

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0237
Proposed development:	Seniors Housing Development comprising 160 Self-Care Apartments, Related Facilities, Basement Car Parking & Associated Works
Property address:	40 - 48 Garswood Road, GLENMORE PARK NSW 2745
Property description:	Lot 18 DP 128940 Lot 1617 DP 871803
Date received:	27 March 2017
Assessing officer	Lauren Van Etten
Zoning:	RE2 Private Recreation - LEP 2010
Class of building:	Class 2 , Class 7a , Class 10b
Recommendations:	Approve

Executive Summary

Penrith City Council is in receipt of a Development Application (DA) from The Sunshine Property Investment Group for a proposed Seniors Housing Development comprising 160 Self-Care Apartments, Related Facilities and Basement Car Parking & Associated Works at 40-48 Garswood Road Glenmore Park (Penrith Golf Club).

The subject site is zoned RE2 Private Recreation under the provisions of *Penrith Local Environmental Plan 2010* and development for the purposes of seniors housing (serviced self-care housing) is permitted with development consent under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* where a Site Compatibility Certificate is issued by the NSW Department of Planning & Environment.

The proposed development has a capital investment value in excess of \$30 million. As such, the Sydney Western City Planning Panel (SWPP) has the function of determining the application in accordance with Section 2.12 and 2.15 (previously Section 23G) of the Environmental Planning and Assessment Act 1979.

In accordance with Appendix F4 (Notification and Advertising) of Penrith Development Control Plan 2014, the proposed development was advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties. A total of 30 property owners and occupiers were notified in the surrounding area. The public exhibition period for the proposal was from 7 April to 10 May 2017 and one submission was received in favour of the application.

An assessment of the proposed development under Section 2.12 and 2.15 (previously Section 23G), Section 4.46 (previously Section 91) and Section 4.15 (previously 79C) of the Environmental Planning and Assessment Act 1979 has been undertaken and the proposal has been found to be satisfactory.

The proposed development is in accordance with the relevant provisions of the environmental planning instruments and Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The site is suitable for the proposed development, and the proposal is in the public interest. The proposed development seeks to provide residential accommodation for seniors as well as related community facilities. The proposal is therefore worthy of support.

Site & Surrounds

The Penrith Golf Club site is within the suburb of Glenmore Park, approximately 5km south of the Penrith Central Business District. The site is bounded by Garwsood Road to the north, Glenmore Parkway to the south, and The Northern Road to the east. The site generally slopes to the southwest and includes a combination of native and introduced tree species throughout the golf course, none of which are mapped as significant biodiversity.

The Northern Road links to the Western Motorway approximately 300m to the north and The Northern Road is serviced by public transport, notably bus routes 794 and 789.

The greater locality is characterised by a mixture of residential and rural residential uses. Rural Residential properties are located directly to the east within the suburb of Orchard Hills, and directly to the north and south. Low density residential development is located immediately to the west and south-west of the site with the residential suburb of Glenmore Park.

Glenmore Park Shopping Centre is located 2.5km to the west, which includes a Woolworths as well as banks, office space, medical centres and general retail.

The land subject to this application is located within the south-eastern corner of the site, directly south of the existing golf club and has an access point from The Northern Road at present. The area subject to the proposal includes the existing maintenance shed and a few golf course holes. The subject area is irregular in shape, approximately 2.179 hectares in area and is predominantly orientated in a northerly direction.

The site's access to centres such as Glenmore Parkway Shopping Centre will be improved by plans for The Northern Road Upgrade. The Northern Road Upgrade is part of the Western Sydney Infrastructure Plan. The site is located adjacent to the Glenmore Parkway to Jamison Road portion of the upgrade, which includes;

- Increasing the number of lanes;
- Removing a set of traffic lights at the M4 Interchange;
- Providing additional turning lanes at some intersections;
- Provision of continuous kerbside bus lane in each direction;
- Improving safety for pedestrians and cyclists by providing a new shared path;
- Providing a central median to separate opposing traffic flows: and,
- Installing new traffic lights at two existing intersections.

The works will impact on access to some properties, including the subject site. The existing cross over to The Northern Road will be relocated to Glenmore Parkway. The Roads and Maritime Services (RMS) Upgrade Plans show the detailed design of the alignment and a proposed Bus Stop located at the site frontage (Figure 4 and 5). The proposed bus stop is to be located along routes that provide access to Glenmore Parkway Shopping Centre (794) and to Westfield Penrith (789).

Proposal

The proposed development is comprised of the following aspects:

- Construction of a seniors housing development comprising of seven three and four storey buildings containing 160 serviced self-care apartments;
- Construction of a basement car park (160 spaces) including waste storage areas and chute systems, lifts and cleaning cupboards;
- Ground level visitor car parking and on-site waste collection bay with loading facilities;
- Associated Civil Works, Storage Shed and Landscaping, including pathways, barbeque areas, garden seating, pergolas and a large grassed recreational area;
- Construction of a Community Centre, incorporating a commercial kitchen, lounge/dining and games room, associated amenities, consultation room, manager's office, and swimming pool; and the
- Demolition of the existing maintenance shed and construction of a new maintenance shed (780m²), a small ancillary shed (36m²) and associated concrete pad (1806m²) for parking and vehicular manoeuvring. This shed will be re-located further to the north of the golf course site with a separate access way proposed from Garswood Road.

The following documents have accompanied the Development Application:

- Statement of Environmental Effects – Mecone
- Plan of Management – Mecone
- Landscape Plans – Jackson Teece
- Architectural Plans – Jackson Teece
- Design Verification Statement/SEPP 65 Report – Jackson Teece
- Apartment Design Guidelines Compliance Assessment - Mecone
- DCP Compliance Assessment – Mecone
- Assessment against Seniors Living Policy - Mecone
- Site Compatibility Certificate – NSW Planning and Environment
- The Northern Road Upgrade: Urban Design Report – Lendlease
- Contour and Detailed Survey- Matthew Freeburn
- Stormwater Plans- LP Consulting Pty Ltd.
- Stormwater Documentation—EngTest
- Stormwater Design Report- LP Consulting Pty Ltd.
- Arboricultural Impact Assessment Report – Jacksons Nature Works
- Tree Assessment Report- Jacksons Nature Works
- Noise Assessment – Acoustic Logic
- Traffic Impact Assessment – The Transport Planning Partnership
- BCA Assessment Report – Steve Watson & Partners
- Waste Management Plan –Elephants Foot Recycling Solutions
- Access Report – Accessible Building Solutions
- BASIX Certificate - NSW Planning and Environment
- RMS Northern Road Upgrade Plans – Roads & Maritime Services
- Environmental Site Assessment – Edison Environmental & Engineering
- Preliminary Risk Screening For Chemical Storage Shed – Benbow Environmental

Background

The applicant attended pre-lodgement meetings and Urban Design Review Panel meetings in the lead up to lodgement of the Development Application (DA). The key issues identified by Penrith City Council officers and the Urban Design Review Panel at these meetings have been addressed as part of the Development Application.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55—Remediation of Land
- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

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

Under Section 2.12 and 2.15 (previously Section 23G) of the Environmental Planning and Assessment Act, 1979, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

A regional panel has the function of determining applications for development that has a capital investment value (CIV) of more than \$30 million.

As the proposal's CIV is \$59,298,157.60, the Sydney Western City Planning Panel is the determining authority.

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 (previously Section 79C) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

- **Section 91- Integrated development**

At the time of lodgement it was identified that the proposed subdivision works would be within 40m of a mapped watercourse. As such, the development was advertised as Integrated Development in accordance with the Regulations and referred to the Office of Water in accordance with Section 4.46 (previously Section 91) of the Environmental Planning and Assessment Act.

In this regard, correspondence was returned from the NSW Office of Water dated 28 April, 2017 providing their General Terms of Approval.

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

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This Policy ensures the implementation of the BASIX scheme which encourages sustainable residential development. It requires certain kinds of residential development to be accompanied by a list of commitments to be carried out by applicants.

BASIX Certificate No. 658431M was submitted with the Development Application demonstrating compliance with set sustainability targets for water and energy efficiency and thermal comfort. Relevant BASIX commitments have been nominated on the submitted architectural plans.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Part 1A Site Compatibility Certificates

The development is proposed under the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which applies to the subject land by virtue of Clause 25(4)(a) as a Site Compatibility Certificate (SCC) was issued over the site dated 23 February 2016. This certificate however has lapsed and at the time of writing this report, Council is pursuing the Department of Planning for a copy of a new certificate to establish permissibility. It is therefore recommended that the application

be considered by the Panel with formal determination issued electronically upon receipt of the required certificate if not received before the panel meeting.

Clause 24(1)a(ii) specifies that there is a requirement for a site compatibility certificate to accompany a development if seniors housing is not permitted with consent within that land zone, but adjoins land that is zoned primarily for urban purposes. Pursuant to Clause 16 of the SEPP, development for seniors housing may be carried out with consent on any land to which the SEPP applies.

Schedule 1 of the issued Site Compatibility Certificate (now expired) states the project description as:

"Development proposal for serviced seniors living development with a maximum of 160 dwellings at a maximum of four storeys in height"

The development is categorised as "serviced self-care housing", more specifically seniors housing that consists of self-contained dwellings where the following services are available on the site: meals, cleaning services, personal care, nursing care.

Clause 42 of the SEPP Seniors provides further clarity on the services required to be provided for a services self care facility. The residents are to have reasonable access to;

- (a) home delivered meals*
- (b) personal home care and nursing; and,*
- (c) assistance with housework.*

It is clear that these services must be accessible to the future residents, which is intended for this development, with varying levels of accessibility depending on time and days.

Mandating that these services must be provided all of the time, to all residents would better reflect the level of care required for a "residential care facility", where the following services are required to provide in accordance with Clause 11 of the SEPP

Seniors;

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation care, not being a dwelling, hostel, hospital or psychiatric facility.*

The proposed development has included a Plan of Management that details the requirements for the future Operator of the development to provide the residents with access to the required services.

Between the provision of the Plan of Management and the Building Design, the proposed development will include reasonable access to home delivered meals, personal home care and nursing and housework (cleaning) as required under SEPP, as detailed below:

- Meals;

- o A suitable space for a kitchen has been provided for the Operator to employ or engage a chef to cook at the premises
- o Out of hours meals can either be provided by a local establishment to which the Operator has engaged to provide meals as required by residents and/or;
- o Provision of a supply of frozen or "ready to eat" means to be kept on-site for heating and delivery by the staff to the residents on request.

- Cleaning;

- o Assistance with housework must be provided by employed staff or an external contractor as reasonably required. During normal business hours there will be a caretaker onsite to manage day to day maintenance and cleaning needs, however a dedicated cleaner or contractor will manage resident cleaning needs;
- o Cleaners cupboards/storerooms are provided in the basements of each building.

- Personal care and nursing care; and,

- o A room for consultation is provided in the administration Building E with sufficient room for a desk, bed, seats and sink. The intention is the area can be used by visiting doctors/nurses as well as for grooming.
- o The Operator is to employ managers with formal advanced first aid qualifications.

- o Should the on-site manager not hold nursing qualifications, the Operator is to engage a suitably qualified employee or contractor to provide home nursing care as dictated by demand. Where an outside agency is contracted to provide home nursing the on-site manager will be responsible for coordinating the provision of these services.
- o The on-site manager will arrange pharmacy pick-up and delivery services for prescriptions from the local pharmacy.

- Medical care.

- o The Operator is to employ or contract two qualified doctors to provide medical services to the residents on a regular basis (weekly or as needs). The Development Application includes a design that can accommodate these services in accordance with the Plan of Management.

Council's Environmental Health Officer noted that the scale of the kitchen proposed and the cleaning cupboards is not of a commercial scale. However, the SEPP only stipulates that reasonable access be provided to certain facilities rather than dictating the scale of the facilities.

A recommended condition of consent will require the plan of management to be executed to ensure the future operator employs staff and/or engage contractors to provide the necessary services as outlined within the POM prior to the issue of an Occupation Certificate.

Part 2 Site-Related Requirements

The proposal is in accordance with the provisions of the SEPP for seniors serviced self care housing, as detailed below.

Clause 26 – Location and Access to Facilities

The site has adequate access to the necessary facilities and services via a public transport bus service that will utilise a new bus stop which is currently being constructed adjacent the subject site on The Northern Road as part of the Northern Road Upgrade. The landscaping plan details a pedestrian path from the various buildings to the proposed bus stop on The Northern Road, which is within 400m of all dwellings with a suitable gradient, complying with Clause 2(b)(i).

Bus Service No. 794 is a loop service which passes the proposed bus stop, continues onto Penrith City Centre and back to the subject site via Glenmore Park Town Shopping Centre. Therefore, residents are able to utilise the same proposed bus stop on the western side of the Northern Road to get to and from Penrith Westfield in accordance with the requirements of Clause 26(2) of the SEPP. The frequency at which this service, with hourly buses, also complies with the requirements of the SEPP in this regard. In addition, Bus Service No. 789 also services the bus stop as an incoming service to Penrith City Centre. The return service, however stops on the eastern side of the Northern Road, at another bus stop currently under construction. While this bus stop is greater than 400m from the location of certain dwellings it is shown for context to indicate all available services within the area.

Further, in addition to technical compliance with the clause aforementioned, a further condition is recommended for the provision of a 10 seat bus to provide access for residents to Glenmore Park Town Centre in order to ensure that outgoing services direct to Glenmore Park can be provided for, as well as outgoing services to Penrith City Centre, given that the loop service is linear.

Clause 30 - Site Analysis

In accordance with Clause 30 of the Seniors Housing SEPP, a site analysis was undertaken. The information about the site and its surrounds identified on the site analysis has been taken into account in the design of the development in conjunction with the submitted survey and architectural plans.

Clause 31- Design of in-fill Self-Care Housing

In accordance with Clause 31 of the Seniors Housing SEPP, the design of the proposed development must have consideration of the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development. The proposal is considered compliant with the relevant provisions within the guidelines.

Clause 33- Neighbourhood Amenity and Streetscape

It is considered that the proposed development will create an attractive residential development, which is environmentally sympathetic with the surrounding character. The design is considered to address the design principles set out in Clause 33 of the Seniors Housing SEPP, with particular discussion regarding for location's character, streetscape and neighbourhood amenity as detailed below.

Character and Neighbourhood Amenity

The proposal has been sited so as to not impact on any surrounding environmentally sensitive areas i.e. the riparian zone running through the middle of the golf course and the location is most suitable in terms of proximity to and access to support services, i.e. providing an internal pedestrian pathway that links to the proposed bus stop within the Northern Road upgrades. To minimise the disturbance to the existing recreation facility on the site, the proposal was located adjoining the new internal access road alignment undertaken as part of The Northern Road upgrade.

The proposal will maintain a significant planted buffer distance of 80m from The Northern Road and Glenmore Parkway, which, coupled with the retention of existing trees within this setback, will ensure the screening of the development and maintenance of the existing streetscape and character.

In addition, the development will be setback over 500m from the adjoining residential developments to the west which back onto the Golf Course which, coupled with the existing golf course vegetation that will be retained, ensures the screening of the development from the adjoining residential properties.

Elevations, photomontages and perspectives were submitted, as requested, from the east, south and west to understand whether key view corridors towards the golf course and mountains will be maintained for the occupants, while also indicating the likely visual impacts of the proposal as viewed from the various boundaries. In addition, the photomontages showed the visibility of the proposal from the respective roads in light of the vegetation removal the Roads and Maritime Services is undertaking as part of the road upgrades.

The buildings are located, oriented and arranged in height to take advantage of the views to the golf course and over the golf course to the mountains beyond. The buildings positioning on the site also provides for cross site views and views from within the site out to the golf course and mountains, in particular from the community rooms and facilities and pedestrian pathways and driveways.

The developments highest 4 storey buildings have been located on the eastern side of the site, to look over the lower 3 storey western side apartment building to maximise the golf course and mountains views. These eastern side apartments also have views to the new landscaped areas within the 80m set back and to views over this landscaping and The Northern Road to the rural residential landscape beyond.

The corridor between Blocks B & C was also widened, via reducing the width of a balcony, to improve the permeability and vistas from the central common open space towards the mountains.

It is therefore considered that the proposed development would be unlikely to have a detrimental visual impact upon the streetscape and will make a positive contribution to the streetscape and neighbourhood character and amenity of surrounding residential environment.

Character: Existing and Proposed Vegetation

Clause 33 states that developments shall embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and retain, wherever reasonable, major existing trees. Initially the arborist report stated that all trees were to be removed. Subsequently, a tree retention plan was then submitted indicating many trees to be retained to the south of the proposal and within the 80m front setback to the east of the proposed buildings. However, a recommended condition of consent will ensure the arborist report is amended to reflect the tree retention plan submitted.

In addition, a revised landscaped plan was submitted state that the planting design is to provide a mix of native and exotic species in approximate proportions of 70% and 30%, all with 100L pot sizes. The mix includes existing tree species occurring on the golf course, local endemic species and exotic trees for colour and flowering for their deciduous character to allow winter sun access to open space. Council's Landscape Architect reviewed the plan and noted the proposal is sympathetic with planting within the area and compatible with the planting proposed as part of the Northern Road upgrade subject to the inclusion of 8 eucalyptus melaleuca planted among the proposed access way street trees. However, as the tree

retention plan is inconsistent with the landscape plan submitted, a recommended condition of consent will require an amended landscape plan with the nominated species to be submitted to Council prior to the issue of an Occupation Certificate which details the trees to be retained within the landscape plan.

Clause 34 - Visual and Acoustic Privacy

The proposed development has been designed to maintain visual and acoustic privacy within the development. The layout of buildings across the site, design of the buildings themselves and the provision of landscaping will ensure that privacy within the development and onto adjoining properties is maintained. Design solutions include appropriate building setbacks and heights, dwelling layouts, placement and sizes of window openings, screening and location and landscaping.

The proposed dwellings have been designed in accordance with the requirements of the Building Code of Australia for sound and impact transmission so that acceptable noise levels between dwellings are achieved.

Clause 35- Solar Access and Design for Climate

The design and siting of the proposed development will provide adequate daylight access to the proposed dwelling living areas and private open spaces. Orientation of proposed internal living areas and open space areas has been incorporated to maximise solar access.

The proposed development has confirmed compliance with the solar access requirements of the Apartment Design Guideline; including 77% of apartments receiving a minimum of 2 hours direct sunlight between 9am and 3pm at mid winter.

Clause 36 - Stormwater

Impervious surfaces have been minimised where possible to reduce the impact from stormwater. Site stormwater will be drained as shown on the submitted stormwater drainage plans.

Clause 37 - Crime Prevention

Fencing will be constructed along the boundary of the Seniors Housing Development and to areas of private open space to provide an appropriate level of safety and security to residents. The golf course is also fenced and afforded security.

The design of the proposed development will allow for general surveillance of all common areas from dwellings.

Clause 38 - Accessibility

The proposed development allows for obvious and safe pedestrian links from the site that provide access to the proposed bus stop at The Northern Road. The landscape plan shows a pedestrian path from the development to The Northern Road. The proposed pathway is provided to ensure equitable access for seniors to proposed public transport that will provide access to services detailed in Clause 26 of the Seniors SEPP.

Furthermore, the gradient of the pathway was provided as requested to ensure compliance with the controls of Clause 26(2)(a)(i)-(iii).

Clause 39 - Waste Management

Waste and recycling facilities will be provided in accordance with Council's requirements. The proposed development provides dwellings with shared waste and recycling areas on the site. In accordance with the DCP, the proposed development will require 11 xl, 1100L waste bin and 11 xl, 1000L recycle bins within a designated waste storage area on site. Each building is served by a chute system with an associated waste storage room within the basement of the buildings, which also accommodates the service bins required for each building.

Collection of the waste is able to be facilitated by the required Council service vehicle.

Clause 40 - Development Standards

The Seniors Housing SEPP contains general development standards relating to minimum site size, site frontage and building height (Clause 40), which must be complied with for all developments, and development standards specifically for self-contained dwellings (Clause 41), which must also be complied with. Compliance with Clause 40 of the SEPP is demonstrated in the table below.

Design Requirements	Proposal
(2) Site size: The size of the site must be at least 1,000 square metres	The subject site is a total of 45.46ha, with the site of proposed works being 2.179ha.
(3) Site frontage The site frontage must be at least 20 metres wide measured at the building line.	The site contains several street frontages all which exceed 20m.
(4) Height in zones where residential flat buildings are not permitted. If the development is proposed in a residential zone where residential flat buildings are not permitted: (a) the height of all buildings in the proposed development must be 8 metres or less, and (b) a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height, and (c) a building located in the rear 25% area of the site must not exceed 1 storey in height.	The site is not located within a residential zone and therefore this provision is not applicable notwithstanding the proposed height of the building complies with the issued Site Compatibility Certificate, which provided height limit of four storeys. it is however noted that a revised Certificate is being pursued with the Department of Planning.

Clause 41 - Standards for Hostel and Self Contained Dwellings

The proposed development contains 160 self contained dwellings. In accordance with Clause 41 of the Seniors SEPP the proposal is required to meet accessibility standards. The Access Report provided specifically addresses the standards specified within Schedule 3 of the Seniors SEPP.

Clause 42 - Serviced Self-Care Housing

As the proposed development is sited on land adjoining land for urban purposes, the proposal is for seniors housing that is specifically described as "serviced self-care housing".

As previously detailed, the operators of the proposed development will provide the following services to the future residents;

Meals;
Personal care and home nursing; and,
Assistance with cleaning and other housework.

Clause 43 - Transport Services to Local Centres

As previously identified the proposed works undertaken as part of The Northern Road Upgrade includes the provision of a bus lane and bus stop at the front of the subject site.

The proposed bus stop is sited within 400m of the proposed buildings. The Landscape Plan has included a pathway to the bus stop, which has an average grade of less than 1 :14.

As previously detailed, there are buses that utilise The Northern Road, including Route 794, which provides access to Westfield Penrith and Glenmore Park. The proposed development is also on the Bus Route 789; Penrith to Luddenham. Both bus routes provide access to shops, bank services, retail, commercial services, community services, recreational facilities and medical serves.

The 794 route runs past the site on Northern Road every hour and half an hour on am and pm peak periods. The 789 route provides one trip in the morning and one in the afternoon.

The proposal complies with the requirements of Clause 43.

Clause 44 - Availability of Facilities and Services

The completion of The Northern Road upgrade is envisaged for 2020. Should the proposed development be constructed and available for occupation prior to this timeframe interim transport arrangements will be facilitated in any case via the recommended condition for the provision of a 10 seat bus to provide access for residents.

Clause 50 - Standards for self-contained dwellings that cannot be used to refuse development Consent

The proposed development complies with the standards that cannot be used by councils to refuse development consent for self-contained dwellings as set out in Clause 50 of the Seniors SEPP.

TABLE FOR CLAUSE 50

Development Standard	Required	Proposed
Building Height	8m or less (ground to ceiling)	The Site Compatibility Certificate previously issued supported a development of up to 4 storeys.
Density Scale	Floor Space Ratio 0.5:1 or less	Complies The subject site is 45.45ha in area, the proposed Gross Floor Area of the proposed development is 21,254m ² . Whilst there is no FSR control for the site, the proposal will increase the existing FSR by 0.04: 1. The overall site FSR will not exceed 0.5:1
Landscaped Area	Minimum 15% of area of site (160 x 35m ² = 5,600m ²)	Over 7,846m ² is provided as landscaped area, which equates to 49m ² per dwelling.
Deep Soil Zone:	Minimum 15% of area of site	Complies 26% of the development area is provided for deep soil planting
	Minimum two thirds to be preferably located at rear of site	n/a
	Minimum dimension 3m	Complies

Solar Access	70% of living areas & main On account the site is within the private open space to Sydney Metropolitan Area, the receive minimum 3 hrs Apartment Design Guideline sunshine between 9 am and specifies that 70% living rooms and 3 pm at mid-winter provide open space is to receive a minimum of 2 hours direct sunlight between 9am-3pm, mid winter.	On account the site is within the private open space to Sydney Metropolitan Area, the receive minimum 3 hrs Apartment Design Guideline sunshine between 9 am and specifies that 70% living rooms and 3 pm at mid-winter provide open space is to receive a minimum of 2 hours direct sunlight between 9am-3pm, mid winter.
Private Open Space	Ground Level	Complies
	Minimum 15m2 per dwelling	Complies
	One area minimum 3m x 3m, accessible from living area	Complies
	Upper level/s	Complies
	1 bedroom: Minimum 6m2 Minimum dimensions 2m	Complies
	2 or more bedrooms: Minimum 10m2 Minimum dimensions 2m	Complies
	Minimum 0.5 parking spaces	340 bedrooms are proposed. 160 therefore 170 spaces are required. The proposal includes basement car parking spaces and 35 parking spaces at grade

Visitor Parking

While there are no explicit numeric requirements for visitor parking under the SEPP, 24 at grade spaces are provided in addition to the 170 spaces required by Clause 50 (with 160 in the basement and 10 at grade). This proposal thus satisfied the design principle 38 which states that "convenient access and parking for visitors" is provided. 24 spaces is only marginally less than what is required by Council's DCP (35 spaces), although it is noted that the Seniors SEPP prevails in the event of inconsistencies.

State Environmental Planning Policy (Infrastructure) 2007

Among other functions, State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) repeals the former State Environmental Planning Policy No. 11 - Traffic Generating Development and provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence assessment.

Referral may be required dependant on the site's access to a classified road and the proposed intensity of the development. Schedule 3 lists the types of development that are defined as Traffic Generating Development. Residential development in an apartment of residential flat building arrangement is referred if; Includes 300 or more dwellings and has access to any road; and/or Includes 75 or more dwellings and has access within 90m of a classified road.

The proposal includes 160 dwellings with access to The Northern Road, within 90m of the site access. The proposed development was therefore referred to the RMS in accordance with the SEPP Infrastructure. The RMS responded on 13/11/17 and no objections were provided subject to conditions of consent.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 aims to provide a framework for the assessment, management and remediation of contaminated land throughout the State. Clause 7 of SEPP 55 prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The proposed development is located within an area where a maintenance shed is located as well as open space areas utilised for a golf course. The site previously also contained an Underground Storage Tank, which was removed however the bowser and fill points remain on site albeit filled. 2 Environmental Site Assessments (ESA) were undertaken. The initial report investigated the existing uses on the site and soil quality and the outcome of the report was that there may be some minor, residual impacted material on the site however this can be managed through the proper removal of the refuelling facility and decommissioning of the wash bay.

Council, however, requested a second ESA given some inconsistencies between the submitted sampling and the validation report prepared by Petrolink (2011) in relation to the removal of the underground storage tank.

A further ESA (dated August 2017) confirmed that there are no *significant impacts from either the fuel facility, washbay or treated effluent irrigation. It is concluded that the site is suitable for the proposed use without the requirement for further investigation or remediation. It is recommended that the refuelling facility and washbay be decommissioned by professional, experienced contractors in accordance with relevant legislative requirements.*

Having regard to the above, it is considered that the site is suitable for the proposed development and therefore a further assessment report regarding remediation of the land is not considered necessary in this circumstance. Council's Environmental Health Officer has concurred with this position and conditions of consent are recommended concerning the required decommissioning works.

State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) aims to improve the design quality of residential flat buildings of three or more storeys and containing four or more self-contained dwellings. The 48 independent living units are self-contained and therefore require compliance with this policy. SEPP 65 contains ten design quality principles which form the basis for achieving good design and provide a guide for evaluating the merits of development proposals. The proposed development is consistent with the aims and objectives of SEPP 65. The accompanying SEPP 65 regulations require the involvement of a qualified designer throughout the design, approval and construction stages. In this regard, the application has been accompanied by a design verification statement from a suitably qualified designer.

An assessment has been undertaken of the proposed development in relation to the ten design quality principles and the related Apartment Design Guide. The design verification statement, in summary, states that the development is appropriate in terms of design, amenity sustainability and aesthetics due to the combination of generous setbacks, preservation of existing vegetation and key views and vistas, landscape embellishments, adequate deep soil areas, a mix of spatial separations and heights of buildings, compliant solar amenity and cross ventilation, common space and diversity of accommodation and clear simple layouts that facilitate crime prevention.

The proposal is generally in accordance with the provisions of the SEPP and the Design Guide with the exception noted below.

Building Separation

Initially the 6m building separation between Blocks B & C did not meet the minimum 12m separation required to achieve reasonable levels of external and internal visual privacy. This separation was then widened from what was originally proposed to 10.58m by reducing the intrusion of the balcony areas on Building C. The revised balcony design increases the separation (and therefore visual privacy) of the buildings as well as maximising the view shed from the communal area in Block E across to the Golf Course. While the proposal remains non-compliant it is noted that the non-compliance is a point encroachment of a corner of a building, affecting only 1 balcony from each respective building. Further, the elevations indicate that screening is provided on areas that are closer than the minimum required to ensure balconies do not overlook each other or habitable rooms.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

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

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Does not comply - See discussion
Clause 2.3 Zone objectives	Complies - See discussion
Clause 5.9 Preservation of trees or vegetation	Complies
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.4 Sustainable development	Complies - See discussion
Clause 7.6 Salinity	Complies - See discussion
Clause 7.7 Servicing	Complies - See discussion

Clause 2.3 Permissibility

The subject site is zoned RE2 Private Recreation under the provisions of *Penrith Local Environmental Plan 2010* and development for the purposes of seniors housing (serviced self-care housing) is permitted with development consent under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* where a Site Compatibility Certificate is issued by the NSW Department of Planning & Environment.

Clause 2.3 Zone objectives

The objectives of the RE2 zone are as follows:

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposed seniors housing development will provide a land use that is permitted with development consent under *SEPP (Housing for Seniors or People with a Disability) 2004* and will provide seniors housing that can take advantage of existing and future services, facilities and open space areas within the recreation zoned land.

Additionally, the design of the development will retain and enhance views to the Blue Mountains escarpment for both residents and for neighbouring sites through the siting of the built forms to the east of the site adjacent The Northern Road. Further, the vast majority of the site will continue to be utilised as a golf club with minimal vegetation removal warranted as evident by the modified golf course plan which has been submitted as part of the application. Therefore this proposal is consistent with the zone objectives.

Clause 7.1 Earthworks

The proposed earthworks are integral to the future use and development of the land. Recommended conditions of consent will ensure that any fill material brought on site is subject to a validation certificate and that any material taken off site is disposed of in accordance with Environment Protection Authority (EPA) requirements.

The site is not identified as having any heritage value nor the potential for development to disturb any relics.

Clause 7.4 Sustainable development

Clause 7.4 requires the consent authority to have regard to the principles of sustainable development as they relate to the development based on a "whole of building". The proposed development incorporates measures including environmentally sensitive building design to ensure the use of passive ventilation, maximum solar access and shading, efficient glazing, energy efficient lighting and plumbing appliances as well as on site water retention for irrigation of the landscaped areas. The large central area of landscaped open space and deep soil planting provides for both an attractive central feature for the future residents and the environmental benefits of increased water infiltration and vegetation.

A BASIX Certificate has been issued for the proposed development and identifies a range of sustainability features.

Additionally the proximity to a bus service will provide services to both Glenmore Park Town Centre and Penrith City Centre and Penrith Station, reducing vehicular dependence.

Clause 7.6 Salinity

The site of the proposed development is within a developed site. Soil disturbance will occur during construction and mechanisms to minimise erosion and control sediment are identified in the Erosion and Sediment Control Plan. The proposal includes a significant area of open space (deep soil) which will assist in water infiltration on the site. The proposed development will not increase the effects of rising salinity on the land.

Clause 7.7 Servicing

The proposal will be connected to a reticulated water and sewerage supply. Sydney Water provided confirmation of the available connections on 17/07/17 and confirmed the proposed works will not increase the demand for water supplied.

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

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	N/A
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	Complies - see Appendix - Development Control Plan Compliance
D2.6 Non Residential Developments	N/A

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

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

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

Urban Design and Rural Character

The proposed development has been designed to provide a positive urban design outcome for the site, considering the following given;

- Internal access road alignment, which is has been designed and will be constructed in accordance with The Northern Road upgrade works;
- Identified areas of environmental significance;
- Flooding; and,
- Conditions of the previously issued Site Compatibility Certificate.

The resultant design has sited the development in an area that is unencumbered by flooding risk and separated from the existing areas of environmental significance and the location is most suitable in terms of proximity to and access to support services. The proposal provides an internal pedestrian pathway that links to the proposed bus stop within the Northern Road upgrades. To minimise the disturbance to the existing recreation facility on the site, the proposal was located adjoining the new internal access road alignment undertaken as part of The Northern Road upgrade.

It was identified in the Urban Design Review Panel meeting that the development in this location requires a sense of address separate from the clubhouse so residents feel part of the broader community. Providing differing paving treatments has delineated the access to the development off this internal access road and provided the seniors housing development with a separate sense of address, this will be further supported by appropriate signage.

The Site Compatibility Certificate previously issued stated the site was suitable for the development of 160 dwellings, in a configuration that is up to four storeys in height. As identified above, the siting of the development corresponds to site constraints and ease of access. The design of the proposed 160 dwellings in this location were therefore required to fit into context of this locality, that includes the golf course, club house and The Northern Road.

It was identified in the Urban Design Review Panel meeting that the character from The Northern Road was rural and rural residential in nature and that the proposed development should be screened from The Northern Road to maintain this existing character. To facilitate this, an 80m setback to the road has been provided and existing vegetation has been preserved within this setback as well as to the south of the development as viewed from Glenmore Parkway. The preservation of vegetation, coupled with the proposed landscape embellishments will maintain the existing canopy trees within the setback zone to the roads

which also buffers and screens the scale of the development from the main roads and provides a sense of canopy connection that retain the character of the existing streetscape. In addition, the development will be setback over 500m from the adjoining residential developments to the west which back onto the Golf Course which, coupled with the existing golf course vegetation that will be retained, ensures the screening of the development from the adjoining residential properties.

The design of the proposed internal access road has also been considered. The setback as well as the proposed landscaping will ensure the proposed development does not disturb the existing character. In addition, materials and finishes were amended, as requested, to include earthy subdued tones to blend with the landscape, removing all references to white and stark colour contrasts. The below photomontages describe the existing and proposed site conditions when viewed from The Northern Road and Glenmore Parkway.

Regarding the anticipated future character of the area, it is also worth noting that there is currently a Planning Proposal lodged with Council on 21 May 2018 by Mirvac to rezone 205ha site located west of The Northern Road south of Glenmore Park. The Planning Proposal seeks to rezone the site to part R1 General Residential, B2 Local Centre, RE1 Public Recreation and E2 Environmental Conservation. It is anticipated that the site will provide approximately 3000 new residential lots in a broad mix of housing types. The site will also include pedestrian and cycle links, open space, 5 playing fields, bushland and riparian corridors. A new school site and retail offering is proposed to be located adjacent to the playing field. The retail offering for the new neighbourhood is 7,800m² and located at the main entry to the release area.

This anticipated change to the character of the overall gateway to Penrith and Northern Road viewshed is substantially greater than that which is proposed under the subject application, as previously development in Glenmore Park Stage 2 aims to ensure new subdivisions were not visible from The Northern Road to maintain the green, undulating character of the area and sight lines to the Blue Mountains as viewed from The Northern Road. It is therefore worth noting that the subject application is not only consistent with the existing character of the locality but it is also considered compatible with the anticipated future character of the Northern Road viewshed as it provides gateway iconic buildings with appropriate setbacks and screening.

The design of the site has also considered the internal amenity of the future residents, ensuring the majority of dwelling units are orientated to maximise solar access and provide viewsheds down the fairways of the golf course and the mountains beyond. The developments highest 4 storey buildings have been located on the eastern side of the site, to look over the lower 3 storey western side apartment building to maximise the golf course and mountains views. These eastern side apartments also have views to the new landscaped areas within the 80m set back and to views over this landscaping and The Northern Road to the rural residential landscape beyond. The corridor between Blocks B & C was also widened, via reducing the width of a balcony, to improve the permeability and vistas from the central common open space towards the mountains.

Considering the suitable scale of development as described within the Site Compatibility Certificate previously issued (160 dwellings at 4 storeys in height), the impact of the development on the surrounding landscape has also been considered. The proposed seniors housing has been spread across seven buildings, with car parking provided underground. The separation of the buildings provides opportunity for significant plantings to be provided, which minimises the perceived mass of the development. The significant landscaping also provides opportunity for passive and active areas within the development for the enjoyment of the future residents.

Accessibility

The application has been accompanied by an Access Report which provides a review of the proposed development with regard to relevant accessibility requirements and standards. The report concludes that the development can satisfactorily achieve compliance with the access provisions of the BCA and Seniors Living SEPP.

A number of design features have been incorporated into each apartment and other features will be capable of being retrofitted depending on the ultimate user's requirements. Lift access is provided to all levels of the buildings.

Access, Parking and Traffic

Resident parking is provided across the site in a basement configuration. The basement will include 160 parking spaces, with 35 visitor parking spaces provided at grade. The total of 195 parking spaces meets the parking requirements of the Seniors Housing SEPP, which requires 0.5 spaces per bedroom. On account the proposed development includes 340 bedrooms a total of 170 parking spaces are required.

A basement car park is proposed for residents of the independent living units as well as eleven at grade visitor spaces. The basement provides two entry points from the new access way via Glenmore Parkway. One of the driveways (driveway No. 2) includes a loading bay and suitable access has been provided for a 12.5m heavy rigid vehicle to enter and exit in a forward direction without obstructing access to the buildings.

The proposed vehicle access arrangements and car parking on the site will be adequate for the proposal. The proposal will have no adverse traffic generation impacts on the local road system. Traffic generation is anticipated to be a maximum of 64 vehicular movements per hour and significantly less during peak periods.

Council's Traffic Engineer has reviewed the proposal with regard to access, parking and traffic considerations and has recommended standard conditions of consent.

Acoustic Impacts

A noise assessment report was provided with the application. Council's Environmental Health Officer noted that the report did not consider impacts from increased traffic volumes anticipated from the Northern Road Upgrade works currently under construction. In addition, the report did not consider the impacts of the golf club's function activities after 10pm at night. A recommended condition of consent will require the acoustic report to be amended to detail such acoustic impacts and appropriate noise attenuation measures prior to the issue of a Construction Certificate.

Social and Economic Impacts

The proposal poses no potential adverse social or economic impacts. The proposed development is in close proximity to services and public transport options, providing the community with a serviced seniors facility and other services to cater for older residents and their families.

Safety

Concerns were raised during the assessment in relation to the implications of the proposed development upon the golf course, as well as how residents will be protected from the modified golf course layout. While the modified golf course is separate to the subject application, a recommended condition of consent will require that any golf course components made redundant by the subject application or in close proximity to the subject development shall become inoperable prior to the issue of an Occupation Certificate.

Waste Management

The basement level of the buildings contains waste storage rooms including bins for the building and chutes. There is also a waste collection loading bay for all 22 bins east of Block E. Waste management will be attended to by caretakers with waste collected by Council weekly or as needed.

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

The proposed development has been considered suitable for the site in accordance with the previously issued Site Compatibility Certificate. The proposed design, layout and overall built form is appropriate for the site and responds to both the character of the locality and anticipated future character.

Section 79C(1)(d) Any Submissions

Community Consultation

The development application was advertised in the local newspaper and notified to owners and occupiers of adjoining and nearby properties pursuant to the requirements of the Regulations and in accordance with Council's Development Control Plan. Affected property owners and occupiers were notified in the surrounding area and invited to make a submission on the proposal during the exhibition period from 7 April to 10 May 2017. During this period, Council received one submission in response in favour of the application.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	Not supported, however conditions provided
Environmental - Public Health	Not supported, however conditions provided
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections - subject to conditions
Tree Management Officer	Not supported, however conditions provided
Social Planning	No objections - subject to conditions

Environmental - Public Health

Council's Public Health Officer had requested for detailed design information to be provided regarding the kitchen and laundry facilities proposed in order to ensure the relevant Australian Standards and Food Standards Code can be met. However the applicant did not provide such information stating such detail can be provided prior to the issue of the construction certificate. It is considered that recommended conditions of consent can require the design detail prior to the issue of a Construction Certificate.

Environmental - Waterways

It is proposed the development will comply with Council's WSUD Policy by using Ecosol pit baskets combined with raingarden swales totaling 407 m², 1 x Ecosol Storm Pit Class 2 filter device and rainwater tanks and associated reuse.

Council's Waterways Officer noted that there are discrepancies between what treatment is actually being proposed as per the Stormwater Plans, Design Report on Site Stormwater and Soil Management, and the MUSIC modeling, as follows:

1. The Stormwater Plans do not specify the area details for the 11 x raingardens. The MUSIC model specifies a total area of 407 m² is required. This detail must be included on the plans prior to CC to ensure appropriate stormwater treatment. I have suggested a condition to address this.
2. The Stormwater Plans specify 37 EcoSol pit inserts, the report specifies 35 and the MUSIC model specifies 36 pit inserts. Applicant to clarify and ensure a minimum 36 pit inserts are installed - detailed plans must reflect this.
3. The Stormwater Plans must specify the EcoSol Storm Pit device as a **Class 2** type - this is currently not the case. To be included on the detailed plans prior to CC.
4. The cross section of the raingarden does not match what is modeled in MUSIC for the raingarden swales - i.e. 0.2m extended detention on the plans and 0.3m extended detention in the modeling. Detailed calculations and matching details on all supporting information must be provided prior to CC to ensure the stormwater treatment system satisfies the WSUD Policy requirements.
5. Only 5 x rainwater tanks are shown on the plans while the MUSIC model relies on 7 x rainwater tanks. In addition the size of the rainwater tanks is not included on the Stormwater Plans (minimum 10KL is required). The size and correct number of tanks must be specified on the detailed plans prior to CC.
6. There are plans missing from the submitted Civil Works and Stormwater Drainage Plans package, including drawings DA-C-351 and DA-C-361.

Council's Waterways Officer is therefore still not satisfied that the proposal is consistent with the WSUD Policy objectives. However as requests for information were made four times, suggested conditions were provided by the Waterways Officer as the detail can be provided prior to the issue of a Construction Certificate.

Tree Management Officer

Council's Tree Management Officer noted that the revised tree retention plan was not accompanied by a revised arborist report and raised objection in this regard. However, a condition of consent can require the arborist report to be amended to be consistent with the tree retention plan submitted to and endorsed as part of the development application. Therefore, the Tree Management Officer's concerns have been addressed by recommended conditions of consent.

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

The site is suitable for the proposed development. The proposed development is permissible with consent and the proposal meets the aims and objectives of the relevant environmental planning instruments. Internal departments of Council and external agencies such as the Office of Water and Sydney Water have been consulted. The development proposal will provide for significant public benefit in terms of delivering a state of the art facility catering for the needs of an aging population. For these reasons, the proposal is in the public interest.

Section 94 - Developer Contributions Plans

The following Section 94 calculations apply to the proposed development.

Calculation for Seniors Living Development x 160 units

Open Space

No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
160	x	1.5	-	0	240

City wide

No. of units	x	Rate	-	Credit for existing dwelling/s	Contribution rate
160	x	1.5		0	240

AMOUNT

S.94 Contribution Plan	Contribution Rate x Calculation rate	Total
	360 x \$1.913	\$459,120
District Open Space		
Cultural Facilities	360 x \$ 162	\$38,880
	NET TOTAL	\$498,000

Conclusion

The proposed development is in accordance with the relevant provisions of the environmental planning instruments and Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment through the appropriate conditioning of the development consent.

The proposed development has been assessed against the relevant heads of consideration contained in Section 2.12 and 2.15 (previously Section 23G), Section 4.46 (previously Section 91) and Section 4.15 (previously 79C) of the Environmental Planning and Assessment Act 1979 and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support, subject to the conditions of consent.

Recommendation

That DA17/0237 for the Demolition of Existing Maintenance Shed and Construction of Seniors Housing Development comprising 160 Self-Care Apartments, Related Facilities and Basement Car Parking & Associated Works at 40-48 Garswood Road Glenmore Park be approved subject to the attached conditions and upon receipt of a replacement and suitable site compatibility certificate from the NSW Department of Planning and Environment.

General

1 A001

The development must be implemented substantially in accordance with the plan numbers tabled below and stamped approved by Council, the application form, BASIX Certificate No. 658431M and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Description	Reference	Author	Dated
Location Plan	DA-000	Jackson Teece	04/05/18
Site Plan- Basement	DA-003	Jackson Teece	04/05/18
Site Plan – Ground Floor	DA-004	Jackson Teece	04/05/18
Site Plan – Level 1	DA-005	Jackson Teece	04/05/18
Site Plan – Roof Plan	DA-006	Jackson Teece	04/05/18
Site Plan - Contours	DA-007	Jackson Teece	04/05/18
Site Plan- Proposed Road & Tree Management	DA-008	Jackson Teece	18/05/18
Site Sections	DA-020	Jackson Teece	04/05/18
Bin Collection Area	DA-050	Jackson Teece	04/05/18
Building A & G Basement & Lower Ground	DA-101	Jackson Teece	04/05/18
Building A & G Ground & First Floor Plans	DA-102	Jackson Teece	04/05/18
Building A & G Second Floor & Roof Plan	DA-103	Jackson Teece	04/05/18
Building A & G Elevations	DA-110	Jackson Teece	04/05/18
Building A & G Sections	DA-120	Jackson Teece	04/05/18
Building B Basement/Ground & First Floor Plan	DA-201	Jackson Teece	04/05/18
Building B Second & Roof Plan	DA-202	Jackson Teece	04/05/18
Building B Elevations	DA-210	Jackson Teece	04/05/18
Building B Sections	DA-220	Jackson Teece	04/05/18
Building C Basement/Ground & First Floor Plan	DA-301	Jackson Teece	04/05/18
Building C Second/Third Floor & Roof Plan	DA-302	Jackson Teece	04/05/18
Building C Elevations	DA-310	Jackson Teece	04/05/18
Building C Sections	DA-320	Jackson Teece	04/05/18
Building D – Basement/Ground & First Floor Plan	DA-401	Jackson Teece	04/05/18
Building D – Second/Third Floor & Roof Plan	DA-402	Jackson Teece	04/05/18

Building D – Elevations	DA-410	Jackson Teece	04/05/18
Building D – Sections	DA-420	Jackson Teece	04/05/18
Building E - Ground & First Floor Plan	DA-501	Jackson Teece	04/05/18
Building E - Second/Third Floor & Roof Plan	DA-502	Jackson Teece	04/05/18
Building E - Elevations	DA-510	Jackson Teece	04/05/18
Building E - Sections	DA-520	Jackson Teece	04/05/18
Building F- Basement/Ground & First Floor Plan	DA-601	Jackson Teece	04/05/18
Building F- Second/Third Floor & Roof Plan	DA-602	Jackson Teece	04/05/18
Building F- Elevations	DA-610	Jackson Teece	04/05/18
Building F- Sections	DA-620	Jackson Teece	04/05/18
SEPP 65 Compliance Sheet 1	DA-701	Jackson Teece	04/05/18
SEPP 65 Compliance Sheet 2	DA-702	Jackson Teece	04/05/18
SEPP 65 Compliance Sheet 3	DA-703	Jackson Teece	04/05/18
Perspective Views	DA-940	Jackson Teece	04/05/18
Perspective Views	DA-941	Jackson Teece	04/05/18
Perspective Views	DA-942	Jackson Teece	04/05/18
Perspective Views	DA-944	Jackson Teece	05/04/18
Perspective Views	DA-956	Jackson Teece	18/05/18
Maintenance Building	DA-950	Jackson Teece	04/05/18
Landscape Plans	SS17-3483, Drawing No. 0014 E and 200A.	Site Image Landscape Architects	24/11/17
Landscape Design Report	SS17-3483, Drawing No. 002-008.	Jackson Teece	23/05/17
Civil Works & Stormwater Drainage Plans	2017-1089 DA-C-001 to DA-C-311	LP Consulting	15/06/2017
Plan of Management	-	Mecone	May 2018

2 [A012 - Food Act](#)

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

3 [A014 - LOT CONSOLIDATION](#)

Lot 1617 in Deposit Plan 871803 and Lot 18 in DP 128940 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

4 [A019 - Occupation Certificate](#)

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

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

5 [A021 - Business Registration](#)

The premises 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.

6 [A038 - LIGHTING LOCATIONS](#)

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

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

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

8 [A Special](#)

Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:

- Name of responsible company and relevant contact details.
- Dimensions (height, length, etc.).
- Position and orientation of boom/jib and counterboom/jib.
- Length of time that such a crane or structure will be erected on site.
- The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counterboom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at night, should be positioned so that when displayed it is visible from all directions.
- When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
- No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

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

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

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

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

11 [A Special \(External Plant\)](#)

All mechanical ventilation equipment, ducts, air conditioner services and the like shall be shown on the Construction Certificate documentation as being contained within the building. Gutters and down pipes shall be integrated into the architecture of the building. Any plant or unsightly structures installed on the rooftop must be screen from view.

12 [A Special \(Golf Course Modifications\)](#)

Prior to the issue of an Occupation Certificate, any golf course components made redundant by the subject application, or in close proximity to the proposed development, shall become inoperable.

13 [A Special \(Mini Bus Service\)](#)

Prior to the issue of an Occupation Certificate, provision of a 10 seat bus shall be made available to provide access to and from Glenmore Park Town Centre and Penrith City Centre for residents.

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

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

- (a) The proponent is requested to liaise with Vernon Stanton (02 8837 0295 or Vernon.STANTON@rms.nsw.gov.au) during the design and construction phase of the road upgrade works.
- (b) Access is denied across the property boundary to The Northern Road.
- (c) Any noise mitigation works (including foundations) required for the proposed development need to be contained fully within the developer's land, at the developer's cost.
- (d) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on The Northern Road.
- (e) A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on The Northern Road during construction activities.
- (f) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS.
- (g) Any temporary and/or permanent relocation of utility services adjacent to the Roads and Maritime road corridor requires prior consultation and approval from Roads and Maritime Services.

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

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

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

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

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

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

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

18 [A special BLANK](#)

Prior to the issue of an Occupation Certificate, written confirmation from a suitably qualified and experienced acoustic consultant must be submitted to Council confirming that the acoustic attenuation and alternative ventilation measures required by the acoustic assessment prepared in accordance with a condition of this consent have been installed and that the building has been constructed to meet the project specific noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

19 [A Special BLANK](#)

1. The following community safety and crime prevention through environmental design (CPTED) requirements are to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas and should be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Basement Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the Construction Certificate application.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the buildings including the car parks.
- Australian Standard 220 – door and window locks must be installed in all dwellings.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting should be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Letter boxes are to be provided in accordance with that shown on the plans.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

Fencing

- Fence design should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide. Front fences should preferably be no higher than 1.2 metres. Where a higher fence is proposed, it shall be constructed of open materials (e.g. spaced pickets, wrought iron etc).

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

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that detailed construction plans are submitted including all locations, calculations, drawings, details/type of proprietary devices, sizing of rainwater tanks and designs which are consistent with the design parameters used in the final MUSIC modeling to ensure compliance with Council's Water Sensitive Urban Design Policy.

Demolition

21 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

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

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

22 B003 - ASBESTOS

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

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

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

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

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

23 B006 - Hours of work

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

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

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

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

Environmental Matters

24 D001 - Implement approved sediment& erosion control measures

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

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

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

26 D008 - Filling compaction

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.

27 D009 - Covering of waste storage area

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

28 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

29 **D011 - Noise assessment**

Prior to the issue of a Construction Certificate an acoustic report is to be provided to and approved by the Council (and where necessary, amended in such manner as may reasonably be required by the Council prior to its approval).

The acoustic report is to address the following:

- 1) Road traffic noise impacts associated with The Northern Road upgrades currently under construction. The road traffic noise assessment must be prepared in accordance with Development Near Rail Corridors and Busy Roads- Interim Guideline, 2008 and the NSW Environment Protection Authority Road Noise Policy
- 2) Noise associated with the operation of the golf club including the function and dining areas, amplified music and speech, car park noise (such as vehicles entering/exiting, engines starting and doors closing), patron noise in internal and external areas (based on worst case scenario of full occupation of function and dining facilities), and mechanical plant and equipment. The noise impact assessment must be prepared in accordance with the NSW EPA's Noise Policy for Industry.

The report is to be prepared by a suitably qualified and experienced acoustic consultant.

30 **D015 - Spill prevention & clean-up procedures**

A plan detailing spill prevention, contingency and emergency clean-up procedures in the maintenance shed shall be submitted for approval prior to construction works commencing. The approved procedures plan shall be implemented in the event of a spill or emergency.

31 **D020 - Vehicle wash bay**

All vehicle washing, engine degreasing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the premises shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

32 **D021 - Waste oil storage &**

Waste oil shall be stored in a covered and bunded area inside the maintenance shed and regularly removed to a waste oil recycle operation.

33 **D022 - Mechanical repairs**

All mechanical repairs shall be conducted within the maintenance shed which shall be provided with suitable pollution control devices that removes grease, oil, petroleum products and grime prior to discharge to the sewer system in accordance with the requirements of Sydney Water.

No mechanical work including the painting of vehicles and preparation of vehicles for painting such as rubbing back and washing shall be carried out in open driveways or car parking areas.

The following details are to be submitted to and approved by Penrith City Council before a Construction Certificate can be issued for the development:

- proposed pollution control devices for the maintenance shed in accordance with Sydney Water requirements; and

A copy of Council's approval of the information submitted for the above matters is to be provided to the Certifying Authority as part of the Construction Certificate application.

34 **D023 - Bunding**

All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning. Details are to accompany the application for a Construction Certificate.

35 **D024 - Pre-treatment**

Prior to the issue of a Construction Certificate, details of any pre-treatment facilities as required by Sydney Water and, if required a Section 73 Certificate issued by Sydney Water for the said development, are to be submitted to the Certifying Authority.

36 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

37 **D Special (Unexpected Finds)**

Should any "unexpected finds" occur during site excavation and earthworks, including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Council notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

38 **D Special BLANK**

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

39 **D Special BLANK**

Prior to the issue of the Construction Certificate, a Construction Noise Impact Assessment and Management Plan is to be prepared by a suitably qualified acoustic consultant and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009. The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

40 **D Special BLANK**

Prior to the issue of the Construction Certificate, a Construction Management Plan (CMP) is to be prepared by a suitably experienced / qualified person and submitted to Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority. The CMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CMP is to address, but is not limited to the following:

- Water quality management,
- Noise control and hours of operation,
- Dust suppression,
- Waste management (including solid and liquid waste),
- Erosion and sediment control,

All construction activities on the site are to be implemented and carried out in accordance with the CMP.

41 **D Special BLANK**

Chemicals, including inorganic fertilisers, herbicides, pesticides and fuel, are to be stored in a bunded, weatherproof and lockable area. Chemicals that are not compatible are not to be stored together.

42 [D Special BLANK](#)

Prior to the issue of an Occupation Certificate the following is to be submitted to and approved by Penrith City Council:

- For the internal movement of 1100L bins a bin tug device is required to be provided and stored within the development in accordance with section 3.6 of the 'Residential Flat Building Guideline' document. Device specifications, use, operational requirements and an amended 'Waste Management Plan' is required to be submitted to Council for approval.
- The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.
- Note: By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement.

43 [D Special BLANK](#)

The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- The Chute Room of 'Building G' shall indicate the required waste collection infrastructure/internal configurations on the architectural plans in accordance with sections 3.5.1 and 3.7.2 of the 'Residential Flat Building Waste Management Guideline' document.
- The dual chute inlets accessible on each residential level of buildings A-G are to be contained within 'Chute Cupboards'. The outwards opening dual doors to incorporate respective seals and ventilation to eliminate the discharge of odour into the residential lobbies.
- The chute room of 'Building B' shall indicate the required waste collection infrastructure/internal configurations on the architectural plans in accordance with section 3.5.1 of the 'Residential Flat Building Waste Management Guideline' document.
- The chute rooms of 'Buildings A-G' shall provide a 1.8m unobstructed clearance between the linear track and the door for the loading of 1100L bins as outlined within section 3.5.1 of the 'Residential Flat Building Waste Management Guideline' document.
- All on-site waste collection infrastructure, doors and access points (Waste Chute Room, Waste Collection Room, Bulky Household Waste Collection Room, Hoist and Loading bay) are to be locked through Councils Abloy Key System. System specifications are outlined in section 3.5.5 of the 'Residential Flat Building Guideline' document.
- All on-site waste collection infrastructure (Waste Chute Room, Waste Collection Room, Bulky Household Waste Collection Room and Loading bay) is to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
- The provision of regulatory signage labelled "No Parking - Waste and Removalist Vehicles Excepted" (R5-445 or R5-447 modified) is required to be installed outside the loading bay for Councils 10.5m Heavy Rigid Waste Collection Vehicle.

BCA Issues

44 [E006 - Disabled access and facilities](#)

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

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

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

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

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

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

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

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

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

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

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

Health Matters and OSSM installations

47 **F001 - General Fitout**

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*. Prior to the issue of the **Construction Certificate** detailed design information and plans of the food preparation and food storage areas must be provided to Penrith City Council for assessment and approval. These plans should include detailed mechanical ventilation design and sizing provided by an appropriately qualified mechanical engineer. As a minimum the following plans should be provided:

· A site plan - including food areas, waste storage area, grease trap, wash down areas and toilet facilities for food handlers.

· A floor plan or sectional elevation drawings showing fittings and equipment, mechanical ventilation, refrigeration and freezers, dry storage areas and finishes to floors, walls and ceilings,

48 F007 - Hairdressing regulations

The operator of the personal care room (treatment room -hairdresser/ beauty salon) 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. In particular, the following shall be provided **prior to the issue of an Occupation Certificate**:

- The walls and floor of the treatment room 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.
- Provide a hand wash basin in the treatment room/s where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).
- Provide 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).
- Ensure there is an appropriate sharps container 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.
- All sharps generated from the operation of the business 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 the business.
- The personal care room must be clean and in good repair and structurally suitable for the carrying out of hairdressing and skin penetration. The personal care room must be provided with facilities that are adequate for the purpose of keeping hairdressing and skin penetration appliances and utensils clean.
- The personal care room must be provided with facilities that are adequate for the purpose of keeping hairdressing and skin penetration appliances and utensils clean.
- The premises must be provided with washing, drainage, ventilation and lighting facilities that are adequate for the carrying out of hairdressing and skin penetration.
- The personal care room must be provided with floor coverings, shelves, fittings and furniture that are suitable for the carrying out of hairdressing and skin penetration

49 F022 - Commercial kitchen(exhaust system)

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 AS1668 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 ventilation and extended 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 Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 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

50 F025 - Food safety supervisor

A Food Safety Supervisor, with a current Food Safety Supervisor Certificate recognised by the NSW Food Authority, must be appointed by the business prior to commencement of the business.

51 **F046 - Cleaners sink**

A cleaners sink must be provided in each individual building, within the cleaners closet or other approved location, and shall be serviced with hot and cold water through taps fitted with hose connectors and installed in accordance with Sydney Water requirements. Details in this regard shall be shown on the Construction Certificate plans.

52 **F151 - Registration & Notification**

Public swimming pool 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 pool and spa pools. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the premises or pool.

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.

53 **F152 - Construction & operation compliance**

The construction and operation of the swimming pool and surrounds 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. Detailed design plans and information must be submitted to Council for approval prior to the issue of the construction certificate. Detailed information should include, but not be limited to, water treatment, filtration and disinfection.

54 **F153 - Disinfection - water**

The occupier of premises at which a public swimming pool or spa pool 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.

55 **F154 - Facilities**

The occupier of premises at which a public swimming pool 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.

Utility Services

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

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

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

57 **G004 - Integral Energy**

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

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

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

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

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

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

Construction

59 [H001 - Stamped plans and erection of site notice](#)

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

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

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

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

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

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

60 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

61 H033 – Clothes line

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

62 H041 - Hours of work (other devt)

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

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

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

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

Engineering

63 K101 - Works at no cost to Council

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

64 **K201 - Infrastructure Bond**

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.

65 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged 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) Road occupancy or road closures
- e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
- f) Temporary construction access

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) 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 or Subdivision Certificate as applicable.
- d) On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

66 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plans lodged for development approval by LP Consulting, drawing number DA-C-300 to DA-C-371, revision F, dated 15/06/2017.

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

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).

68 **K214 - Flooding – Floor levels**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of 47.6m AHD for Blocks A, B & G, 48.5m AHD for Block C, 50.0m AHD for Block D, and 51.0m AHD for Block E.

69 **K220 - Overland Flow Report Recommendations**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Overland Flow Flood Report by LP Consulting, reference number 2017-1089, revision A, dated 15/06/2017.

70 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

71 **K224 - Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted 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 the following: 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. 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 Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

The TMP shall be supported by a traffic control plan, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, 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 RTA accredited Work Site Traffic Controller.

72 **K226 - Basement Geotechnical Testing/ Dilapidation Report**

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 stability of the 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 Road and Maritime Services as amended. The development shall undertake 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 Construction Certificate and then updated and submitted prior to any Occupation Certificate confirming no damage has occurred.

73 **K301 - Sediment & Erosion Control**

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

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

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

A certificate by a registered surveyor verifying that all habitable floor levels are at or above the following levels shall be submitted to the Principal Certifying Authority upon completion of the buildings to those levels: 47.6m AHD for Blocks A, B & G, 48.5m AHD for Block C, 50.0m AHD for Block D, and 51.0m AHD for Block E RL 51.0m AHD. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifying Authority.

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

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

76 [K511 - Directional signage](#)

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

77 [K Special \(BLANK\)](#)

All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.2- 2—2; AS2890.6-2009 and Council's requirements.

78 [K Special \(BLANK\)](#)

All car spaces are to be line marked and dedicated for the parking of vehicles only and not be used for storage of materials/waste materials etc

79 [K Special \(BLANK\)](#)

Subleasing of car parking spaces is not permitted by this Consent.

80 [K Special \(BLANK\)](#)

Prior to the issue of any Occupation Certificate, secure bicycle parking is to be provided at convenient location(s) in accordance with *AS2890.3:2015 Bicycle Parking Facilities*.

81 [K Special Condition BLANK](#)

Prior to the issue of any Occupation Certificate, the Certifying Authority shall ensure that the new site access off Glenmore Parkway has been constructed and finalized by the RMS.

Landscaping

82 [L000 Landscape Design](#)

Prior to the issue of a Construction Certificate a revised Landscape Design Report prepared by a suitably qualified and experienced landscape professional shall be submitted to, and approved by, Council. This revised Report shall be consistent with the tree retention plan drawn by Jackson Teece, referenced 2016070, dated 05/11/18 and revised arborist's report required as a condition of this consent.

83 [L001 - General](#)

All landscape works are to be constructed in accordance with Appendix F5, Section 2.9 Landscape Technical Specifications of the Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

84 [L002 - Landscape construction](#)

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

85 **L003 - Report requirement**

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

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional.

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

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a suitably qualified and experienced landscape professional.

iii. 3 Year Landscaping Report

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

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

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

86 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with Appendix F5, Landscape Technical Specifications of the Penrith Development Control Plan 2014.

87 **L006 - Aust Standard**

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

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

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

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Council's Development Control Plan 2014 and Australian Standards, Protection of trees on development sites, AS 4970 -2009.

89 **L Special (Arborist Report)**

An revised arborist report/ Arboricultural Impact Assessment must be submitted reflective of the tree retention plan drawn by Jackson Teece, referenced 2016070, dated 05/11/18.

90 **L Special (BLANK)**

Prior to the issue of an Occupation Certificate, an ongoing Tree Management Plan (TMP) shall be submitted. The TMP shall detail how the retained trees on the site will be managed and cared for in the long-term. The recommendations of the TMP shall be implemented in perpetuity

Development Contributions

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$38,880.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$459,120.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Payment of Fees

93 **P001 - Costs**

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

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

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

Certification

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

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

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

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

Information to accompany the Notice of Commencement

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

96 **Q05F - Occupation Certificate**

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

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

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

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

The proposed development is generally in accordance with the relevant provisions of Penrith Development Control Plan 2014. The primary development controls relating to the development of this site are contained within the residential chapter of the DCP. An assessment of the application has been undertaken and, on balance, the proposal is consistent with the relevant provisions.

Car Parking

The car parking rate for seniors housing refers to State Environmental Planning Policy (Seniors Living) 2004. As such, the car parking rate in that instrument has been applied and compliance is demonstrated in Section 79C(1)(a)(i).

D2 Residential Development

The primary development controls relating to the development of this site are contained within the residential chapter of the DCP. An assessment of the application has been undertaken and, on balance, the proposal is consistent with the relevant provisions noting that the SEPP for Seniors prevails in the event of inconsistencies.