

CONDITIONS

General

- 1 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	F	Basement 2 Plan	Tony Owen Partners	29.03. 2018
A090	F	Basement 1B Plan	Tony Owen Partners	29.03. 2018
A100	F	Ground Floor Plan	Tony Owen Partners	29.03. 2018
A101	E	Level 1 Plan	Tony Owen Partners	09.03. 2018
A102	E	Level 2 Plan	Tony Owen Partners	09.03. 2018
A103	E	Level 3 Plan	Tony Owen Partners	09.03. 2018
A104	E	Level 4 Plan	Tony Owen Partners	09.03. 2018
A105	E	Level 5 Plan	Tony Owen Partners	09.03. 2018
A106	E	Level 6 Plan	Tony Owen Partners	09.03. 2018
A107	E	Level 7 Plan	Tony Owen Partners	09.03. 2018
A108	E	Level 8 Plan	Tony Owen Partners	09.03. 2018
A109	E	Level 9 Plan	Tony Owen Partners	09.03. 2018
A130	E	Roof Plan	Tony Owen Partners	09.03. 2018
A150	D	Accessible Rooms	Tony Owen Partners	25.05. 2017
A200	E	South West Elevation North West Elevation	Tony Owen Partners	09.03. 2018
A201	E	South East Elevation North East Elevation	Tony Owen Partners	09.03. 2018
A202	E	South West Elevation North West Elevation	Tony Owen Partners	09.03. 2018
A300	E	South West Elevation North West Elevation	Tony Owen Partners	09.03. 2018
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	D	Landscape Master Plan	Place Design Group	19.03.2018
LAND-DA-007	D	Hotel, Pool and Kids Club	Place Design Group	19.03.2018
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-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	19.03.2018
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	19.03.2018

- 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 and Traffic Impact Assessment Report prepared by Traffix, Reference No. 16.103r02v02, dated 16 April, 2018;
- 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-R001G, Status 'Final-Section 3.4, 3.5 & 3.6', dated 26 March, 2018 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 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.
- 11 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.
- 12 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 17 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.
- 13 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.
- 14 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 for each Stage will be managed.
- 15 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.
- 16 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.
- 17 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.
- 18 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.
- 19 The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate, the Certifying Authority and Principal Certifying Authority must:
 - (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - (b) Ensure that the documentation relied upon in the approval process include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

- 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: 7am to 10pm
 - Day spa 7am to 7pm
 - Gymnasium: 7am to 10pm
 - Resort shop/boutique: 9am to 7pm
 - Convenience store: 7am to 10pm
 - Administration area: 9am to 6pm
 - Kitchen and function facilities: Kitchen - 7am to 10pm, Function facilities - 7am to 10pm, Room service - 7am to 10pm
 - Ball room: 7am to 10pm
 - 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 The balconies proposed to Rooms 118, 218, 318, 418, 518 and Suite 601 are to be deleted. In this regard, details are to be provided to the Certifying Authority prior to the issue of any Construction Certificate.
- 26 All accessible spaces to basement level 1 for both the proposed hotel and Golf Clubhouse are to be located so as to provide for the shortest distance to associated lifts. In this regard, details are to be provided to the Certifying Authority prior to the issue of any Construction Certificate.
- 27 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.
- 28 Within 3 months of Occupation Certificate, an acoustic report prepared to assess compliance with the noise criteria provided in the amended acoustic report as required to satisfy Schedule A conditions, must be submitted of Penrith City Council. If exceedances of the noise criteria are identified, mitigation measures that will bring the operation of the development into compliance must be provided.

Demolition

- 29 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**.

- 30 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.

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

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

- 33 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.

- 34 **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

35 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.

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

37 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.

38 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.

39 **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.

- 40 **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.
- 41 The operating noise level of plant and equipment shall not exceed 38dB(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.

- 42 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, soilscience, 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."}

- 43 **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.
- 44 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.

- 45 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.
- 46 **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

- 47 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.
- 48 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.

- 49 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.

- 50 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

- 51 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*.
- 52 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.

- 53 Rainwater tanks must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.
- 54 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.
- 55 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).
- 56 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

- 57 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.

- 58 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.
- 59 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.
- 60 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.
- 61 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.
- 62 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.
- 63 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.
- 64 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.
- 65 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.

- 66 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.
- 67 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.
- 68 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.
- 69 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.
- 70 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.
- 71 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.
- 72 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.
- 73 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.

- 74 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).

- 75 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.
- 76 All storage cabinets (internal and external surfaces) must be finished in a smooth and non-absorbent approved material that is free of joints.
- 77 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.
- 78 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).
- 79 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.
- 80 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.

- 81 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.
- 82 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.
- 83 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.
- 84 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.
- 85 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.
- 86 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.
- 87 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.

- 88 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.
- 89 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.
- 90 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.
- 91 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.
- 92 All needles and sharps that penetrate the skin are to be sterile.
- 93 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.
- 94 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.
- 95 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.
- 96 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.
- 97 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.
- 98 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.

- 99 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.
- 100 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.
- 101 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.
- 102 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
- 103 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.
- 104 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.
- 105 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.

106 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.

107 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

108 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.

109 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

110 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.

111 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.

112 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.

113 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.

114 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.

115 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.

116 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

117 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.

118 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.

119 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".

- 120 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).
- 121 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).
- 122 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

- 123 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.
- 124 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.

125 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.

126 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.

127 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 20/10/2011
- 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.

128 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).

129 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.

- 130 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.

- 131 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.

- 132 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.

- 133 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.
- 134 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.

- 135 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.
- 136 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.
 - 137 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.

138 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.

139 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.

140 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.

141 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.

142 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.

- 143 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.

- 144 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.
- 145 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

- 146 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.

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

148 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.

149 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.

150 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.

151 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.

152 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.

153 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

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

155 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

156 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.

157 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

- 158 The Membrane Bioreactor Wastewater Treatment Plant (MBR WWTP) 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.

- 159 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.

- 160 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.

- 161 The MBR WWTP, 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.

- 162 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.
- 163 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.
- 164 There shall be no effluent runoff from the subject property to adjoining properties, public places or reserves.
- 165 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.
- 166 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.
- 167 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.
- 168 No concreting, driveways, vehicles or any other structure or access way is to be located over any portion of the effluent management area.
- 169 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.
- 170 The effluent management area shall be protected from possible stock and vehicle damage.

- 171 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.
- 172 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.
- 173 **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.

- 174 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 WTPP.
 - 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.

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

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

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.

176 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.

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

178 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.

- 179 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)

180 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 and terraces for levels 6 to 8 to the south-western end of the hotel building 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

181 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). The provision of an appropriate car park landscape design to reflect podium conditions, including a realistic maturity of trees (in cross sections), retailing walls, planting details including soil depth for the various planting conditions (i.e. turf, tree plantings),
- (b). The provision of minimum 75 litre street trees consistent with the existing street tree species, proposed species are to be specified,
- (c). Details are to be provided of the proposed water management for landscaping and plant establishment period, and
- (d). 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.

182 Acoustic

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 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. Cumulative noise impacts must also be assessed.
- An assessment of sleep disturbance criteria in accordance with the Noise Policy for Industry for all activities including but not limited to (a) car parking, (b) hotel reception, (c) function centre / ball room, (d) kitchen and room service.
- 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.

183 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.