d) (Repealed)

It is not considered that the current application will introduce any new land use and will be maintained wholly upon Lot 47, DP 270417. While it is acknowledged that the existing Golf Club is proposed to be increased in size, the EPA Act and Regulations do allow for the enlargement, expansion or intensification of a use dependent on existing use rights and in this instance approval for the proposal upon Lot 47, DP 270417 is considered permissible subject to Development Consent.

Clause 2.3 Zone objectives

The subject site is zoned *E4 - Environmental Living* which provides for the following objectives;

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To minimise conflict between land uses within the zones and land uses within adjoining zones.*
- *To ensure land uses are compatible with the available infrastructure, services and facilities and with the environmental capabilities of the land.*
- *To preserve and improve natural resources through appropriate land management practices*

Taking into consideration the objectives provided above, an assessment of the application as provided by this report is considered to conclude that the proposed redevelopment of the existing Twin Creeks Clubhouse and provision of a hotel and associated uses will provide for an acceptable relationship with the surrounding residential accommodation subject to appropriate conditions in any determination granted. These conditions which will form part of a recommendation of a 'Deferred Commencement' consent are primarily in relation to further and revised acoustic modelling to reflect the amended development proposal, and an amended landscape plan to be provided and additional information to be provided in regard to the dispersion of waste water.

Subject to the provision of an acceptable upgrade of the Sewage Treatment Plant allowing for an appropriate dispersion of treated effluent upon the existing golf course, the environmental impact of the proposal is considered to have been appropriately mitigated.

Noting the above and subject to compliance with appropriate conditions to be included with any development consent, the proposal is considered to be consistent with the objectives of the subject sites zoning.

Clause 2.5 Additional permitted uses for particular land

Clause 2.5 *Additional permitted uses for particular land* of the Penrith LEP 2010 reads as follows;

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:

- (a) with development consent, or*
- (b) if the Schedule so provides - without development consent,*

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use table or other provision of this Plan.

Noting the above, Clause 16 'Use of certain land at 10 Twin Creeks Drive, Luddenham' under Schedule 1 - Additional permitted uses of the LEP reads as follows;

(1) This clause applies to land at 10 Twin Creeks Drive, Luddenham, being Lot 221, DP 270417 that is identified as "15" on the Additional Permitted Uses Map

(2) Development for the purposes of hotel or motel accommodation, neighbourhood shops and recreation facilities (outdoor) is permitted with development consent.

(3) Strata subdivision of the development referred to in subclause (2) (the approved resort development)

The following definitions are provided for *hotel or motel accommodation* and *neighbourhood shop* under the Standard Instrument;

hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and*
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Both the proposed hotel and convenience store elements are provided entirely within Lot 221, DP 270417. Accordingly, under clause 2.5 of the LEP, the proposed use is permissible, notwithstanding the zoning of the land.

Clause 7.2 Flood planning

Clause 7.2 of the Penrith Local Environmental Plan provides that development consent must not be granted for development on land that is at or below the flood planning level unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) if located in a floodway, is compatible with the flow conveyance function of the floodway and the flood hazard within the floodway, and*
- (c) is not likely to adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (d) is not likely to significantly alter flow distributions and velocities to the detriment of other properties or the environment, and*
- (e) is not likely to adversely affect the safe and effective evacuation of the land and the surrounding area, and*
- (f) is not likely to significantly detrimentally affect the environment or cause avoidable erosion, destruction of riparian vegetation or affect the restoration and establishment of riparian vegetation, or a reduction in the stability of river banks or waterways, and*
- (g) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding, and*
- (h) incorporates appropriate measures to manage risk to life from flood, and*
- (i) is consistent with any relevant floodplain risk management plan.*

An assessment of the proposed development has identified that Lot 47, DP 270417 providing for the proposed hotel is located in part within a flood hazard. In this regard, the application was referred to Council's Senior Development Engineer and Senior Water Management Officer who have advised that the proposed stormwater treatment measures comply with the requirements of the Water Sensitive Urban Design Policy and is acceptable subject to the provision of appropriate conditions with any determination granted.

Clause 7.6 Salinity

The subject site is affected by moderate salinity. While so, it is considered that appropriate measures can be taken to avoid or reduce any undesirable effects that may be created as a consequence of the proposed development via appropriate conditions of consent.

Clause 7.7 Servicing

Clause 7.7 of the Penrith Local Environmental Plan provides in part for the following;

- (1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.*
- (2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:*
 - (a) the development will be connected to a reticulated water supply, if required by the consent authority, and*
 - (b) the development will have adequate facilities for the removal and disposal of sewage, and*
 - (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and*

(d) the need for public amenities or public services has been or will be met.

The existing Twin Creeks Estate (including residential properties and the current Twin Creeks Golf and Country) is currently serviced by an existing sewage management scheme initially approved by Penrith City Council under DA02/0854 on the 3 February, 2003 providing for the operation of a sewage treatment plant on Lot 1, DP 270417 on the north eastern side of Twin Creeks Drive. The proposed development will create a volume of waste water entering the existing Sewage Treatment Plant (STP) beyond its current capacity. In this regard, the current system combines treated effluent and stormwater and recycles it to irrigate the existing golf course, the STP serviced by a two-stage wastewater aeration system with a design capacity of 270m³/day. The upgrade to the STP is proposed to provide for the installation of a new MBR treatment plant with an identified 'Total Average Dry Weather Flow' capacity of 745m³/day.

The application was accompanied by a 'Wastewater Assessment Report' prepared by Mott Macdonald and 'Soil capability Assessment' report prepared by Envirotech which were provided to Council's Environmental Management Section for consideration. In addition, irrigation area plans were provided for Council's consideration identifying the area proposed to be used for the disposal of the treated effluent from the STP. In addition to the irrigation area including the existing golf course, Lot 222, DP 270417 adjoining the existing golf course to the north (under the ownership of TCG Developments Pty Ltd) has been identified with the irrigation area plans for the disposal of treated effluent,

An assessment of the provided information has indicated that Lot 222 should not be included as part of the identified irrigation area at this time noting a lack of information provided to determine its adequacy for this use. This reduces the indicated disposal area from 62 hectares to approximately 51 hectares. It is however noted that the applicant has detailed that further reductions in nitrogen concentrations can reduce the necessary irrigation area to within the available 51 hectares subject to further information. This is deemed reasonable and achievable to address the requirements of Clause 7.7 noting that the 51 hectares exceeds the requirements for the disposal of water and phosphorus being necessary limiting factors to be considered in conjunction with nitrogen levels.

In this regard, an amended wastewater assessment is required to adequately demonstrate the following;

- Demonstration that the total nitrogen concentration of the treated effluent can be reduced to an appropriate level, or as required to ensure that this treated effluent can be disposed of within the existing boundaries of the subject development,
- Address the removal of Lot 222, DP 270417 as an available area for treated effluent disposal,
- The provision of a detailed survey site plan of the effluent disposal area to the satisfaction of Council,
- The provision of an updated Salinity Management Plan to be provided to the satisfaction of Council.
- Details on the wet weather storage and measures to prevent uncontrolled releases of treated effluent during rain events into Cosgrove Creek, and
- Details in regard to how effluent will be managed whilst the existing Sewage Treatment plant is decommissioned and refitted in accordance with the development application.

While the application is deficient in wastewater analysis for the reasons detailed above, subject to the provision of the above information to the satisfaction of Council, it is considered that the objectives of Clause 7.7 of the Penrith LEP can be satisfied. In this regard, it is considered appropriate to provide a request for this additional information by way of deferred commencement conditions.

Clause 7.9 Development of land in the flight paths of the site reserved for the proposed

Before determining a development application for development to which this clause applies, the consent authority under Clause 7.9(3) of the LEP must;

- (a) must consider whether the development will result in an increase in the number of dwellings or people affected by aircraft noise, and*
- (b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2000, and*
- (c) must be satisfied that the development will meet AS 2021—2000 with respect to interior noise levels for the purposes of:*
 - (i) if the development will be in an ANEF contour of 20 or greater—centre-based child care facilities, educational establishments, entertainment facilities, hospitals, places of public worship, public administration buildings or residential accommodation, and*
 - (ii) if the development will be in an ANEF contour of 25 or greater—commercial premises, hostels or hotel or motel accommodation.*

The proposed development is subject to an ANEF contour of between 20 to 25. Accordingly, the development is not required to meet AS 2021-2000. Nonetheless, the application has been accompanied by a Noise Impact Assessment which includes recommendations for acoustic treatments to comply with the noise levels set out in the Australian Standard for development within the ANEF contours 20-25. Given that these requirements are included in the recommended conditions of consent, it is considered that the increase in persons affected by potential aircraft noise is acceptable, as compliant noise levels are achieved for sleeping and living areas of the hotel component of the development.

Clause 7.21 Twin Creeks

Clause 7. 21 Twin Creeks of the Penrith Local Environmental Plan outlines objectives for the area known as Twin Creeks as well as the following controls:

"(3) Despite any other provision of this Plan, development consent must not be granted for the subdivision of land to which this clause applies unless it is satisfied that:

(a) no more than 54 lots will be created within Area 3 shown on the Lot Size Map, each with an area of not less than 1,500 square metres, and

(b) the development will be compatible with the environmental capabilities of the land, and

(c) all lots created by the development will be compatible in size and shape with the physical nature of the land, adjoining land uses and the likely use of the land in the future, and

(d) the size and layout of lots that have boundaries with rural properties consider the interface between the rural residential estate and the potential for land use conflict, and

(e) the scientific, cultural or aesthetic significance of any Aboriginal archaeological site will not be detrimentally affected by the development, and

(f) dwellings located on land to which this clause applies will be sited to minimise any adverse impact that might arise from a potential extractive industry situated to the south and west of the land, and

(g) the last 45 of the lots mentioned in subclause (a) will not be developed unless adequate community facilities are in place.

(4) Despite any other provision of this Plan, development consent must not be granted for a dual occupancy or secondary dwelling on a lot to which this clause applies."

The objectives and controls outlined in the above clause relate to the development of the land through subdivision for housing lots with the exception of control (3)(c) which relates to controlling runoff and flooding of downstream properties. While the proposed development is located in part within a flood hazard, comments provided by Council's Senior Development Engineer and Senior Water Management Officer have advised that the proposed stormwater design subject to appropriate conditions with any determination granted is considered to adequately address any potential for adverse impacts from overland flow.

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

There are no draft environmental planning instruments applicable to the subject site or to the proposed development.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	Complies - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Complies
C3 Water Management	Complies - see Appendix - Development Control Plan Compliance
C4 Land Management	Complies
C5 Waste Management	Complies - see Appendix - Development Control Plan Compliance
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	Complies - see Appendix - Development Control Plan Compliance
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies - see Appendix - Development Control Plan Compliance
C11 Subdivision	N/A
C12 Noise and Vibration	Complies - see Appendix - Development Control Plan Compliance
C13 Infrastructure and Services	Complies - see Appendix - Development Control Plan Compliance
D1.1. Rural Character	Complies - see Appendix - Development Control Plan Compliance
D1.2. Rural Dwellings and Outbuildings	N/A
D1.3. Farm buildings	Complies - see Appendix - Development Control Plan Compliance
D1.4 Agricultural Development	N/A
D1.5. Non-Agricultural Development	Complies - see Appendix - Development Control Plan Compliance

Section 79C(1)(a)(iia) The provisions of any planning agreement

There are no planning agreements applying for this proposal.

Section 79C(1)(a)(iv) The provisions of the regulations

The relevant prescribed conditions of the Regulations, such as the requirement for compliance with the Building Code of Australia and fire safety requirements, will be imposed as conditions of consent where applicable. Subject to the recommended conditions of consent, the proposed development complies with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

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

Context and Setting

The development application will provide for the redevelopment of the existing Twin Creeks Golf Clubhouse and the provision of an associated hotel resort with its interaction providing for built forms that ensure that the development appears as part of a cohesive complex. The nature of the subject site and the layout of the existing Twin Creeks golf course will provide for varying distances to surrounding residential dwellings, which have primarily been constructed within the estate over a period of the last 10 years. In this regard, a distance of 200m from the redevelopment of the existing Clubhouse to the nearest residential properties is provided for located along Portrush Crescent to the north-west of the subject site, the golf course and Cosgrove Creek providing for natural open features between the residential properties and proposed built form in this south westerly direction..

It is considered that the immediate impact of the proposed development will be to dwellings primarily to the south east of the subject site with distances of between 80 to 90m provided for instance from the edge of the proposed hotel built form to residences at No. 14 Twin Creeks Drive and at No. 8 Crystal Doves Close. These residential premises are also provided with a common boundary with the subject site. Additional dwelling's in the most immediate vicinity to the proposed hotel are No's. 1A Medinah Avenue (located on the corner with Twin Creeks Drive) with the residential property boundary 20m away from the subject site opposite Twin Creeks Drive and the related dwelling house 60m away, No. 2 Medinah Avenue (also located on the corner with Twin Creeks Drive) at a distance of 30m to the residential property boundary and 50m to the related residential dwelling and No. 5 Twin Creeks Drive at a distance of 60m to the residential property boundary and 80m to the related residential dwelling itself. Residential dwellings continue further along Twin Creeks Drive and Medinah Avenue as part of the estate.

Opposite the subject site to its north west along the opposite side of Twin Creeks Drive is the continuation of the golf course which provides for no residential dwellings while the nearest residential dwellings to the north of the subject site at the intersection of Twin Creeks Drive and Comargo Lane are in the vicinity of 300m away from the subject site. It is within this context of recreational use and surrounding single allotment residential development that the proposal is taken into consideration

The subject site for the provision of a hotel (this being Lot 221, DP 270417) has been identified and earmarked for a hotel as shown via the additional permitted use under the Penrith Local Environmental Plan as provided by Schedule 5 of this planning instrument. This intent was originally provided for via a previous development consent for this lot being DA14/0866, approved 2 February 2015 for the provision of a 24 room motel building and associated car parking. In this regard, it is considered appropriate that consideration be given in this instance to an alternate design style especially for the hotel structure in comparative to the rural residential nature of the remaining Twin Creeks Estate noting its permissability with the Penrith LEP.

In regard to a broader planning context, the provision of a larger built hotel form is considered appropriate taking into consideration the area of Lot 221 (9,364m²) which is considered to allow for consideration of a larger building footprint in comparative to previous DA14/0866 granted for the subject site. Further consideration of the impact of the development upon its surrounds will be discussed under separate titles of this report.

Amenity

Consideration is to be given to the impacts of the built form and operations of the subject site upon the surrounding residential dwellings in the immediate vicinity as follows;

(a) Overshadowing

The location of the proposed hotel is not considered to create an unacceptable impact upon adjoining or surrounding residential properties in regard to overshadowing. Taking into consideration the location, built form and orientation of the 10 storey building, the majority of overshadowing cast will fall upon the either the existing golf course adjoining the proposed building during the day or upon the lagoon pool. It is noted that a small portion of front yard area to No. 2 Medinah Avenue (located on the southern side of the intersection of Medinah Avenue and Twin Creeks Drive) will be overshadowed at 3pm on the 21 June but this is considered an acceptable outcome allowing occupants to maintain solar access to primary internal and external living areas throughout the majority of the day. It is acknowledged that the location of a single level storage/plant room/toilet block building adjoining the proposed lagoon pool on its south eastern side will create overshadowing on the existing community pool adjoining the subject site for the majority of the day on the 21 June, but while so as to be discussed later within this report, this is considered to be compensated via community access being provided to the proposed lagoon pool.

It is noted that an assessment of shadow diagrams provided reflecting overshadowing cast on the 21 September (Spring Equinox) has revealed that no residential properties will be impacted upon. In addition, it is noted that an improved solar access will be provided to the proposed lagoon pool which is considered an acceptable solution as persons would be more inclined to use this pool in warmer rather than cooler weather.

(b) Overlooking

The redevelopment of the existing Twin Creeks clubhouse is not considered to create overlooking concerns taking into consideration its location and the vicinity of surrounding residential properties.

The design of the proposed hotel portion of the development application has provided for a external balcony areas to be located along either side of the external built walls and for larger terrace areas to be located to the ends of each floor level, their use associated either with the adjoining hotel room or provided as an accessible common area. It is noted that these end terrace areas vary in size and depth, are provided from level 3 to level 8 (a total of 6 levels) with a 1.2m deep planter box wrapping around its exterior provided to each end. It is also noted that the depth of each balcony proposed to an associated hotel room will be 1.7m in depth with a mixture of glass and timber balustrading provided to the exterior of each balcony.

The location of end terrace areas are considered to provide for either a south western view perspective across the existing golf course for one end of the 'J' shaped building or a south eastern perspective from the other end of this built form. The south western perspective is considered appropriate in the context of the site and acceptable design solution as views will primarily be provided over open area via the orientation of the golf course. The south eastern terrace ends are considered to be directed to a more residential perspective of residential premises in the vicinity, noting their closer proximity to them and is not considered an appropriate design solution. In this regard, it is considered appropriate that these terrace areas be deleted from the proposal, to be replaced with a non trafficable area, any determination to be conditioned appropriately. The removal of these terrace areas is considered an appropriate modification as this would allow for a maintenance in amenity for surrounding residential properties while noting that separate balconies are still provided to each end apartment.

The treatment of balconies with a mixture of glass and timber balustrading is generally considered to allow for a minimisation of overlooking of any affected residential properties noting the distance that these properties are from the proposed hotel and the timber balustrading serving as a solid feature, minimise views to these affected lots. In addition, the location of timber louvres to the exterior of apartment exteriors as well as curtains will assist in minimising direct overlooking. In this regard it is noted that the south east elevation (which it is considered may maintain a greater potential of creating overlooking to residential

properties due to its outlook) of the proposed hotel overlooking the lagoon pool is provided at a distance of between 60m to 90m to the nearest residential boundary (this being No 8 Crystal Downs Close noting the irregularity of the common boundary). This separation combined with timber louvres and timber balustrading features, is considered acceptable and will mitigate distant overlooking concerns also noting that a number of apartment perspectives will also shift to focus more directly on the golf course rather than adjoining properties noting the curvature of the building proposed. As the building commenced with three levels and then works up towards 10 levels in its curved centre, the design is considered to allow a majority of these internal looking apartments to have a greater focus on the surrounding golf course.

While so, it is considered that the position of the hotel and the perspective of a number of external looking apartments have the potential for views upon premises located at the intersection of Twin Creeks Drive and Medinah Avenue. While the stepping of the building levels away from this intersection is considered to assist in mitigating overlooking concerns, the absence of appropriate screening is considered to impact on the amenity of aforementioned residential properties. While elevation plans have identified mature street trees at a height of 3 storeys along this elevation, taking into consideration the lack of any deep soil zone via the construction of the basement below, this is not considered a suitable solution. In this regard, the provision of external movable shutters to be provided also along the exterior of the balconies is considered an appropriate design solution in this instance and noting the number of units fronting onto this intersection it is considered they be provided to all ends of level 1 to level 7 from the position of the lifts onwards. This would amount to a total of 40 apartments being provided with this external movable louvre treatment for levels 1 to 7 which noting the built forms proximity to the intersection is considered an acceptable design solution in easing overlooking concerns. Noting the sensitivity of amenity loss in this area it is considered appropriate that a 'Deferred Commencement' condition reflecting the above modification be provided for so that Council may be satisfied that an appropriate design solution has been provided for to address privacy impacts.

This intersection (Twin Creeks Drive and Medinah Avenue) has also been identified as providing for a ground floor spa area including an external resort spa treatment area. The location of this external feature (as shown on architectural plans) is considered to create a potential impact upon the amenity of surrounding residents. Should approval be granted it is considered appropriate that all spa activities be restricted to within the envelope of the building and any external use removed and conditions of consent also reflect this.

Subject to the modification recommended above in regard to the conversion of south eastern facing terraces to non trafficable areas, the provision of external movable louvres to units fronting the intersection of twin Creeks Drive and Medinah Avenue and removal of external spa operations, it is considered that the proposed hotel built form will provide for an acceptable relationship to adjoining residential uses in relation to overlooking.

(c) Proposed Child Care

The original application provided to Council provided for a Stage 3 hotel building with a total of 153 rooms at a height of 12 storeys to be located along the vicinity of the south western boundary of Lot 221, DP 270417. While the application as amended has provided for the removal of this building, it has been replaced by a child care area, identified only on the ground floor plan of amended architectural plans. It is noted that no additional information has been provided in regard to the operation and capacity of this child care centre (in association with the proposed hotel). Taking into consideration its location directly adjoining residences at No. 8 Crystal Downs Close and No. 14 Twin Creeks Drive, the operation of any facility of this nature is considered will create an immediate impact upon the amenity of adjoining residents and is not considered an acceptable addition to the application.

Noting the above, the location of the child care centre is not supported and should approval be granted be

deleted from the proposal. Noting that this area serves in part as a buffer between the lagoon pool and residents it is considered appropriate that this area be landscaped with mature vegetation and a mixture of plant species to assist in screening the development from adjoining residential properties. In this regard, should the application be approved, it is considered that a 'deferred commencement' condition of this form be provided, plans to be amended to the satisfaction of Council prior to the operation of any formal operational determination.

Access, Parking and Traffic

The development application will provide for the provision of a total of 334 car parking spaces, of which 35 parking spaces are to be provided at grade adjoining the Hotel and Clubhouse, 212 are to be provided within basement level 1 and 87 are to be provided within basement level 2. A separate garbage truck/service vehicle access is proposed to be provided to basement level 1 which will be provided with a loading bay and waste collection room. The existing vehicle access via Twin Creeks Drive is to be maintained with a separate Porte-Cocheres area also provided at the eastern extent of the Golf Club, Hotel and Function Centre respectively.

The existing Golf Clubhouse currently provides for 104 at grade car parking spaces which has been nominated to be retained during the proposed construction of Stage 1 of the Development Application. The application was supported by a Traffic Impact Assessment Report and a subsequent amended Traffic Impact Assessment Report following the request for additional information prepared by Traffix, dated July, 2017 which concluded that the proposed development is supportable on traffic planning grounds and will operate satisfactorily.

The application has been assessed in regard to a 'pro-rata' requirement for each proposed use being inappropriate noting that the mixed use nature of the facility will lead to the likelihood of people associated with one use on the suite will also be using other facilities on the site. In this regard, the accompanying report has provided a reliance on a survey of peak parking period demands in relation to the car parking facilities provided. Council's Traffic Engineering Department have indicated support for the proposed traffic report findings and in this regard, the proposal is considered acceptable in terms of traffic and parking.

The application was also referred to the Roads and Maritime Services under the requirements of the State Environmental Planning Policy (Infrastructure) 2007 noting the criteria met in relation to car parking of more than 200 spaces provided for a tourist facility with access to any road. Comments returned have advised that the proposal is acceptable subject to the provision of a new left turn/slip lane to be provided on Luddenham Road intersection with Mamre Road, noting the potential for additional delays and potential safety issues created by the proposed development. Should the application be approved any determination will be appropriately conditioned.

In addition, it is noted that the application as amended has provided for clockwise movement for vehicles above the basement level at grade, the application originally providing for anti-clockwise movement which was not supported. In addition, it is considered that appropriate pedestrian pathways have been identified within car parking areas. While the application has identified a temporary car parking area for Stage 1 of the development a proper management study has not been provided for demonstrating how the identified temporary car parking and pedestrian access to cater for the developments operations during the construction period will be managed. In this regard, should the application be approved, an appropriate condition of this form will be included with any determination.

Landscaping

The application was originally provided with a Landscape Master Plan and associated plans for the various aspects of the proposal as well as a Landscape Design Statement and indicative planting schedule. It is

noted that this design provided for areas of landscaping for the at grade car parking facilities and the boundaries of the subject site adjoining the golf course, Twin Creeks Drive and adjoining community facilities and residential lots. Following the receipt of amended plans indicating the removal of the proposed Stage 3 Hotel building, amended landscape plans have been provided for indicating the treatment of this area. As previously discussed within this report, the intended use of this area as a child care centre is not supported and should be replaced with landscape buffering to the adjoining residential lots. Concerns have been raised by Council's Landscape Architect in the application's failure to provide for the inclusion of large native trees, a more appropriate carpark landscape design reflecting podium conditions noting the location of the basement parking below and details of the ongoing maintenance and for proposed landscaping.

in this regard, should the application be approved, any determination will request a revised landscape plan (including the removed child care area) to be submitted as part of a 'Deferred Commencement' process prior to any formal operational consent being activated.

Natural Environment

The application is considered to have adequately demonstrated that the proposed waste management will be adequately catered for via the proposed new waste room and collection area and associated loading area to basement level 1. It is considered that waste may be adequately transported to this waste area from either the proposed hotel or upgraded Golf Clubhouse. Comments provided from Council's Development Engineering and Water Management Departments have also indicated that drainage works proposed in associated with the development will comply with Council's Water Sensitive Urban Design Policy. The proposed development will connect to the existing systems, including roads. It is also considered subject to appropriate conditions, that the upgrading of the existing Sewage Treatment Plant will have adequate capacity to receive any additional loading as a result of the development.

Social and Economic impacts

The amended application has been accompanied with a draft '*Communication and Engagement Plan for Hotel Resort Development*' which has advised as follows;

Effective two way-communication will play an important role in interacting with stakeholders, provide information and help identify and address issues or concerns that may arise.

General project communication relating to the Resort Hotel development will be integrated into existing communication channels and will include information relating to the status of the project, as well as project updates and feedback mechanisms.

In this regard the following tools have been and activities have been identified for use for a program of public communication;

- Website for Twin Creeks to be the primary tool for providing general information,
- A project email to be set up for community and stakeholder enquires to provide a two way channel of communication, this email address to be listed on the construction page of the website, site signage and all other printed collateral,
- Community information number, to register any public enquires or feedback about the Twin Creek Resort Development,
- 24 hour construction number as a primary means of responding to immediate issues or construction related enquires,
- Correspondence with neighbours via the Twin Creeks resident's web portal and/or distributed via letter box drop.
- Community drop in events, co-ordinated through TCR Management and attended by relevant members of

the construction team to enable interested parties to view project information and speak directly with the project team to find out more about the status of work,

- Contact database maintained throughout the life of construction works to record and report on construction related queries and complaints and the action(s) required or undertaken.

The implementation of the 'Communication and Engagement Plan' is considered an acceptable approach in allowing for a co-ordinated approach in maintaining an appropriate relationship between the applicant and surrounding affected residents. Should the application be approved, this Plan is to be included as a condition of development consent.

An additional key social impact concern is related to the isolation of the subject site, with no services nearby, noting for instance that it is currently a 10km drive to Erskine park shops, 8km to St Clair shops and 7km to the M4 motorway. To minimise the potential that the subject site may exacerbate the feeling of a 'gated' community, it is considered appropriate that the service feature of the proposal, i.e, convenience store be also accessible to residents in the surrounding area. The convenience store proposed to the ground floor does provide for access from the public domain and may be accessed for instance from the proposed at grade car parking area. In this regard, allowing access for residents to this convenience store is also considered in line with the planning principles for the subject lot (Lot 221, DP 270417) noting that '*neighbourhood shops*' is provided as an additional permitted use under Schedule 1 of the Penrith Local Environmental Plan. A condition of consent will be included in relation to the operation of the convenience store should approval for the development application be granted.

The application will provide for a new lagoon pool which accompanying documents have identified as being also accessible for local residents. This action is considered to improve the relationship of the proposal with the community, (also noting that the adjoining community facilities currently maintaining recreational uses including a pool will be maintained) allowing residents to use and share facilities with temporary guests of the hotel and will be conditioned accordingly should approval be granted.

Noting the above measures to be implemented including the provision of a 'Communication and Engagement Plan' and public access to the proposed convenience store and lagoon pool, the social and economic impacts of the development are considered acceptable.

Noise

The application was supported by an Acoustic DA Assessment report, prepared by Acouras Consultancy dated 18 October, 2016 and following the request for additional information an addendum sheet also prepared by Acouras Consultancy dated 24 April, 2017. The report included an assessment of the noise impacts on nearby residents (primarily in the vicinity of the intersection of Twin Creeks Drive and Medinah Avenue), additional traffic generated on the roads network and noise impacts from the operation licenced premises and the café.

The report has identified noise intrusion concerns for the proposal in relation to aircraft noise, mechanical services and construction including sound insulation requirements. Should the application be approved, it is considered that appropriate conditions may be included to appropriately manage these relevant noise criterias.

It is recognised that the operations of the proposed hotel and in particular ancillary uses (i.e, operation of the function centre, bars and location of persons in the vicinity of the lagoon pool) may create amenity concerns for surrounding residents via the transmission of noise. As discussed within this report, the original stage 3 hotel building proposed has been removed via amended plans and replaced in its location with a proposed child care centre which is not considered acceptable in relation to amenity maintenance for adjoining residential premises and is recommended to be deleted.

Concerns were initially raised with the applicant in regard to the accompanying Acoustic Report and reliance on the NSW Government Office of Liquor, Gaming and Racing (OLGR) to address the potential noise impacts from the licenced bar and function room within the development. Council generally requires the applicant address these noise impacts using the OLGR and Industrial Noise Policy requirements and use whichever is the most conservative. This has not yet been conducted in this instance and is deemed necessary prior to the issue of any operational consent.

The application as amended is also not considered to have taken into consideration the potential impact of noise of the operation of the proposed function centre and the movement of persons to surrounding terrace areas, noise from café and external seating area and the noise created by person within the vicinity of the lagoon pool taking into consideration its proximity to adjoining residential properties, in particular No. 14 Twin Creeks Drive and a number of residential properties located at the end of the Crystal Downs Close cul-de-sac being No's 5, 6, 7 and 8. In addition, no information has been provided in regard to the use of amplified music in the vicinity of the bar area, lagoon pool and especially in association with the operation of the function centre which is not acceptable. A plan of management in relation to the operation of the function centre and appropriate movement/management of persons to mitigate potential acoustic concerns before, during and after events has also not accompanied the application. The application also does not identify the number and nature of proposed events to be conducted at the function centre throughout the year. Taking into consideration the proposed 400 person capacity, this is considered necessary to suitably establish potential impacts and required mitigation measures.

It is also noted that the plans as amended have provided for an acoustic wall to be provided between the proposed development and the boundaries of No. 14 Twin Creeks Drive and No. 8 Crystal Downes Close. Inadequate detail has been provided in support of this 'acoustic wall' reference which has not allowed for assessment of its location, size and presentation as well as effectiveness in minimising sufficient noise concerns.

The Acoustic Report has also identified that residents along Twin Creeks Drive will be affected by the generation of traffic noise and will require mitigation measures. While so, the report has failed to identify which residential properties will require mitigation measures and to what extent they will be impacted advising only that *'following DA approval, the client in consultation with affected residents along Twin Creeks Road is identify feasible and reasonable options for acoustic measures, such as "at-property" treatments (eg glazing, acoustic insulation) or localised moulds/barrier/fence.'* Such an approach is not considered an acceptable measure in this instance noting the size of the proposal and additional movements of vehicles to be created including the movement of service vehicles.

While the application is deficient in acoustic analysis for the reasons detailed above, it is considered that these deficiencies can be addressed and resolved through the submission of additional information by way of deferred commencement conditions. This information will require consideration of a balanced approach between operational measures, physical works and community engagement with the recommendations of this information informing the detailed design of the development.

The application has also been provided with hours of operation for the various uses associated with the development as previously indicated within this report. It is noted that the day spa, gymnasium, resort shop/boutique, convenience store and administration area are maintained within the envelope of the proposed hotel building on the ground floor. Noting these proposed uses it is considered that any adverse noise impacts may be mitigated by appropriate construction methods as well as appropriate wall insulation and glazing.

The hours of the proposed function centre have been identified as being 6am to 12am. The early operation is not considered acceptable and to minimise potential noise impacts to surrounding residential properties and to maintain hours more in line with other hours of operation proposed, a 7am commencement is

considered more appropriate in this instance, any determination to be conditioned appropriately.

Accessibility

An access report prepared by Accessible Building Solutions accompanied the application. The report found that the proposed development can comply with the accessibility requirements of the *Building Code of Australia* (BCA), *Disability (Access to Premises) Standard 2010* and applicable *Australian Standards*.

The proposed development was also reported to Council's Access Committee at its meeting held on the 8 February, 2017. At that meeting, the Committee discussed the following issues:

- The lack of accessible car parking at ground level,
- The access point at the front of the site does not lead to anywhere,
- The volume of traffic to the site,
- Wheelchairs are given a different path of travel,
- No accessible parking at the front of building,
- Accessible path of travel from bus stop,
- Lack of accessible visitor parking at the hotel,
- There are no public bus services to the site,
- Additional entrances to the site are required,
- The distance to lifts in the basements, and
- Bus stops should not be located too close to the road.

In response to these concerns, an addendum document was provided by Accessible Building solutions dated 27 April, 2017. In this regard, the application as amended is considered to provide an acceptable response to the above concerns noting that plans have identified the provision of a total of 13 accessible spaces including 2 on the ground level and that an accompanying way finding plan is considered to identify the movement of persons from the drop off/front car park area to various locations within the proposed development. In addition, it is noted that all accessible car parking spaces are located less than 60m from a lift, compliant with Australian Standard 1428.2. The drop off area to the front of the hotel is also considered an appropriate design solution for the movement of persons in the hotel complex.

A total of 12 accessible apartments are provided to the hotel building. This number is considered low (6% of all proposed rooms) comparatively to a new residential flat building for instance requiring 10% of all units to be accessible. In this regard, it is considered appropriate that 10% of all apartments be designed to be compatible of adaption for people with a disability and will form part of any conditions of determination.

Noting the above and subject to appropriate modifications, the recommendations contained in the accessibility report and addendum are to be included with any determination for inclusion in the detailed construction plans for the proposal.

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

The subject site is considered suitable for the proposed development for the following reasons:

- The existing Twin Creeks Golf Clubhouse located on Lot 47, DP 270417 is considered to be subject to 'existing use rights' provisions as defined under Clause 106 of the Environmental Planning and Assessment Act 1979. In this regard, it is considered that this facility has been in operation for a number of years and while a prohibited land use under the subject sites zoning, approval of the proposal upon Lot 47, DP 270417 is considered permissible subject to Development Consent. It is also not considered that the current proposal will introduce any new land uses and will be maintained wholly upon Lot 47, DP 270417.
- Under Schedule 1, Clause 16 of the Penrith Local Environmental Plan 2010 *hotel or motel accommodation* and *neighbourhood shop* are provided as an Additional Permitted Use under Lot 221, DP 270417. In this regard, the provision of a hotel and convenience store are permissible subject to development consent.
- The dominant purpose of the proposed development on Lot 221, DP 270417 is one of a hotel. Each additional use proposed is considered to operate as an ancillary element to the dominant use, being the hotel.
- Lot 1, DP 270417 currently maintains a Sewage Treatment Plant (STP), a separate parcel of land which is owned and operated by the *Community Association DP 270417*. Correspondence provided to Council has requested the formal amendment to DA16/1236 to include works on Lot 1, DP 270417 on the STP associated with the hotel development and is therefore considered an ancillary component to the current development proposal. Additional correspondence has also been provided for owners consent by the *Community Association DP 270417* authorising the inclusion of Lot 1, DP 270417 as part of the current application.
- While it is acknowledged that the scale of the proposal is significantly larger in relation to adjoining built forms, the subject site is considered to maintain acceptable infrastructure subject to compliance with appropriate conditions of consent for the provision of the proposed development.
- The application has adequately demonstrated that the increased volume of waste water entering the upgraded Sewage Treatment Plant on Lot 1, DP 270417 can be appropriately treated and discharged.
- The site, subject to further concurrence from Sydney Water is considered adequate to cater for the increased water demands associated with the proposed development.
- Recommended conditions of consent are considered to ensure that the proposal will have an acceptable and manageable impact on the surrounding environment during construction and operational use.

Section 79C(1)(d) Any Submissions

Community Consultation

The development application was originally advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 2 December, 2016 to 31 January, 2017. During this period, Council received twenty three (23) submissions from 19 properties as well as a petition containing eighty five (85) signatures.

Following the receipt of amended plans and documents, the application was renotified from the 27 November to 11 December, 2017. During this re-notification period, six (6) submissions were received.

The concerns raised in these submissions are addressed below.

Issue: Concern in regard to overlooking created upon surrounding residential properties via proposed hotel.

Comment: An assessment of the amended application has identified a number of areas where overlooking concerns are created by the proposed hotel building. In this regard, it is noted that should approval be granted, that the identified child care centre is to be removed. In addition, open terrace areas to the end of the hotel building fronting the south west are also not considered appropriate and are to be deleted and replaced with non trafficable areas, any determination to be conditioned appropriately.

While it is noted that the built form is a substantial increase in bulk and height in regard to surrounding built forms, the treatment of balconies with solid timber features is considered to minimise direct overlooking of adjoining residents. In addition, the stepping of the building is also considered to minimise overlooking concerns noting that the extent of bulk will travel away rather than towards adjoining residential properties to the south west.

Issue: Proposal will diminish existing views from residential area via provision of a 10 storey building

Comment: It is considered that the nature of the Twin Creeks Estate and the layout of the surrounding golf course will assist in maintain the existing vistas for residential dwellings. It is noted that no residential property which immediately adjoins the golf course facility will lose any existing views from existing rear property boundaries. This is applicable for properties along the northern side of Medinah Avenue and for properties along the western side of Crystal Downs Close. In this regard, while it is acknowledged that the built form will create significant bulk to the locality, the stepped design of the built form is considered an acceptable response to its surrounds and will not provide for significant view loss to the majority of surrounding residential properties in the near vicinity to the north west and south west of the subject site.

Issue: Proposed uses will create an unacceptable increase in noise from the resort

Comment: It is acknowledged that the accompanying supporting documentation has not sufficiently considered the potential acoustic impacts that the amended proposal development will create to surrounding residential properties as discussed within this report. In this regard, it is considered appropriate that amended information be provided for, to the satisfaction of Council, prior to any operational consent as part of a 'Deferred Commencement' conditional approval.

Issue: Concern in regard to increase in traffic congestion created by the proposal and existing road network will not be able to cope with additional movement of vehicles

Comment: The application was accompanied by a Traffic Impact Assessment Report, referred to Council's Traffic Engineering Department and also to the Roads and Maritime Services for comment. In this regard, the modelling provided was considered to identify that the traffic generated by the development can be accommodated in the precinct road network which was considered by both the RMS and Council's Traffic Engineer and viewed as acceptable. In addition, commentary provided by the RMS has recommended that as a consequence of the development, the intersection of Luddenham Road and Mamre Road should be upgraded to minimise traffic delays via the provision of a left turn/slip lane from Luddenham Road onto Mamre Road. Should approval be granted, this will be included as a condition of consent with any determination granted.

Issue: The bulk and size of the resort does not fit the rural setting outlook or streetscape of Twin Creeks and will dominate the scenery

Comment: It is acknowledged that the proposed built form will create a significant difference in size in comparison to the surrounding residential dwellings within the Twin Creeks Estate which have been constructed over the last 10 years and in this regard does not maintain the existing rural context of detached dwellings located upon large lots. While so, it is considered that the size of the subject lot (at

almost 10,000m²) may allow for the facilitation of the proposal of such a size. View analysis plans accompanying the application have also identified that the visual impact of the proposal will diminish when considered also in the context of the surrounding golf course and its surrounds and in this regard and noting future developments envisaged for this part of western Sydney including the Sydney Science Park and the Second Sydney Airport is not considered out of context.

Issue: Proposal will reduce the safety of families surrounding the Twin Creeks Golf Course due to greater influx of persons in the area

Comment: It is not considered that the safety of children or adults currently residing within the vicinity of Twin Creeks golf course will be affected by the proposed development. The application was referred to Council's Social Planner who raised no concerns in relation to the safety of persons while no evidence is forthcoming to consider this a legitimate matter of concern. In addition, it is noted that a lighting plan has accompanied the application which is considered will maintain the safety of visitors to the facility during the evening. It is also noted that no schools are located within the Twin Creeks Estate which may be impeded by the proposed development.

Issue: Proposed resort should not be located in the vicinity of residential properties

Comment: The subject site for the proposed hotel development being Lot 221, DP 270417 has been identified under Schedule 1 'Additional Permitted Uses' (Clause 16) of the Penrith Local Environmental Plan 2010 as allowing for the provision of a *development for the purposes of hotel or motel accommodation, neighbourhood shops and recreation facilities (outdoor)* as permissible subject to development consent. In this regard, the proposed use and ancillary uses is considered permissible, the application subject to assessment to determine its impact upon surrounding land uses.

Issue: Proposed development will create an unacceptable strain on the existing sewer and stormwater capabilities within the Twin Creeks Estate

Comment: The application has been accompanied with an upgrade of the existing Sewage Treatment Plant (STP) which currently facilitates the operation of the existing Twin Creeks Golf Clubhouse and residential properties within the Twin Creeks estate. In this regard, should approval be granted, this will also require the upgrading of the STP to a level which is acceptable for the operation of the proposed development while maintaining a service to residential dwellings also.

The application was accompanied with stormwater plans and documentation which was referred to Council's Senior Engineer - Major Developments and Senior Water management Officer who have advised that the proposed stormwater treatment measures comply with the requirements of the Waster Sensitive Urban Design policy and is therefore acceptable.

Issue: Concern in regard to construction noise created and time period to construct new building

Comment: Any approval granted will be provided with conditions in regard to hours of operation for the construction of the proposal. In this regard, standard hours of operation are primarily restricted to the periods of Mondays to Fridays, 7am to 6pm, Saturdays, 7am to 1pm with no work permitted on Sundays and Public Holidays. Should excessive noise or complaints be received during the construction period, this shall be also subject to conditions of development consent and may be directed to either the Certifying Authority for the proposal or Council to investigate.

Issue: Proposed development is excessive in height

Comment: The proposed development is not subject to a height restriction control as provided for by the Penrith Local Environmental Plan 2010. While so, it is noted that the proposed hotel will not create any overshadowing of adjoining residential premises between the hours of 9am to 3pm on the 21 June (mid winter). Potential overlooking concerns are considered to be mitigated via conditions of consent with any determination granted. In this regard, while acknowledging that the proposal will create a stark contrast in built form to surrounding low density residential dwellings, the impacts of the building have been appropriately assessed and are considered acceptable subject to conditions with any determination granted.

Issue: *Proposed development will create an increased potential for the displacement of local wildlife*

Comment: It is not considered that the proposal will create an unacceptable impact upon the existing wildlife noting that the proposal will not create a significant impact upon the existing natural environment. It is noted that the subject site for the hotel development does not maintain any native trees, shrubs or herb layers and in this regard, a displacement of local wildlife is not considered a valid concern.

Issue: *Proposed development will lead to an increase in anti-social behaviour and create alcohol and drug issues for surrounding residents*

Comment: It is not considered that the proposal will create an unacceptable social impact upon the surrounding residential area of the Twin Creeks Estate noting that any approval granted will be subject to the controls of the Liquor and Gaming NSW and be accordingly regulated. It is noted that proposed bar will close operation at 10pm which is not considered inappropriate. In addition, it is noted that the proposal will not provide for the selling of alcohol as per a take away bottle shop (this being restricted to on site only) which will also minimise the potential for anti social behaviour in the vicinity.

Issue: *Proposed stage 3 construction will create an unacceptable amenity impact to adjoining residential properties.*

Comment: The provision of amended plans have provided for the removal of the originally identified proposed Stage3 construction.

Issue: *Location of proposed hotel will greatly diminish the privacy of existing community facilities adjoining the subject site*

Comment: An assessment of the proposal has identified that potential overlooking on the community facilities adjoining the subject site to the south west may be created via the location of terraces located to the stepped ends of the hotel built form. Should approval be granted it is noted that these terrace areas are to be provided as a condition of consent as non trafficable areas to minimise this concern.

The use of the tennis courts is not considered to be diminished via the location of the built form adjoining noting that the community facilities will also be served with an amount of landscaping which will assist in buffering overlong concerns from persons using the hotel facilities. It is also noted that the application will also provide for access to the proposed hotel lagoon pool for residents, to be accessed from the existing community facilities. Any approval provided will therefore require clarification in regard to the appropriate means of access for residents to the lagoon pool.

Issue: *The operation of a single entry exit point from Luddenham Road to the Twin Creeks Estate will be significantly compromised by the additional movement of motor vehicles associated with the proposal*

Comment: The application was referred to Councils Traffic Engineering Department and the Roads and

Maritime Services who have taken into consideration modelling of the intersection of Luddenham Road and Twin Creeks Drive and advised that no concern in regard to additional movements of vehicles will be created via the approval of the development application.

Issue; Location of proposed resort adjoining community facilities will create additional safety concerns for local children

Comment: The application as amended has provided for a pavilion gate entry between the existing community facilities and the proposed hotel lagoon pool area. Details are to be requested with any approval provided prior to the operation of the hotel in regard to how this entry area will be managed. In this regard, access to the hotel will be for residents also using the existing community facilities and not vica versa. in this regard, concerns in relation to child safety are considered diminished.

Issue: Proposed development will create overshadowing of existing community facilities

Comment: The application has been accompanied with shadow diagrams which have identified that the existing swimming pool will be impacted upon by overshadowing throughout the day on the 21 June. Shadow diagrams for the 21 September have indicated that this pool will be only affected by overshadowing from 2pm onwards. While so, it is considered that the overshadowing of the existing pool facility his compensated via the availability of the new lagoon pool for local residents which is considered an acceptable solution. It is also noted that no overshadowing of the existing 2 tennis courts will occur throughout the year and in this regard, the impact upon the existing community facility amenities is considered acceptable.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Public Health	No objections - subject to conditions
Environmental - Biodiversity	No objections
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections
Social Planning	No objections - subject to conditions

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

The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and in accordance with the prevailing planning controls. In this regard, the proposed works are considered to be consistent with the relevant planning provisions. Subject to compliance with 'Deferred Commencement' conditions prior to the operation of any formal development consent and modifications to the development design as outlined within this report the proposal is considered worthy of support.

Conclusion

The proposed development has been assessed in accordance with the relevant provision of the environmental planning instruments and development control plan pertaining to the land. It is established that a redevelopment of the Twin Creeks Golf and Country building on Lot 47, DP 270417 is reliant on 'existing use' rights provision of the Environmental Planning and Assessment Act 1979 and Regulations which allow for the enlargement, expansion or intensification of a use dependent on existing use rights. Under Clause 2.5 '*Additional permitted uses for particular land*' of the Penrith LEP, *hotel or motel accommodation* and *neighbourhood shops* are permitted on Lot 221, DP 270417 as provided by Schedule 1 of the LEP. In this regard, as both the hotel and convenience store elements are provided entirely within Lot 221, the proposed use is permissible, notwithstanding the zoning of the land. The additional uses located on Lot 221 are considered to be ancillary development to the proposed hotel and are therefore permissible with consent. Amplification of the existing Sewage Treatment Plant on Lot 1, DP 270417 under Community Ownership is considered a consequence of the proposed development and considered permissible subject to Development Consent.

The proposal will provide for a considerable new large built form within the existing rural context of the 'Twin Creeks Estate'. Consideration has been given in regard to the potential impacts of the location and operation of the new 'complex' upon its surrounds including adjoining and surrounding residential properties. The design and location of the development subject to appropriate conditions is considered an acceptable response to the context of the subject site.

It is acknowledged that the application will require amended information and design amendments to mitigate a number of potential amenity impact concerns on its surrounds including overlooking concerns and the provision of acceptable noise data in relation to identified operations in association with the hotel and ancillary uses to allow for a proper relationship with its surrounds. The detailed operation of the proposed upgraded Sewage Treatment Plant and final clarification of clarification of irrigation areas required for effluent disposal can be addressed through the provision of additional information as well as details of how effluent will be managed whilst the existing plant is decommissioned and refitted as additional information in regard to wet weather storage design .

The provision of an identified child care centre component of the proposal is also not supported and will also require amended plans and information incorporating additional landscaping to the site to be provided. In this regard, it is considered appropriate that these matters be resolved via a 'Deferred Commencement' development consent prior to the formal activation of an operational consent.

The proposed development has been assessed against the relevant heads of consideration contained in Section 23G and Section 79C of the *Environmental Planning and Assessment Act, 1979* and has found to be satisfactory. The site is suitable for the proposed development and the proposal subject to compliance with conditions is in the public interest. The proposal is therefore worthy of support.

Recommendation

That DA16/1236 for the staged construction of Twin Creeks Resort including a 198 room Hotel and related facilities on Lot 221, DP 270417 (10 Twin Creeks Drive, Luddenham), alterations and additions to the existing Twin Creeks Golf and Country building on Lot 47, DP 270417 (2-8 Twin Creeks Drive, Luddenham) and upgrading of an existing Sewage Management Treatment Plant on Lot 1, DP 270417 be approved subject to the attached conditions.

CONDITIONS

General

- The development must be implemented substantially in accordance with the following plans approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Doc No.	Issue	Title	Prepared By	Date
Architectural Plans all Project No. 957 as amended to satisfy Schedule 'A' conditions				
A080	D	Basement 2 Plan	Tony Owen Partners	25.05. 2017
A090	D	Basement 1B Plan	Tony Owen Partners	25.05. 2017
A100	D	Ground Floor Plan	Tony Owen Partners	25.05. 2017
A101	D	Level 1 Plan	Tony Owen Partners	25.05. 2017
A102	D	Level 2 Plan	Tony Owen Partners	25.05. 2017
A103	D	Level 3 Plan	Tony Owen Partners	25.05. 2017
A104	D	Level 4 Plan	Tony Owen Partners	25.05. 2017
A105	D	Level 5 Plan	Tony Owen Partners	25.05. 2017
A106	D	Level 6 Plan	Tony Owen Partners	25.05. 2017
A107	D	Level 7 Plan	Tony Owen Partners	25.05. 2017
A108	D	Level 8 Plan	Tony Owen Partners	25.05. 2017
A109	D	Level 9 Plan	Tony Owen Partners	25.05. 2017
A130	D	Roof Plan	Tony Owen Partners	25.05. 2017
A150	D	Accessible Rooms	Tony Owen Partners	25.05. 2017
A200	D	South West Elevation North West Elevation	Tony Owen Partners	25.05. 2017
A201	D	South East Elevation North East Elevation	Tony Owen Partners	25.05. 2017
A202	D	South West Elevation North West Elevation	Tony Owen Partners	25.05. 2017
A300	D	South West Elevation North West Elevation	Tony Owen Partners	25.05. 2017
A351	D	Basement Ramp Section 2	Tony Owen Partners	25.05. 2017
A352	D	Basement Ramp Section 3	Tony Owen Partners	25.05. 2017
A359	D	Staging Diagram	Tony Owen Partners	25.05. 2017
A360	D	Staging Diagram – Stage 1	Tony Owen Partners	25.05. 2017
A361	D	Staging Diagram – Stage 2	Tony Owen Partners	25.05. 2017
A410	D	Waste Management Plan	Tony Owen Partners	25.05. 2017
A700	D	External Finishes	Tony Owen Partners	25.05. 2017
A009	A	Site Plan (Sewage Treatment Plant)	Tony Owen Partners	20.08. 2017
A009-1	A	Sewage Treatment Plant Layout	Tony Owen Partners	20.08 2017
AWT-1602-001	D	Lay-out Inside Shed	AWT Watertreatment	28.03 2017
AWT-1602-002	-	Plant Lay-out	AWT Watertreatment	17.03. 2017
Stormwater Plans				

MMD-390185-C-DR-DA-CV-1001	P1	General Civil Notes	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1002	P1	General Civil Legends	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1010	P1	General Arrangement Plan	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1020	P1	Concept Sediment and Erosion Management Control Plan	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1021	P1	Concept Sediment and Erosion Management Control Plan Details	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1030	P1	Siteworks Grading Plan Sheet 1 of 4	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1031	P1	Siteworks Grading Plan Sheet 2 of 4	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1032	P1	Siteworks Grading Plan Sheet 3 of 4	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1033	P1	Siteworks Grading Plan Sheet 4 of 4	Mott Macdonald	30.10.2017
MMD-390185-C-DR-DA-CV-1050	P1	Siteworks Details	Mott Macdonald	30.10.2017
Landscape Plans as amended to satisfy Schedule 'A' conditions				
LAND-DA-005	C	Landscape Master Plan	Place Design Group	03.08.2017
LAND-DA-006	C	Hotel, Pool and Kids Club	Place Design Group	03.08.2017
LAND-DA-008	C	Landscape Concept Plan	Place Design Group	03.08.2017
LAND-DA-009	C	Rooftop Terrace Gardens	Place Design Group	03.08.2017
LAND-DA-010	C	Section A	Place Design Group	03.08.2017

LAND-DA-011	C	Section A (Cont.)	Place Design Group	03.08.2017
LAND-DA-012	C	Section A (Cont.)	Place Design Group	03.08.2017
LAND-DA-013	C	Section B	Place Design Group	03.08.2017
LAND-DA-014	C	Section B (Cont.)	Place Design Group	03.08.2017
LAND-DA-015	C	Section C	Place Design Group	03.08.2017
LAND-DA-016	C	Section C (Cont.)	Place Design Group	03.08.2017
LAND-DA-017	C	Section D	Place Design Group	03.08.2017
LAND-DA-018	C	Section D (Cont.)	Place Design Group	03.08.2017
LAND-DA-019	C	Sections E, F & G	Place Design Group	03.08.2017
LAND-DA-020	C	Section H	Place Design Group	03.08.2017
LAND-DA-021	C	Indicative Planting Schedule 1	Place Design Group	03.08.2017
LAND-DA-022	C	Indicative Planting Schedule 2	Place Design Group	03.08.2017
LAND-DA-023	C	Indicative Planting Schedule 2	Place Design Group	03.08.2017
LAND-DA-024	C	Indicative Precedent & Materials Schedule	Place Design Group	03.08.2017

- Waste Management Plan prepared by Elephants Foot Recycling Solutions, dated 19 July, 2017;
- Traffic Impact Assessment prepared by Traffix, Job No. 16 103, Report Reference No. 16.103r01v05, dated July 2017;
- Preliminary Site Assessment prepared by Douglas Partners, Project No. 85591.00, Document No. R.001.Rev0, Revision 0, File Name 85591.00.R.001.REV0.PSI, Version 1, dated 7 September, 2016;
- Preliminary Geotechnical Investigation prepared by Douglas Partners, Project No. 85591.01, Document No. R.001.Rev0, Revision 0, File Name 85591.01.R.001.Rev0, dated 14 September, 2016;
- Flora and fauna survey and Assessment of 2-8 Twin Creeks Drive, Luddenham, New South Wales prepared by Dr Trevor J. Hawkeswood, dated 31 July, 2016;
- Acoustic DA Assessment prepared by Acouras Consultancy, Document Reference: SYD2016-1026-R001D, Status 'Final', dated 18 October, 2016 as amended to satisfy Schedule 'A' Conditions;
- Stormwater Management Report prepared by Mott Macdonald, Revision B, dated 20 October, 2016;
- Water Assessment Report prepared by Mott Macdonald, Document Reference 390185/01/C, Revision D, dated 7 February, 2018 as amended to satisfy Schedule 'A' Conditions;
- Soli Capability Assessment Report prepared by Envirotech, Reference: REF-17-5352-A1, Version A1, dated 25 October, 2017;
- Section J Compliance Assessment Report prepared by Dix Gardner Group Pty Ltd, Job Reference No. 160310, Revision No. B, dated 10 October, 2016;
- Preliminary Compliance Assessment (National Construction Code of Australia 2016) prepared by Dix Gardner Group Pty Ltd, DGG Reference No. 16/0310, Revision 1, dated 31 August, 2016;
- Technical Note - Twin Creeks Golf Club - Lighting Strategy prepared by Mott Macdonald, Revision C, dated 19 October, 2016;
- Statement of Compliance - Access for People with a Disability prepared by Accessible Building Solutions, Job

No. 216062, Document Set ID: 7425358, Issue B, dated 16 November, 2016 and Addendum Memorandum titles 'Response to Council's Access Committee meeting minutes', Job No. 216062, dated 27 April, 2017;

- Twin Creeks Resort Communication and Engagement Plan for Hotel Resort Development prepared by KJA Engaging Solutions, dated 13 July, 2017;
- 'Indoor Substation Requirements' document, Document Set ID: 7425390, Version 1, Version Date 23 November, 2016;
- 'Hydraulic and Fire Services plant and equipment items required' document, Document Set ID: 7425391, Version 1, Version Date 23 November, 2016;
- Sydney Water comments - Reference: 160406, dated 20 March, 2017; and
- Roads and Maritime Services comments - Reference SYD16/01745/03 (A19720475), dated 23 January, 2018.

2 Any food business associated with the proposed development 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 Any food business associated with the proposed 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 for any food business 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 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

5 Any skin penetration use associated with the proposed development is to be registered with Penrith City Council by completing the "Skin Penetration - Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and commencement of the business.

6 Any food business associated with the proposed development is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the Occupation Certificate and operation of the business.

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

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

9 The development is to be carried out in 2 stages as per approved Drawing No. A359 (Staging Diagram), Drawing No. A360 (Staging Diagram - Stage 1) and Drawing No. A361 (Staging Diagram - Stage 2) and anything in this consent making reference to a Construction Certificate or Occupation Certificate is to be read as applying to the relevant Construction Certificate or relevant Occupation Certificate for the relevant stage. For the avoidance of doubt this consent permits the issue of early works Construction Certificates, or staged Construction Certificates within the relevant Stage of the development and any conditions referring to the relevant stage are to be read as applying to the relevant Construction Certificate for the relevant stage.

- 10 No approval is expressed or implied by this consent for the provision of the proposed child care centre/children's playground located on the south-eastern boundary of Lot 221, DP 270417 of the subject site adjoining No. 8 Crystal Downs Close and No. 14 Twin Creeks Drive.
- 11 The identified uses as part of this development approval will cease to operate should at any time the area identified for the dispersion of waste water from the operation of the upgraded Sewage Treatment Plant on Lot 1, DP 270417 as identified by the 'Deferred Commencement' condition does not meet this minimum required area.
- 12 The identified uses as part of this development approval will cease to operate should at any time the operation of the Sewage Treatment Plant on Lot 1, DP 270417 in association with this development consent is no longer available for use or if an alternate waste disposal system has not been provided in the form of a new development consent or an approved Section 96 application to alter this consent.
- 13 The number of accessible apartments within the hotel as per Australian Standard 1428.1 to be provided in association with the hotel is to be a minimum of 10% of the overall total. In this regard, a minimum of 20 apartments within the hotel are to be identified and provided as accessible. Details to be provided to the nominated Certifying Authority prior to the issue of any Occupation Certificate.
- 14 A temporary car park as shown on Drawing No. A360 (Staging Diagram - Stage 1) forming part of this consent is to be provided and operated during Stage 1 construction works.
- 15 Prior to the issue of any Construction Certificate for Stage 1 works, a Management Study is to be provided to the nominated Certifying Authority demonstrating how the identified temporary car parking and pedestrian access to cater for the developments operations during the construction period will be managed.
- 16 Prior to the issue of any Occupation Certificate, correspondence is to be provided to the nominated Certifying Authority and Penrith City Council from the Road and Maritime Services (RMS) indicating that the provided left turn lane/slip lane required by this Development Consent on the Luddenham Road intersection with Mamre Road has been constructed/provided to the satisfaction of the RMS.
- 17 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.
- 18 Prior to the issue of any Construction Certificate, details are to be provided to the nominated Certifying Authority identifying how the 'Communications and Engagement Plan for Hotel Resort Development' document forming part of this development consent has been satisfactorily implemented.
- 19 The operation of the 'convenience store' as provided on the ground floor of the hotel building is to be accessible/available during operating hours to the general public.

- 20 For the purpose of preserving the amenity of neighbouring residents, hours of operation (Monday to Sunday) for the following uses are to be restricted to between:-
- Hotel reception: 24 hours
 - Day spa 7am to 7pm
 - Gymnasium: 6am to 10pm
 - Resort shop/boutique: 9am to 7pm
 - Convenience store: 7am to 11pm
 - Administration area: 9am to 6pm
 - Kitchen and function facilities: Kitchen - 6am to 11pm, Function facilities - 7am to 12am, Room service - 24 hours
 - Function space: 7am to 12am
 - Lagoon pool, deck and bar: Lagoon pool - 8am to 9pm, Alfresco dining and bar - 7am open for breakfast to 10pm close for dinner

As amended by any plans or documents to satisfy Schedule 1 'Deferred Commencement' conditions.

- 21 Prior to the issue of any Construction Certificate, the applicant is to engage with Sydney Water to determine the necessary service requirements as per correspondence dated 20 March, 2017, evidence to be provided to the nominated Certifying Authority.
- 22 The nominated Certifying Authority must ensure that any certified plans forming part of the Construction Certificate, are in accordance with the Development Consent plans as amended by 'Deferred Commencement' conditions.
- 23 Exterior lighting shall be located and directed in such a manner so as to not 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).
- 24 Should the findings of the operation of the Sewage Treatment Plant and associated irrigation of treated effluent change so as to require the provision of a Licence in accordance with *Schedule 1* of the '*Protection of the Environment Operations Act 1997*' issued by the NSW Environment Protection Authority, this is to be provided for prior to the issue of any Construction Certificate.
- 25 Prior to the issue of any Occupation Certificate, details are to be provided to the nominated Certifying Authority identifying how the pavilion gate entry to the existing community facilities will operate to allow residents access to the lagoon pool.

Demolition

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

All demolition and excavated material shall be disposed of 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**.

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

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

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

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

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

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

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

- 30 Demolition works 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition works relate to works inside a 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.

- 31 **Prior to demolition works commencing**, a hazardous materials assessment is to be conducted of the existing structures to be demolished. A copy of the hazardous materials assessment is to be provided to Penrith City Council for review prior to demolition works commencing.

Environmental Matters

- 32 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.

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

34 Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798 - 1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

35 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.

36 **Prior to the issue of a Construction Certificate**, excavated materials associated with the alterations to the Twin Crooks Golf Clubhouse are to be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines. A Waste Classification Report prepared by a suitably qualified land contamination consultant is to be provided to Council which has been prepared in accordance with NSW EPA Waste Classification Guidelines and other relevant guidelines. The report is to provide full and complete details regarding the waste classification of the excavated materials.

All excavated material generated as a result of the development are to be disposed of in accordance with the Waste Classification Report once written approval from Penrith City Council has been provided.

All other wastes generated as a result of the development are to be 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.

37 **Prior to the issue of an Occupation Certificate**, a qualified acoustic consultant shall certify that the development has been constructed to meet the project specific noise levels in accordance with the approved amended acoustic report as requested in Schedule A to this determination. The certification shall be submitted to the Principal Certifying Authority. A copy of the certification together with the Occupation Certificate shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

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

- 40 **Prior to the issue of a Construction Certificate**, all acoustic attenuation measures required in the approved amended acoustic report as required by Schedule A conditions must be detailed in the Construction Certificate drawings and plans.

- 41 A noise complaint phone number and email address are to be provided to the residents within the Twin Creeks Estate and Penrith City Council. The details of each noise complaint received (including the person complaining, date, time and nature of complaint) are to be recorded. The actions taken to resolve the complaint and the time taken to resolve the complaint are to be recorded. The noise complaint records are to be made available to Penrith City Council upon request.
- 42 Ongoing use of the premises is to be in accordance with ALL requirements and recommendations contained within the Penrith City Council amended assessment submitted in response to Schedule A conditions.
- 43 **Prior to the issue of a Construction Certificate**, a supplementary investigation of the soils beneath the foot print of the existing structures which are to be demolished is to be conducted. The supplementary investigation is to be conducted in accordance with the requirements of the *Land Contamination National Environment Protection Measure* (2013) and all relevant documents and guidelines. A report prepared by a suitably qualified land contamination consultant is to be provided which provides a complete and detailed accounting of the supplementary investigation and provide recommendations pertaining to the lands suitably for the development.

If the supplementary investigation identifies that remediation is required, then the applicant must submit a separate development application to Council for the remediation of land. The application for remediation must be accompanied by a Remedial Action Plan and be consistent with the Contaminated Land Planning Guidelines and Policies including but not limited to Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 -1997), State Environmental Planning Policy No. 55 - Remediation of Land, the Contaminated Land Management Act 1997 and all relevant NSW Environment Protection Authority Guidelines.

No remediation works are to proceed and an Occupation Certificate for this development is not to be issued for the appropriate Stage until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works.

BCA Issues

- 44 The structural alterations to the existing Twin Creeks Clubhouse shall not unduly reduce or compromise:
- the existing level of fire protection afforded to persons accommodated in or resorting to the building, or
 - the existing level of resistance to fire of the building, or
 - the existing safeguards against the potential spread of fire to adjoining buildings.
- 45 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.

- 46 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.

- 47 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

- 48 The construction, fit out and finishes of any food premises associated with the proposed development 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*.

- 49 When an air handling, hot water, 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 (Microbial Control) Regulation 2000 and AS 3666.1:1995.
- All relevant information required under clause 15(3) of the Public Health (Microbial Control) Regulation 2000 shall be submitted to Penrith City Council on completion of the building.
- The occupier of the premises shall ensure that the system is maintained in accordance with requirements of the Public Health (Microbial Control) Regulation 2000 and AS 3666.1:1995, unless the Council has been notified otherwise.

- 50 Rainwater tanks must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.
- 51 The operator of any beauty salon associated with the proposed development shall ensure that the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times.
- 52 Any person carrying out any of the following skin penetration procedures associated with the proposed development shall ensure that the requirements of the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times:
- Tattooing
 - Unregistered acupuncture and dry needling practitioners
 - Ear/body piercing
 - Hair removal
 - Colonic lavage
 - Cuticle cutting
 - Microdermabrasion
 - Any procedure (whether medical or not) that involves skin penetration and includes any procedure declared by the regulations to be a skin penetration procedure, but does not include:
 - (a) any procedure carried out by a health practitioner registered under the Health Practitioner Regulation National Law, or by a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service, or
 - (b) any procedure declared by the regulations not to be a skin penetration procedure (i.e. laser hair removal).
- 53 Cooking appliances which exceed a total maximum power input of 8kw for electrical, or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard 1668 Parts, 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the development application or as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilated and extend at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000 mm above floor level.

Prior to the issuing of an Occupation Certificate, and operation of the kitchen areas associated with the proposed development, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard 1668, Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority

- 54 A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the operator of the kitchen facility prior to commencement of operations.

- 55 Hand basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed, the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 56 Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area, it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.
- 57 A hand basin must be located within the toilet cubicle provided to the hotel and Golf Clubhouse. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 58 Hot water services must be positioned at least 75mm clear of the adjacent wall surfaces, and mounted at a minimum 150mm above the floor level on a non-corrosive metal stand. The hot water system must be sized to meet the demands of the food business during peak operating and cleaning periods and be able to provide sufficient hot water throughout the working day. Discharge from the hot water system must enter the sewer through a tongue dish in accordance with Sydney Water's requirements.
- 59 The floor of any food premises associated with the proposed development must be finished in an approved non-absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.
- 60 Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas associated with the proposed development. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.
- 61 The walls of the food preparation areas associated with the proposed development must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.
- 62 The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

- 63 The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.
- 64 Service pipes, electrical conduits and refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.
- 65 Appliances used to store potentially hazardous food associated with the proposed development must have a capacity to keep foods hotter than 60°C, refrigerated foods less than 5°C, and frozen foods less than -18°C and be provided with a digital thermometer, accurate to 1°C that can be easily observed from outside the appliance.
- 66 The meter box for the proposed hotel and Golf Clubhouse must be provided with an approved non-absorbent, smooth faced cover. The cover is to be splayed at an angle of 45 degrees to the wall at the top and made tight fitting to the wall surfaces.
- 67 Details of the dishwashing/glass washing machines within kitchen facilities must be submitted to Council and approved prior to installation. All utensils and equipment must undergo a washing, sanitising and rinsing cycle. The sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.
- 68 All wash sinks and food preparation sinks must be serviced with hot and cold water through a single outlet. Wash sinks must be supplied with water at a temperature of not less than 54 degrees Celcius for washing.
- 69 The double bowl sink must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.
- 70 Cleaners sinks must be serviced with hot and cold water through taps fitted with hose connectors. Cleaners sinks must be located outside of areas where open food is handled.

- 71 All fixtures, fittings and equipment associated with food preparation areas associated with the proposed development must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

All fittings and fixtures must be built into the wall and floor so as to be free from joint, gaps and cavities to enable easy cleaning or alternatively, supported on one of the following:

- a. Plinths – plinths must be an integral part of the floor, constructed of solid materials similar to the floor at least 75mm in height and coved at the intersection with the floor. All plinths must have a smooth and impervious finish. All fittings and fixtures must be properly sealed to the plinth so to be free from gaps, cracks and cavities.
- b. Wheels or castors – fittings and fixtures can be supported on wheels or castors. The wheels and castors must be capable of supporting and easily moving a full loaded fitting. All wheels and castors must be provided with a restraining device.
- c. Legs – fittings and fixtures can be supported on legs but must be constructed of a non-corrosive, smooth metal or moulded plastic. All legs must be free from cracks and crevices. All legs must have a clearance space between the floor and the underside of the fitting of at least 200 mm.

NOTE: False bottoms under fittings are not permitted (AS 4674-2004 – Sections 4.2 and 4.3).

- 72 All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.
- 73 All storage cabinets (internal and external surfaces) must be finished in a smooth and non-absorbent approved material that is free of joints.
- 74 Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.
- 75 Shelves must be smooth and impervious; free from joints, cracks and crevices; and able to be easily cleaned. The lowest shelf must be at least 200mm off the floor to allow easy cleaning underneath. Approved materials must be used, such as galvanised piping, stainless steel or laminated plastic. Shelves are to be sealed to the wall or kept clear of walls to allow easy access for cleaning (>40 mm).
- 76 The coolroom and/or freezer room floor associated with any food preparation area must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside the coolroom and freezer adjacent to the door. All metal work in the coolroom and freezer room must be treated to resist corrosion.
- 77 Condensation from coolrooms and refrigeration motors must discharge to sewer via a tundish with air gap separation in accordance with the approved waste water requirements.

- 78 Sufficient lockers must be provided in the food preparation areas or store rooms specifically for the storage of cleaning materials, employees' clothing and personal belongings.
- 79 Storerooms associated with kitchen operations must be constructed in accordance with AS 4674-2004 by providing the following:
- A smooth, even, non-slip floor surface.
 - Coving at all intersections of the floor and walls with approved, recessed coving to a minimum concave radius of 25mm, so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface. "Feather edge skirting" and non-rebated coving are not permitted.
 - Walls must be provided with a smooth even surface and painted with a light coloured washable paint to enable easy cleaning.
 - The ceiling must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersections of the walls and ceiling must be tight-jointed, sealed and dustproof. Drop in panel style ceilings are not permitted.
 - Shelving or storage racks must be designed and constructed to enable easy cleaning.
- 80 All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.
- 81 Smooth and impervious surfaces (walls and floors) must be provided to all waste storage areas and rooms. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. Waste storage rooms must be adequately ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.
- 82 Rubbish bins must be cleaned regularly to remove the food scraps stuck on the bin surface and to minimise the emission of odour that attracts insects and vermin. Bins may be cleaned either by the rubbish collecting contractors or inside a rubbish room constructed to the required specifications.
- Bins, hoppers and other containers used for storing garbage or recyclable material shall be:
- a) constructed of impervious material such as metal or plastic;
 - b) have tight fitting lids; and
 - c) bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.
- 83 Any grease arrestor provided must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with the approved waste water requirements.
- 84 The walls and floor of any treatment room/s associated with the proposed development are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.

- 85 If any skin penetration activities are proposed as part of the proposed development, a designated sink (separate to the hand wash basin) that has a supply of clean, warm water provided through a single spout for the cleaning of equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises) is to be maintained.
- 86 Any equipment used to penetrate the skin or which is capable of penetrating the skin as part of the proposed development, must be sterilised in a Therapeutic Goods Administration (TGA) approved autoclave prior to reuse.
- 87 If reusable articles are sterilised at the premises, a bench top autoclave is to be supplied and operated in accordance with Australian Standard 2182 – 1998 “*Sterilisers- Steam-Benchtop to sterilise reusable skin penetration articles*”. A copy of the receipt and specifications shall be submitted to Council prior to the issuing of the Occupation Certificate and commencement of operations as part of the proposed development.
- 88 Adequate sterilisation records, including the time and date the item was sterilized, the length of time the equipment was sterilised and the temperature and pressure of the autoclave must be kept on the premises in association with any skin penetration activities proposed as part of the proposed development. These records must be kept for at least 12 months.
- 89 All needles and sharps that penetrate the skin are to be sterile.
- 90 An appropriate sharps container shall be provided at the premises that complies with either AS/NZS 4261:1994 “*Reusable containers for the collection of sharps items used in human and animal medical applications*”, if reusable sharps are used; or that complies with AS 4031-1992 “*Non-reusable containers for the collection of sharp medical items used in health care areas*”, if non-reusable sharps are used.
- 91 All sharps generated from the operation of the business in association with the proposed development must be disposed of at a licensed waste facility. Receipts for disposal must be kept at the premises and available for inspection by an authorised officer upon request. Details of how sharps will be disposed (e.g. details of waste contractor, frequency of disposal, etc) must be provided to Council prior to the issuing of the Occupation Certificate and commencement of any skin penetration operations as part of the proposed development.
- 92 Foot spas shall be cleaned after each client with a mild detergent followed by disinfectant and after each day's usage be thoroughly cleaned with a proprietary spa bath cleaner which contains a disinfectant in accordance with the manufacturer's specifications.
- 93 Staff belongings and other items not associated with the business shall be kept completely separate from skin penetration activities and equipment and maintained in a clean condition.
- 94 Wax used for the purposes of hair removal and any instrument used to apply the wax (such as a spatula) must be disposed of immediately after completing the procedure.
- 95 Operators carrying out skin penetration procedures if part of the proposed development (other than the use of wax for hair removal purposes) shall wear gloves and appropriately dispose of the gloves immediately after completing the procedure.

- 96 Should the proposed development provide for hairdressing services;
- (a) the premises must be clean and in good repair and structurally suitable for the carrying out of hairdressing.
 - (b) the premises must be provided with facilities that are adequate for the purpose of keeping hairdressing appliances and utensils clean.
 - (c) the premises must be provided with washing, drainage, ventilation and lighting facilities that are adequate to carry out the hairdressing.
 - (d) the premises must be provided with floor coverings, shelves, fittings and furniture that are suitable for the carrying out of hairdressing.
 - (e) the walls and floors are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.
 - (f) a free standing hand wash basin with soap and hot and cold running water must be provided in the immediate area where the hair is cut and warm water must be provided through a single outlet.
 - (g) the walls at the rear and sides of the hand washing and cleaning sinks must be finished with glazed tiles and evenly laid from floor level to a height of 450mm above the top of the wash basin and from the centre of the wash basin to a distance of 150mm beyond each side of the wash basin.
- 97 Should the proposed development provide for a nail salon, this is to be ventilated to adequately remove chemical odours and dust in accordance with AS1668, the *Protection of the Environment Operations Act 1997* and any Workcover NSW requirements. Certification that the ventilation system complies with the above requirements and will adequately remove noxious odours shall be submitted to Council prior to the issue of an Occupation Certificate and commencement of the nail salon.
- 98 Public swimming pools and spa pools (as defined in the Public Health Act 2010) are to be registered with Penrith City Council by completing the registration form for public swimming pools and spa pools. This form is to be returned to Council prior to the issuing of an Occupation Certificate and operation of the premises.
- The occupier of any premises at which a public swimming pool or spa pool is situated must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au prior to the pool or spa being used. The occupier of the premises must notify Council within 7 days of any change of details.
- 99 The construction and operation of any public swimming pool/s, splash park and spa pool/s and associated premises shall comply with the Public Health Act 2010, Public Health Regulation 2012 and any relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health
- 100 The occupier of premises at which a public swimming pool, spa pool and/or splash park is situated must not allow a person to use the pool unless the water in the pool is disinfected in such a way as to minimise the transmission of disease to the other users of the pool as required by the Public Health Act 2010 and Public Health Regulation 2012.
- 101 The occupier of premises at which a public swimming pool, splash park and/or spa pool is situated must ensure that the pool surrounds, including any toilets or change rooms, are kept clean and in such condition as to minimise the transmission of disease.
- 102 Materials to be used in change room walls, floors and ceiling of the proposed gymnasium are required to be smooth and impervious to be effectively cleaned.

103 A detailed plan referencing to the construction of the premises being in accordance with the Australian New Zealand Food Standards Code, Food Safety Standard 3.2.3 "Food Premises and Equipment" and AS 4674 – 2004 "Design, Construction and Fit Out of Food Premises" must be submitted to and approved by Council prior to the issue of a Construction Certificate.

104 Further clarification is required as to whether skin penetration procedures will be carried out in the Spa area. Further detailed plans on staff hand washing facilities and compliance with the Public Health Act 2010 and Public Health Regulation 2012 are also to be submitted to Council prior to the issuing of a Construction Certificate

No fit-out works shall commence on the site until after the above plan has been supplied to Council and Council has advised the Certifying Authority in writing that it is satisfactory.

Utility Services

105 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.

106 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

- 107 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.

108 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.

109 The recommended construction details to reduce aircraft noise intrusion to meet indoor design sound levels, as detailed in the acoustic report prepared to satisfy the necessary Schedule 1 'Deferred Commencement' condition are to be undertaken during construction. As the recommended construction details are carried out and on pre-occupation of the development, a qualified acoustic consultant shall certify that the development has been constructed to meet the indoor design sound levels in accordance with the approved acoustic report.

110 A mechanical ventilation system that incorporates acoustical attenuation must be installed to ensure that aircraft noise intrusion is effective at all times. Details of the mechanical ventilation system are to accompany the Construction Certificate application.

Once the approved mechanical ventilation system has been installed, a qualified acoustic consultant shall certify that the approved mechanical ventilation system has been installed with the acoustical attenuation measure.

- 111 A certificate from a qualified practising Structural Engineer shall accompany the Construction Certificate application, certifying the structural adequacy of all load bearing walls of the existing Twin Creeks Clubhouse.
- 112 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.
- 113 Construction works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
- Mondays to Fridays, 7am to 6pm
 - Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
 - No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy 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.

Swimming Pools

- 114 All excavated material associated with the construction of the pool shall be disposed of at a site which lawfully accepts the material. Details of the disposal location are to be provided to the Certifying Authority prior to the issue of a Construction Certificate. Evidence of lawful disposal (ie. tip receipts) is to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- 115 When the swimming pool construction has reached a stage where the pool is capable of holding water, the pool area shall be restricted from access in accordance with AS 1926 "Swimming Pool Safety". Restriction of access to the pool area shall also comply with the Swimming Pools Act, 1992.
- 116 The swimming pool is to be surrounded at all times by a child-resistant barrier that:
- separates the swimming pool from the hotel and golf course complex situated on the premises and from any place (whether public or private) adjoining the premises, and
 - is located immediately around the swimming pool, and
 - contains within its bounds no structure apart from the swimming pool and such other structures (such as diving boards and pool filtration plants) as are wholly ancillary to the swimming pool, and
 - is designed, constructed, installed and maintained in accordance with the standards prescribed by AS 1926 "Swimming Pool Safety".

- 117 A sign must be erected in a prominent position in the immediate vicinity of the swimming pool and must:
- be erected in accordance with the provisions relating to instructional posters of the document entitled "Policy Statement No. 9.4.1: Guidelines for the Preparation of Posters on Resuscitation" published by the Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith), and
 - bear a notice that contains the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", together with details of resuscitation techniques (for adults, children and infants) set out in the relevant provisions of the document entitled "Cardio Pulmonary Resuscitation" published by the Australian Resuscitation Council. (A copy may be purchased from Penrith City Council's Civic Centre, 601 High Street, Penrith).
- 118 The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au or in person at Penrith City Council (a \$10 fee applies when registering at Council).
- 119 All backwash from the swimming pool shall be directed into the mains sewer.
- In areas where sewer is not available, the following requirements apply -
- The swimming pool shall be provided with filtration equipment that does not require a backwash facility (e.g. a cartridge filtration system).
 - Overspill water shall be diverted away from the swimming pool and not directed onto adjoining properties.
 - The frequency of emptying of the swimming pool water shall be minimised. Water resulting from the emptying of the pool shall be collected and disposed of by a private wastewater disposal contractor. Disposal by other means is not permitted.

Engineering

- 120 All roadworks, stormwater drainage works, and associated civil works and dedications required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 121 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

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

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- b) Concrete footpaths and / or cycleways
- c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- d) Connection of site stormwater drainage into the existing stormwater pit located within the easement in Lot 221, DP 270417.

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

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

Note:

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

123 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including 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 the following works in the road reserve of Twin Creeks Drive:

- (a) Modifications to the central median
- (b) Provision of a bus drop off area including associated pavement and kerb and gutter works
- (c) Provision of heavy duty vehicular access driveways
- (d) Any path paving works

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

124 The stormwater management system shall be provided generally in accordance with the following:

- Stormwater Management Report, Twin Creeks Resort (Revision B), prepared by Mott McDonald dated 20/10/201
- Engineering plans prepared by Mott McDonald Project reference number MMD-370030-C-DR-DA-CV, Sheet no's 1001, 1002, 1010, 1020, 1021, 1030, 1031, 1032, 1033 & 1050; Revision P1, dated 30.10.2017 Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

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

125 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 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

126 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring and pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith Development Control Plan 2014.

- 127 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the shuttle bus drop off area located on Twin Creeks Drive is able to be serviced by a 14.5m bus/coach. Full details including turn paths demonstrating compliance the necessary Australian Standard's are to be submitted to the Certifying Authority with the application of a Construction Certificate.

The Certifying Authority shall also ensure that:

- a) Off street access and parking complies with AS 2890.1.
- b) Vehicular access and internal manoeuvring has been designed for a Heavy Rigid vehicle in accordance with AS 2890.2.
- c) Sight distances at the street frontage have been provided in accordance with AS 2890.1.
- d) All cars can enter and exit the site in a forward direction.
- f) The crest in any access ramp to the basement car park is a minimum of 300mm above the top of kerb in Twin Creeks Drive.

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

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

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

- 129 Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for any civil works in Twin Creeks Drive.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

- 130 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure the stability of Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Roads and Maritime Services, as amended. The applicant shall prepare a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority, the dilapidation report shall be submitted to Council prior to the issue of a Construction Certificate and then updated and submitted prior to the issue of any Occupation Certificate confirming no damage has occurred.
- 131 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.

- 132 Prior to commencement of any works associated with the development, 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 Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services 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) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
 - b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.
- 133 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 134 Prior to the issue of any 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.

- 135 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 Policy.

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.

- 136 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 be undertaken have been satisfactorily completed.

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

- 137 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)

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 Developments Policy.

- 138 Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of staff, patron and visitor parking to the satisfaction of the Principal Certifying Authority.

- 139 Prior to the issue of any Occupation Certificate, a Maintenance Bond is to be lodged with Penrith City Council for any civil works in Twin Creeks Drive.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

- 140 The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 141 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that further geotechnical investigations have been undertaken and all items identified in the Report on Preliminary Geotechnical Investigation, prepared by Douglas Partners, Reference 85591.01, Revision 0, dated 14 September 2016 have been satisfactorily addressed by a suitably qualified person.
- 142 Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that sealed heavy duty vehicular access and provision of suitable vehicular hard stand areas has been provided for access and maintenance purposes to the gross pollutant trap (GPT) and associated water quality treatment device as proposed in the drainage plans prepared by Mott Macdonald. Full details shall be submitted with the application for a Construction Certificate.

Landscaping

- 143 All landscape works are to be constructed in accordance with the stamped approved plans as provided to satisfy Schedule 1 (Deferred Commencement) and Sections C2 'Vegetation Management' and C6 'Landscape Design' of Penrith Development Control Plan 2014.

Landscaping shall be maintained:

- in accordance with the approved plans, 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.

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

145 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.

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.

146 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specifications prescribed in Penrith Council's Landscape Development Control Plan 2014.

147 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.

148 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 Section C6 'Landscape Design' of Penrith Development Control Plan 2014.

149 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.

150 All trees and landscaping must be maintained in perpetuity to enable maturity to their full potential in healthy growing conditions. This includes mature height, spread and form, consistent with the tree species. Pruning must not alter the natural form and height of trees

Payment of Fees

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

152 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

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

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

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

Information to accompany the Notice of Commencement

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

154 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the development and commencement of the approved uses. 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/or if 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 development 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 shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Operation of OSSM

155 The Membrane Bioreactor Wastewater Treatment Plant (MBR WTP) and effluent management area shall be installed and operated in accordance with:

- The “Environmental and Health Protection Guidelines: On Site Sewage Management for Single Households” (1998),
- Australian Standard 1547:2012,
- Council's On-Site Sewage Management and Greywater Reuse Policy (2014),
- The documentation prepared by WaterUp Pty Ltd titled, *Sewage Treatment Plant Augmentations - Review and Recommendations* (dated 17/08/2017), *Sewage Treatment Plant Capacity and Performance Review* (dated 14/11/2014), and, *Wastewater Addendum Response to Council (DA) DRAFT* (dated 17/08/2017),
- The documentation prepared by Water Gas Renew titled, *Supply, Installation, Testing & Commissioning of: MBR WWTP & Associated Civil Works* (dated 27/07/2017),
- The approved amended Wastewater Report as required by Schedule A conditions,
- The surveyed Effluent Management Area Plan as required by Schedule A conditions,
- The updated Salinity Management Plan as required by Schedule A conditions, and
- The conditions of this consent.

Prior to the issue of an Occupation Certificate for the resort, an ‘Approval to Operate’ for the MBR WWTP and effluent management area is to be sought from and issued by Penrith City Council.

156 All wastewater generated on the subject site is to be diverted to a Membrane Bioreactor Sewage Treatment Plant as designed by Water Gas Renew as per the letter of intent signed by Mr Grant Martin, CEO, Twin Creeks Golf & Country Club (dated 21/07/2017). The treated waste water is to be disposed of by way of surface irrigation in the surveyed effluent management area plan which satisfies the conditions of Schedule A.

The system is to be utilised for the Twin Creeks Estate, resort and the Twin Creeks Golf Club facilities for a maximum daily wastewater load of 745 kiloliters in accordance with the document prepared by Water Gas Renew Pty Ltd, titled "*Sewage Treatment Plant Augmentations - Review and Recommendations*" (dated 17/08/2017). Any development which increases the wastewater load will require a new wastewater report for Council's consideration and an application to obtain a licence from the NSW EPA.

157 Penrith City Council is both the consent authority and certifying authority for the installation of the On-Site Sewage Management System (OSSM). **It is your responsibility to contact Council's Environmental Health Department to organise all inspections required for the installation of the system.**

In this regard, the Membrane Bioreactor Wastewater Treatment Plant and disposal area(s) will need to be inspected on completion of the system's installation and prior to its commissioning, to ensure compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

158 The MBR WTP, drainage and irrigation lines and effluent management area shall not be altered without the prior approval of Council. In addition, the balancing tanks shall not be buried or covered.

- 159 The design of the irrigation system for the effluent management area is to be such that:
- The distribution lines are to be buried from the tank to the designated disposal area.
 - The treated wastewater can be evenly irrigated across the entire designated disposal area, **avoiding the drip line of native trees.**
 - Sited so as not to contaminate the natural dams and Cosgrove Creek which traverses the subject site.
- 160 All irrigation pipework and fittings shall comply with AS 2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:
- the irrigation system is not to be connected to/not capable of connection to the mains water supply,
 - standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,
 - all distribution lines of the irrigation system to any standpipe shall be buried to a minimum 100mm below finished surface level, and
 - spray irrigation equipment connected to distribution lines shall be fixed.
- 161 There shall be no effluent runoff from the subject property to adjoining properties, public places or reserves.
- 162 Adequate signage shall be erected around the golf course, including the main irrigation dam, nutrient stripping ponds and other dams associated with the management of the treated effluent. These signs are to state "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT". The signage shall be maintained for the term of the development.
- 163 The MBR WWTP shall be maintained and operated in accordance with the manufacturer's specifications as required by the Operational Wastewater Management Plan.
- All staff operating and maintaining the MBR WWTP shall be trained by an authorised representative of the manufacturer. Certification of successful completion of training shall be retained onsite and provided to Penrith City Council upon request.
- A registered business office which, if unattended during business hours, is to be provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the maintenance staff shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the MBR WWTP to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.
- 164 The effluent management area is to be turfed to the satisfaction of Council. Where a specific variety of turf is identified in the approved Wastewater Report, that variety is to be installed and maintained.
- 165 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.
- 166 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent management area. Effluent from the on-site sewage management system is not to be used on fruit or vegetables grown for human consumption.
- 167 The effluent management area shall be protected from possible stock and vehicle damage.

- 168 No wastewater associated with the on-site sewage management system is to be applied or irrigated within the drip line of any native trees within the effluent management area. It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent management area.
- 169 The Membrane Bioreactor Wastewater Treatment Plant is to meet the performance requirements in accordance with the NSW guidelines for *Management of Private Recycled Water Schemes* (2008) for the high risk category of effluent.
- 170 **Prior to the issue of an Occupation Certificate for the resort**, an Operational Wastewater Management Plan (OWMP) for the system is to be provided to Penrith City Council for consideration and approval. The OWMP shall be prepared by a suitably qualified consultant in consultation with Council and other relevant agencies, and may need to be amended to include comments provided by Council and other agencies.

The OWMP is to address:

- All environmental aspects of the operation of the on-site sewage management system
- All systems and controls to be implemented to minimise the potential for any adverse environmental impacts
- A program for ongoing monitoring and review to ensure that the OWMP remains contemporary with relevant environmental standards. Council is to be consulted prior to any amendments of the OWMP. Council may request a review of the OWMP or any proposed amendments.

The OWMP should include but not be limited to the following:

- System information (including specifications)
- Monitoring and testing
- Maintenance and servicing program (treatment system and irrigation system)
- System performance
- System failure contingency
- Odour management
- Landscape and disposal area management
- Health and safety

The on-site sewage management system is to be operated in accordance with the requirements of this Plan.

- 171 Council is to be provided with a monthly Environmental Performance Report (EPR) for the first 6 months upon commissioning of the system, then an Annual Environmental Performance Report thereafter detailing the performance of the system. Each EPR is to include but not be limited to the following information:
- Details and records of maintenance checks of disposal areas.
 - Copies of maintenance report sheets.
 - Results of daily inflow and outflow rates from the MBR WTP.
 - Results of weekly effluent output testing for *E.coli*.
 - Continuous online testing of turbidity, pH, and disinfection.
 - Results of weekly effluent output testing for coliphages and clostridia.

The first Annual Environmental Performance Report is to be provided to Council 12 months after the system is commissioned, and every 12 months thereafter for the lifetime of the development.

172 Daily testing of effluent output is to occur for the following:

- Inflow rates at the MBR WTP
- Outflow rates from the MBR WTP

Weekly testing of effluent output is to occur to monitor compliance with the following criteria:

- E.coli (<1 cfu/100ml)
- Coliphages (<1 pfu/100 ml)
- Clostridia (<1 cfu/100ml)

Continuous online monitoring of the effluent output is to occur to monitor compliance with the following criteria:

- pH (6.5-8.5)
- Turbidity (< 2 NTU (95th percentile; < 5 NTU maximum)
- Disinfection (Cl: 0.2-2.0 mg/L residual)

Annual testing of effluent output is to occur for the following parameters:

- Total Nitrogen (concentration levels to be determined by the amended waste water report as required by Schedule A conditions)
- Total Phosphorus (< 5 mg/L)
- Biochemical Oxygen Demand (<10 mg/L)
- Total Suspended Solids

Effluent is to be sampled by a suitably qualified person and tested at a NATA accredited laboratory. The test results are to be provided to Council with the Environmental Performance Report.

173 An environmental, performance and monitoring program is to be prepared and submitted to Council as part of the Operational Environmental Management Plan for review and approval. The monitoring program is to encompass but not be limited to the Membrane Bioreactor Wastewater Treatment Plant, the main irrigation dam and other dams included in the wet weather storage capacity, nutrient stripping ponds, Cosgrove Creek and South Creek. The monitoring program is to be prepared by a suitably qualified and experienced consultant and in accordance with:

- The NSW Guideline, "*Management of Private Recycled Water Schemes*" (2008),
- *Australian and New Zealand Guidelines for fresh and marine water quality* (DEC 2000) and other relevant Guidelines and Standards.

174 The MBR WTP and effluent management areas are to comply with the Approval to Operate once issued.

175 The Onsite Sewage Management System including the wet weather storage dams and effluent disposal areas are to be designed in a manner that prevents inadvertent overflows into Cosgrove Creek. At no time is treated effluent from the main irrigation dam and nutrient stripping pond located downstream of the main irrigation dam, to be permitted to overflow into Cosgrove Creek including during heavy rain events.

176 Prior to the issue of the 'Approval to Operate', the following is to be provided to Penrith City Council for review and approval:

- A Commissioning Certificate for the MBR WWTP shall be provided to Penrith City Council for approval. This Certificate shall certify that the Membrane Bioreactor Wastewater Plant has been installed in accordance with the manufacturer's specifications and requirements.
- A report providing documentation which satisfactorily demonstrates that the MBR Plant is capable of reducing the Total Nitrogen concentration to less than 20 mg/L, or lower concentration as required by the amended waste water report stipulated by Schedule A conditions, over a commissioning period of 2 months. All sampling analysis must be undertaken at a NATA accredited laboratory and provide Chain of Custody forms for the collection and transport of all samples. The report must be prepared by a suitably qualified and experienced consultant.
- The Membrane Bioreactor Wastewater Treatment Plant must be validated in accordance with the requirements of the NSW Guideline, "*Management of Private Recycled Water Schemes*" (2008) for high risk effluent. A validation report prepared by a suitably qualified and experienced consultant must be provided to Penrith City Council for review and approval.
- Certification that the salinity affected soils have been treated in accordance with Schedule A conditions is to be provided. The certification is to be prepared by the person(s)/company who carried out the remediation works.

Schedule 1 (Deferred Commencement)

177 Privacy

Plans are to be amended to the satisfaction of Penrith City Council prior to this consent becoming operational so as to provide for the following modifications to the hotel building design:

(a). Terraces for levels 3 to 8 to the south-eastern end of the hotel building fronting the existing community facilities adjoining Twin Creeks Drive are to be converted to non-trafficable roof area.

(b). External non-fixed moveable shutters attached from balcony balustrading to ceiling height of an appropriate width are to be provided to the exterior of balconies for the following apartments fronting Twin Creeks Drive:

Level	Unit No's.
1	129, 130, 132, 134, 136, 138, 139, 140, 142
2	229, 230, 232, 234, 236, 238, 239, 241, 243
3	329, 330, 332, 334, 336, 338, Suite 303
4	429, 430, 432, 434, 435, Suite 403
5	529, 530, 532, 536
6	629, 630, 632
7	729, 730

(c). The external spa area associated with the "Spa" facility to the ground floor of the hotel is to be deleted and replaced with appropriate landscaping as per the landscaping 'Deferred Commencement' condition of this consent. Use of this area in association with the hotel is not permitted.

178 Landscaping

A revised landscape plan and documentation is to be submitted and approved by Penrith City Council prior to this consent becoming operational providing for the following modifications:

- (a). Landscaping is to be provided to the deleted ground level child care centre, including appropriate buffering to the adjoining residential properties,
- (b). Landscaping is to be provided to the external 'spa' area,
- (c). The revised landscape plan is to provide for the inclusion of large native trees to the planting palette, including Eucalyptus trees,
- (d). A significant increased representation of native trees and shrubs and groundcovers in the planting palette to respond to the existing local context,
- (e). The provision of an appropriate car park landscape design to reflect podium conditions, including a realistic maturity of trees (in cross sections), retaining walls, planting details including soil depth for the various planting conditions (i.e. turf, tree plantings),
- (f). The provision of minimum 75 litre street trees consistent with the existing street tree species, proposed species are to be specified,
- (g). Details are to be provided of the proposed water management for landscaping and plant establishment period, and
- (h). Dimensioned cross sections are to be provided including planting details, on-podium retaining walls, other changes in levels to demonstrate proven accessibility, appropriate soil depths and walls.

Prior to the this consent becoming operational, an updated acoustic assessment is to be submitted and approved by Penrith City Council addressing the following points:

- The updated acoustic assessment is to reflect architectural and landscape plans (as amended by conditions of consent) forming part of this determination.
- The noise logger used for any background noise survey is to be located within proximity to the boundaries of the nearest sensitive receivers. More than one logger location may be required to adequately assess all sensitive receivers. Each sensitive receiver is to be identified on a map accompanying the provided Acoustic Assessment with distances to noise sources shown. Sensitive receivers are to include hotel rooms.
- The impact of aircraft noise is to be addressed in accordance with AS 2021-2000: *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* with any provided updated acoustic assessment and should include but not be limited to maximum aircraft noise levels at the subject site, required ANR, details of all calculations and recommended forms of construction.
- The Noise Policy for Industry dated 2017 (NSW EPA) and other industry recognised guidelines should be utilised throughout the updated acoustic assessment. The assessment shall include a summary and schedule of all proposed uses of the function facilities within the complex including the ball room throughout the year, hours of operation, the provision of all noise sources such as amplified music and speech, general patron noise, vehicle noise associated with car parking and loading docks, mechanical plant and equipment (ventilation, lifts, waste management infrastructure, pool pumps, filtration and refrigeration). This assessment needs to be done for all areas of the development including but not limited to the function centre, swimming pool and associated outdoor bar, karaoke room and external verandas, balconies and decks.
- An assessment of sleep disturbance criteria in accordance with the Noise Policy for Industry.
- Recommendations to attenuate noise to achieve project specific criteria needs to be clearly detailed. If windows and doors are required to be kept closed to achieve internal noise amenity, the report needs to detail which rooms require mechanical ventilation.

The acoustic assessment is to be prepared by a suitably qualified and experienced person who is a member of the Association of Australasian Acoustic Consultants.

180 Effluent Management

Prior to this consent becoming operational, the following information is to be submitted and approved by Penrith City Council:

(a) An amended waste water report is to be provided which satisfactorily demonstrates that treated effluent can be environmentally satisfactorily disposed of within the confines of the Twin Creeks golf course (Lot 47, DP 270417) in accordance with Council's *Onsite Sewage Management and Greywater Reuse Policy* (2014). In particular, the amended waste water report is to:

- Demonstrate that the Total Nitrogen concentration of treated effluent can be reduced to less than 20 mg/L or as required to ensure that treated effluent can be disposed of within the existing boundaries of the Twin Creeks golf course (Lot 47, DP 270417), accounting for the buffers required by Council's *Onsite Sewage Management & Greywater Reuse Policy* (2014). The details are to include but not be limited to any changes to the MBR Plant design and infrastructure, the mixed liquor recycle pump and the installation of the chemical storage and dosing system.
- Address the removal of Lot 222, DP 270417 as an available area for treated effluent disposal.
- The removal of site plans at Appendix A of the waste water report prepared Mott MacDonald dated 7th February 2018 (reference: 390185.1.C).

(b) A detailed, surveyed, site plan of the effluent disposal area is to be provided to Penrith City Council for approval. The survey site plan is to be prepared in accordance with the Penrith Council's *Onsite Sewage Management and Greywater Reuse Policy* (2014).

(c) An updated Salinity Management Plan (SMP) is to be provided to Penrith City Council for approval. The updated SMP is to include but so not limited to:

- A detailed soil salinity survey which clearly delineates the areas which require treatment across the subject site.
- A detailed monitoring program which expounds upon the original SMP prepared by Martens Associates Pty Ltd dated 6 March 2002 (report no. 99E334JR10) including but not limited to mapped, permanent sampling points and shallow ground aquifers. Permanent piezometers across the entire site with emphasis on the lower areas of the site need to be considered. Monitoring will need to occur for the life of the development.
- A detailed remediation action plan that expounds upon the aforementioned, original SMP, which includes but is not limited to the addition of gypsum and/or lime with complete and detailed application rates.

(d) A report prepared by a suitably qualified and experienced consultant must be provided to Council which satisfactorily describes how effluent will be managed whilst the existing plant is decommissioned and retrofitted as balancing tanks in accordance with the document titled "*Sewage treatment Plant Augmentations - Review and Recommendations*" prepared by WaterUp Pty Ltd (dated 17/08/2017).

(e) Details on the wet weather storage capabilities are to be provided to Council for review and approval. The wet weather storage design and calculations are **NOT** to take into consideration the *NSW Guidelines for Management of Private Recycled Water Schemes* (May 2008). The wet weather storage must be designed to prevent uncontrolled releases of treated effluent during rain events into Cosgrove Creek.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposed development application as amended is considered to provide for a long term economic focus for the Luddenham area. Taking into consideration the potential future redevelopment of the Western Sydney Employment Area, Sydney Science Park to the west of the Twin Creeks Estate and the future redevelopment of the Second Sydney Airport at Badgerys Creek to the south west of the subject site, the current development application is considered to provide for a long term vision for this area.

The application is considered to have appropriately provided for a mixed use of employment opportunities as well as a new range of leisure and recreational opportunities. Appropriate consideration has been given to the existing and surrounding environment, biodiversity and ecological values. The application is also considered to have been appropriately advertised to neighbours potentially impacted by the proposal in regard to the progressing the creation of a sustainable Penrith.

Part C - City-wide Controls

Part C1 - Site Planning and Design Principles

The application has been accompanied by a Section J Compliance Assessment Report which has identified that the development is capable of achieving the minimum energy efficiency standards pursuant to Section J of the Building Code of Australia.

The provision of a 10 storey hotel is recognised to be the central feature of the development application. Within the context of surrounding built forms, the proposal is considered to create a prominent identifiable architectural feature in contrast to the existing surrounding lower density residential dwellings in the direct vicinity of the intersection of Twin Creeks Drive and Medinah Avenue and its offshoot thoroughfares. While so, a site analysis accompanying the application has identified that the proposal will not be visually prominent from Mamre Road to the east (a distance of 3.3km) or from Luddenham Road to the west of the site (a distance of 2.5km). The existing Twin Creeks Estate is primarily accessed from a roundabout via the intersection of Luddenham Road and Twin Creeks Road. From this distance of close to 1km away, the proposed built form will present at a height primarily lower than the canopy of surrounding mature trees alongside Twin Creeks Road. Within the context of these views, the proposed built form is not considered unacceptable.

From a distance of 900m to 600m to the proposed hotel, the 10 storey built form will be of a scale that will either blend in or be of a similar height with the surrounding residential roof forms or existing vegetation/tree canopies and is not considered an unacceptable visual intrusion for its rural surrounding context (as viewed for instance from the intersection of Medinah Avenue and Pine Valley Crescent to the south east or from Portrush Crescent to the west of the site within the Twin Creeks Estate). It is recognised that the proposed development will present most proximately in the vicinity of the intersection of Twin Creeks Drive and Medinah Avenue, the southern portion of Twin Creeks Drive to its intersection with Crystal Downes Close and for dwellings along the north western side of Doral Grove. In this regard, dwellings directly to the south, south east and south west of the site within a radius of 500m to 600m will be provided with the most prominent presentation of the proposed new built form, in the vicinity of around 50 to 60 dwellings along the streets described above. Of these existing dwellings, 23 are provided with a rear boundary setback adjoining the Twin Creeks surrounding golf course which is considered to assist in maintaining an open topography presentation of their rural setting.

It is acknowledged that this visual context will vary dependent on the distance to the subject site. While so, an assessment of the accompanying site and view analysis is considered to present a building which has endeavoured to soften the proposed built form via curvatures to its building line, stepped levels and vegetated roof design via the provision of planter boxes to terraces ends on each hotel level which is considered to allow for an appropriate built form in maintaining as best possible surrounding views for the adjoining dwellings within a golf course context. In association with the existing golf course, it is considered that a significant amount of surrounding vegetation features will be maintained in line with the existing rural context of the Twin Creeks Estate. Comparatively, were the building more rigid in structure and providing for sharper corners and features (for instance as seen with higher density built forms within a CBD context rather than allowing for the proposal's curved features), the proposal would not be considered to have taken into consideration the context of its surrounds.

The present design, while acknowledging the difference in built form with its surrounds is viewed an acceptable addition to its rural context in relation to height, bulk and scale. It is also noted that dwellings directly adjoining to the south will be in part 'buffered' by existing community facilities including an open car park, two tennis courts and a pool and associated building creating a separation of around 80m from residential property boundaries to the proposed built form periphery. In addition to landscaping surrounding the proposed lagoon pool and a controlled light spill from any use, the visual impact to adjoining residential properties subject to suitable conditions is considered an appropriate response to the sites context and surrounds.

External features providing for timber cladding, for instance to the hotel ends which will only be 3 levels in height as well as timber balustrading details are also considered to soften the hotel's appearance and provide assistance to relieving the scale of the buildings mass and volume. In addition, the rural context of the existing golf course is considered to enhance separation visual distances as compared to an urban context, which allows for a 10 storey building creating no overshadowing of any surrounding residential dwellings or properties between core hours.

It is also acknowledged that the surrounding area is in transition, for instance with the anticipated future redevelopment of Sydney Science Park and in this regard, the architectural presentation of the building is considered within this changing context to be of an acceptable feature for the area.

Part C3 - Water Management

The proposed stormwater treatment measures comply with the requirements of Council's Water Sensitive Urban Design (WSUD) Policy and stormwater drainage requirements. In this regard, it is noted that plans and documentation provided have indicated that site drainage is to be connected to the existing drainage system located at the south-east corner of the subject site. In addition, the proposed development will comply with Council's WSUD policy via the provision of rainwater tanks with a total capacity of 56,000 litres connected for reuse. In this regard, should the application be approved, appropriate conditions are to be included.

Part C5 - Waste Management

The application will provide for a waste room, access to a loading dock area and waste collection room to the south eastern end of basement level 1. In addition, the loading bay area is provided with a heavy rigid vehicle turntable to allow these vehicles to enter and leave ramps to basement level 1 in a forward direction. The proposed hotel and upgraded Golf Club facilities are also provided with two and one lift separately which traverse to the basement level to allow for the disposal of waste to the waste room. In this regard, it is considered that the application has

shown an acceptable travel path from all levels of either the Golf Club or hotel to the waste room on basement level 1.

It is noted that the proposed development will be serviced by a private contractor. The application as amended has been accompanied by a Waste Management Plan prepared by 'Elephant Foot Recycling Solutions' which has identified garbage bin sizes for general and recycling waste, information on type collection vehicles as well as bin sizes to be provided for each hotel room. In this regard, it is considered that appropriate waste service facilities have been identified for the proposed development and should the application be approved be appropriately conditioned.

Part C8 - Public Domain

The development application has been accompanied by way finding, circulation and car park circulation diagrams which are considered to adequately demonstrate an acceptable movements of persons from the front of the subject side facing Twin Creeks Drive to either the proposed hotel or Club House. A Lighting strategy document prepared by Mott Macdonald has also accompanied the proposal identifying the proposed method of illumination for a number of spaces including car/bus circulation area, golf club side pathways, golf course entrance and lagoon pool as required by the relevant Australian Standards. It is also noted that the application was referred to Council's Public Domain Amenity and Safety Unit who have raised no objection to the approval of the application.

Part C10 - Transport, Access and Parking

Penrith Development Control Plan provides the following parking requirements for Hotel or Motel Accommodation;

1 space per unit plus 1 space per manager plus 1 space per employees

An assessment of the provided plans as amended have identified the provision of a total of 334 parking spaces to be provided over two basement levels and at grade to the front of the hotel and clubhouse from Twin Creeks Drive. Of these spaces a total of 13 accessible spaces and 19 staff car parking spaces are proposed.

The application as amended was accompanied by a Traffic Impact Assessment report prepared by Traffix who have advised under 5. *Parking Requirements* have advised as follows;

The Penrith Council DCP (2014) - Section 10.2 sets out the parking requirement for proposed land use categories. When assessing the requirements of the subject development a 'pro-rata' assessment, i.e. tallying up each land use proposed to derive a total number of spaces, is considered inappropriate for the following reasons;

- The mixed use nature of the facility leads to the likelihood that people associated with one use on the site (e.g. guests at the hotel) will use other facilities on the site (e.g. attend a function), effecting a reduction in the overall parking demand;*
- Efficiencies are gained as a result of differing peak parking demand periods (for example, the restaurant/bar peak parking demand is expected to occur in the evening, and is therefore unlikely to coincide with the golf club peak parking demand period which would occur before midday;*
- There is expected to be high demand for both pick up/drop off relating to coach or taxi services, particularly in relation to future demand created by the proposed Western Sydney*

Airport and carpooling/coach travel relating to guests attending weddings/family functions when not wishing to drive.

- In addition, the parking demand and parking requirement for the existing Golf Club is to be factored into the overall calculation for the site.

The accompanying report also made reference to a case study of a similar development, known as 'Fairmont Resort' located in Leura providing for a golf course, a hotel with 212 rooms (50 employees), a function room for 315 seats, auxiliary hotel facility and parking for 348 spaces. The accompanying traffic Assessment Report provided the following conclusions;

- *The proposed development involves the expansion of the existing Twin Creeks Golf and Country Club to provide a hotel accommodating 198 rooms with associated bar, restaurant and function rooms.*
- *The traffic generation arising from the proposed expansion development has been assessed as a net increase over and above existing traffic conditions for the full Stage 2 proposal. The increase under this scenario is 195 veh/hr for a weekday evening peak period and 171 veh/hr for the Saturday peak. These trips have shown to be readily able to be accommodated, with minimal impacts on the surrounding road system;*
- *With 334 off-street parking spaces, the centre will contain the assessed peak parking demand within the site. Provision of these vehicle spaces in a combination of at grade and within the basement levels will ensure that visitors have convenient and safe access;*
- *The proposed car park complies with the requirements of both AS 2890.1 (2004), AS2890.2 (2002) and AS2890.6 (2009). The car park has also been assessed using the computer program Auto Track, as permitted by AS 2890.1 (2004) and operates safely and effectively.*

Council's Traffic Engineering Department have indicated that the provided traffic report has addressed the traffic implications resulting from the proposed development and as such, the proposal is considered acceptable in terms of traffic and parking. It is also noted that the application was referred to the RMS as required by the Infrastructure SEPP 2007 who have raised no objection subject to the provision of appropriate conditions of consent.

Part C12 - Noise and Vibration

The application was accompanied by a Acoustic DA Assessment report prepared by Acouras Consultancy which was referred to Council Environmental Health Unit. Following a preliminary assessment of the application, concerns were raised in regard to noise impacts from the licenced premises and café and traffic noise generation sections of the original report with a request for additional information. In this regard, an addendum to the report was provided for Council's consideration providing the following information;

8.1 - Noise Impact from Licenced Premises and Café

In our opinion, the most appropriate and relevant noise guideline to adopt when assessing the impact of patron noise from the café/licenced premise is the NSW Governments Office of Liquor, Gaming and racing (OLGR) as detailed in our report. The NSW EPA INP does not address this type of patron activity noise and this is not the primary objective of the policy. Nonetheless, for the operation between 7am to 10pm the EPA INP criterion is Leq 37dB which is 1dB less than the OLGR limit. The patron noise is predicted to be 36dBA (Section 3.4) and therefore, in both cases the predicted patron noise level complies with the limits.

8.2 - Traffic Noise Generation

Traffic noise increase is along Twin Creek Drive, between the development and Luddenham Road which would only potentially impact the single residential dwelling at the corner of Twin Creeks Drive and Comargo Lane. The impact is predicted to be up to 3.5dB (Table 13) increase in Traffic noise level only during the PM peak and as stated in our report, it is recommended that following development approval the client is to consult the affected resident and provide feasible and reasonable options for acoustic mitigation measures.

Following the receipt of this information a reassessment of noise impact was undertaken. As previously indicated within this report, the recommendations of the accompanying documentation is not currently considered acceptable and in this regard a revised acoustic report is required to suitably address potential impacts to adjoining properties and impacts of vehicle movements. In this regard, any determination granted will be subject to a 'Deferred Commencement' in part requiring the applicant to appropriately demonstrate that the proposed uses and movement of vehicles is compliant with the appropriate Regulations and Standards.

Part C13 - Infrastructure and Service

The development application is serviced by adequate electricity and telecommunications infrastructure. In respect to water capacity, it is acknowledged that the proposed development may increase the demand for water supplied to the Twin Creeks development and in this regard, the application was referred to Sydney Water under Clause 78 of the Sydney Water Act. The following comments in part were returned to Council by Sydney Water on the original application;

- *The developer is currently proceeding with a water main amplification to service the remaining stages of the Twin Creeks development which included an allowance for a proposed 60 room hotel.*
- *The existing water supply system does not have adequate capacity for any expansion of the proposed Twin Creeks Resort into a 275 room hotel and resort.*
- *Sydney Water is currently completing a planning investigation for the Science park development which included an allowance for twin creeks resort for a 60 room hotel.*
- *The water planning investigation will need to be revised to determine the system impact of the increase in water demand from the proposed Hotel and alterations and additions to the existing clubhouse.*
- *Sydney Water is keen to understand the developer's timeframes and the ultimate water supply requirements for the twin Creeks development.*
- *It is recommended that the developer meets with Sydney Water to initiate the required investigation to determine servicing requirements.*

In regard to the comments provided above, should development consent be forthcoming, an appropriate condition is to be included requiring concurrence from Sydney Water prior to the commencement of any construction works.

D1 Rural Land Uses

Part D1, Chapter 1.5 - Non-Agricultural Development

1.5.1 Rural Amenity and Design

This section of the Penrith DCP provides a number of general principles for non-agricultural development in rural areas, in particular seeking to protect the rural character and amenity and avoid unnecessary conflicts between inconsistent land uses. In this regard, the following controls are applicable;

1. Rural Amenity

a) Non-agricultural developments must demonstrate the following:

i) There will not be significant visual impacts from either the main activity or associated activities on the rural area or adjacent properties; and

Comment: The proposed hotel resort via the provision of curvatures to the building design and provision of stepped levels from level 3 onwards has been designed to maintain adjoining and adjacent residential properties views across the golf-course. Alterations and additions to the existing clubhouse are considered to be of a scale which is of a scale similar to that of the surrounding development, being limited to a two storey scale with a flat roof form which noting its location is not considered to hinder any existing residential views.

ii) The development will achieve the noise control standards established by the Department of Environment, Climate Change and Water or relevant authority.

Comment: As discussed within this report, an amended acoustic report is required to be provided to the satisfaction of Council as part of a 'Deferred Commencement' condition which will clearly identify that surrounding residents will not be provided with an unacceptable noise impact in regard to the proposed uses and traffic movements.

2. Design

a) Structures associated with any use shall be designed with regard to the rural character of the area and the form and scale of buildings on rural land surrounding the site.

Comment: It is acknowledged that the proposed development will not maintain a design at a scale similar to that of the surrounding development, i.e, being limited to a two storey scale. While so, it is considered that the development has provided for a number of design features which will allow for its visual impact to be softened such as the provision of stepped floor levels, a curvature in the building roof edge presentation via the provision of powder coated painted metal beams with a wooden finish and the location of landscaping features to each level and to the surrounds of the proposed hotel which is considered to provide substantial visual relief to the building mass.

b) Bulky buildings of industrial character are not favoured.

The proposed design is not considered to be of industrial character.

c) Structures on sites adjoining the villages should relate to the character of the village.

Comment: N/A

d) Buildings used for non-agricultural purposes also need to comply with the controls in Section 1.3 'Farm Buildings', unless specifically stated.

Comment: The proposed building complies with the relevant aspects of this section with specific regard to the setbacks, site coverage and the use of materials, colours and built form.

1.5.3. Tourist and Visitor Accommodation

C. Controls

1. Design and Landscaping

a) Structures and landscaping associated with the development should be designed to harmonise with the rural character.

Comment: As previously discussed within this report, the proposed development (primarily via the provision of the hotel) is considered to create a strong architectural element which in context to the surrounding residential built forms to its south east and south west will provide for a prominent feature. While so, the presentation of this development will diminish in its visual dominance when viewed from afar while still allowing surrounding residential dwellings in its near vicinity the benefit of maintaining existing views within the estate of the golf course complex. In this regard, while acknowledging that the proposal is not of a similar built form as per its surrounds, taking into consideration the context of the existing Twin Creeks golf

course complex, the development is considered to maintain an acceptable relationship with its immediate neighbours subject to conditions maintaining an acceptable level of amenity for these premises. The provision of amended plans which have also reduced the ends for the proposed hotel from five (5) levels to three (3) levels and treatment with timber cladding and louvres is considered an appropriate signalisation of the rural aspects of its surrounds which will also assist in presenting a softer edge to the buildings perimeter

b) The controls listed in this Chapter relating to rural dwelling design and/or farm buildings are applicable to the design of all tourist and visitor accommodation.

Comment: The proposed building complies with the relevant aspects of this section with specific regard to the setbacks and the use of materials, colours and built form.

c) External finishes should be selected with a view to minimising the visual prominence of the development.

The use of varied external finishes and their location is considered to allow for a built form for both the redevelopment of the clubhouse and provision of the new hotel of a high quality presentation. The clubhouse presentation with a lighter colour to the ground floor, a darker tone for the upper floor and interface with a light coloured flat canopies is considered to provide for an articulated presentation and a colour scheme with no great contrasts as to create concern.

The hotel is distinguished via elevated sandstone walls blocks with horizontal timber battens and louvres provided to each level allowing for a mixture of materials successful in breaking up the appearance of the building. Offset via the provision of a feature curved beam design to the main entry of the building (front) as well as to the lagoon pool (rear), the provision of a significant amount of timber elements is an appropriate architectural attempt to reduce the perception of scale and introduce for a visual stimulus to the built forms, especially for lower level components which in turn is also considered to successfully break up the appearance of the building. The building is also considered to be appropriately screened via landscaping along Twin Creeks Drive and to the perimeter of the resort area.

2. Waste Management

a) The anticipated method of operation should be described with any application to determine the appropriate method of waste disposal/management.

Waste management function will be carried out via the provision of new resources to proposed basement level 1. This area may be accessed by both the proposed hotel and upgraded Clubhouse and is considered a suitable solution for the scale of the proposal, also noting the provision of a turntable to allow heavy rigid trucks to enter and leave the ramp to this facility in a forward direction.