

CONDITIONS SUMMARY

Application Number:	DA18/1205
Assessing Officer	Gemma Bennett
Land to be developed (Address):	Lot 1 DP 1114090 35 - 65 Derby Street KINGSWOOD NSW 2747
Proposed Development:	Construction of 68 Place Child Care Centre & Associated Site Works

General

1 A001

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

Doc. No.	Issue	Title	Prepared By	Date
Architectural Plans				
29929-A01	G	Site plan	Barnson Pty Ltd	-
29929-A02	C	Floor plan	Barnson Pty Ltd	-
29929-A03	D	Storage shed plans	Barnson Pty Ltd	-
29929-A04	A	Elevations 1	Barnson Pty Ltd	-
29929-A05	D	Elevations 2	Barnson Pty Ltd	-
29929-A06	B	Sections	Barnson Pty Ltd	-
29929-A08	A	Materials and finishes	Barnson Pty Ltd	-
Civil Engineering Plans				
29929_C05	C	Proposed stormwater management plan	Barnson Pty Ltd	27/02/2019
29929_C06	C	Stormwater specification plan	Barnson Pty Ltd	27/02/2019
29929_C10	A	Proposed stormwater catchment plan	Barnson Pty Ltd	25/03/2019
Landscape Plans				
29929 LA 01	D	Landscape concept plan	Barnson Pty Ltd	20/03/2019
29929 LA 02	D	Tree retention and removal plan	Barnson Pty Ltd	20/03/2019
29929 LA 03	D	Finishes plan	Barnson Pty Ltd	20/03/2019
29929 LA 04	D	Equipment and structures plan	Barnson Pty Ltd	20/03/2019
29929 LA 05	D	Planting plan	Barnson Pty Ltd	20/03/2019
29929 LA 06	D	Notes and planting schedule	Barnson Pty Ltd	20/03/2019

- Nepean Hospital Child Care Centre Acoustic Assessment by Acoustic Logic, Doc. Ref. 20181646.1/2111A/R0/TT, dated 21/11/2018.
- Letter from Acoustic Logic, Ref. No. 20181646.1/2502A/R0/TT, dated 25/02/2019.
- Air Quality Assessment by CETEC, Project Ref. CN181121, dated 14/11/2018.
- Air Quality Assessment by CETEC, Project Ref. CN190268 (update to CBRE Air Quality Assessment V1.1), dated 20/03/2019.
- Response letter from mecone, dated 02/04/2019.
- Traffic Report by ptc., dated 21/11/2018.
- Arborist Report by Moore Trees, dated 20/11/2018.
- Data Gap Assessment (Contamination Report) by JBS&G, Ref. 54794/118321, dated 04/10/2018.

2 A012 - Food Act

The proprietor of the child care centre 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 A021 - Business Registration

The business 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 occupation and operation** of the business.

4 A026 - Advertising sign (not for residential)

A separate development application for the erection of a sign or advertising structure, other than signage or advertising approved by this consent or listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.

5 A038 - LIGHTING LOCATIONS

Prior to occupation 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 landuses. 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).

6 A039 - Graffiti

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

7 A Hours of Operation

The operating hours are from 6:00am to 6.30pm Monday to Friday.

The centre is not to operate on weekends or public holidays. Staff are not permitted to generate noise that can be heard from an adjacent premises before 7.00am. Deliveries are only to occur during these times of operation.

8 A Special (BLANK)

Any street tree planting is to be provided in consultation with and to the satisfaction of Penrith City Council and applied in accordance with the Kingswood Public Domain Manual, adopted 29 September, 2014. In this regard, concurrence must be obtained from Penrith City Council prior to the planting of any trees.

9 A Special (BLANK)

The maximum number of children placed at the centre is to be limited to 68 as follows:

- 24 x 0-2 year old children;
- 15 x 2-3 year old children; and
- 29 x 3-5 year old children.

The premises is to be licensed by the NSW Department of Education and Communities under the Children (Education and Care Services) National Law (NSW), Education and Care Services National Regulations and National Quality Framework prior to commencing operation.

10 A Special Condition (BLANK)

Prior to works commencing the Landscape Plans must be amended and resubmitted to Council for approval. The landscape plans must include details for both bioretention basins/raingardens including location, planting type and density in accordance with Section 6.1 of the *WSUD Technical Guidelines*. Evidence of concurrence from Council is to be provided to Penrith City Council.

11 A Special Condition (BLANK)

Prior to works commencing the Stormwater Management Plans must be amended and resubmitted to Council for approval. The plans must include the location of the Enviropod and must show the bioretention basin extended detention depth that corresponds to the submitted MUSIC modeling.

12 A Special Condition (BLANK)

Prior to works commencing the MUSIC modeling must be amended and resubmitted to Council for approval. **The model must include all proposed hard surfaces and landscaped areas that form part of the development.**

13 A Special Condition (BLANK)

Prior to works commencing the stormwater management strategy must be modified to incorporate the requirements of Section 3.1 of Councils WSUD Policy which relates to the use of efficient (WELS) rated fittings and rainwater harvesting and reuse.

Demolition

14 B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE

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

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be made available to Penrith City Council on request.

Environmental Matters

15 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.

16 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.

17 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 **prior to commencement of works**.

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.

18 D013 - Approved noise level 1

Noise levels from and within the premises shall not exceed the relevant noise criteria detailed in 'Nepean Hospital Child Care Centre Acoustic' by Acoustic Logic Consultancy Pty Ltd (Doc. Ref. 20181646.1/2111A/R0/TT), dated 21/11/2018.

The recommendations provided in the above-mentioned acoustic report are to be implemented, and are also to be incorporated into the design and construction of the development including being **shown on plans prior to works commencing**.

A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to Penrith City Council.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

19 D026 - Liquid wastes

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

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

20 D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)
An appropriately qualified person/s (as defined in the Penrith Development Control Plan) shall:

- Supervise all filling works.
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
 - be prepared by an appropriately qualified person (as defined in the Penrith Development Control Plan) with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2009, and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

If Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

{Note: Penrith Development Control Plan 2014 defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

21 D - Dust

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

22 D - Mud/Soil

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

23 D Barrier fence

A 3.0 metre high barrier fence is to be constructed on the northern and eastern boundaries of the outdoor play area in accordance with the approved plans **prior to occupation**.

24 D Internal Air Quality

Air quality within the premises shall not exceed the relevant air quality criteria detailed in the 'Air Quality Assessment - New Childcare Centre on the Nepean Hospital Campus, 256a Greater Western Highway, Kingswood 2747' prepared by CETEC Pty Ltd dated 20 March 2019 (Ref. No. CN190268 CBRE Air Quality Assessment (Update to CN181121 CBRE Air Quality Assessment V1.1)).

The recommendations provided in the above-mentioned air quality assessment shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans prior to commencement of works**.

A certificate is to be obtained from a suitably qualified air quality consultant certifying that the development has been constructed in accordance with the recommendations of the approved air quality assessment. This certificate is to be submitted to Penrith City Council **prior to occupation**.

25 D Mechanical Plant

All mechanical plant and equipment is to comply with the noise criteria outlined in 'Nepean Hospital Child Care Centre Acoustic' by Acoustic Logic Consultancy Pty Ltd (Doc. Ref. 20181646.1/2111A/R0/TT), dated 21/11/2018.

Prior to commencement of works, 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.

26 D 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 Penrith City Council is to be 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 works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

BCA Issues

27 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 **prior to the commencement of works**.

28 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.

29 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

30 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*.

31 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 **prior to the commencement of works**.

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 2000mm above floor level.

Prior to occupation 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.

32 F027 - Hand basins

Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

33 F028 - Staff toilets

Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.

34 F029 - Hand basin within staff toilets

A hand basin must be located within the toilet cubicle. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

35 F031 - Floor & floor waste

The floor of the food premises must be finished in an approved non absorbent material, evenly laid, or graded and drained to a trapped floor waste. All floor wastes in the food preparation, service and scullery area must be fitted with a sump removable basket and grate, a minimum 200mm in diameter, and finished in all stainless steel.

36 F032 - Floor covering

Approved, recessed coving must be provided at all intersections of the floor with the walls within all food preparation, service, storage and scullery areas. All coving must have a minimum concave radius of 25mm and be installed so as to be integral to the surface finish of both floor and wall in such a manner as to form a continuous, uninterrupted surface.

37 F033 - Walls – food prep area

The walls of the food preparation area must be of solid construction and finished with glazed ceramic tiles or other approved material to a height of 2 metres. The intersection of tiles and render must have a flush finish, or be splayed at a 45 degree angle to eliminate a ledge that would allow dust and grease to accumulate.

38 F034 - Walls – behind cooking appliances

The walls at the rear of cooking appliances must be surfaced with an impervious material, such as stainless steel, which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin proof seal. Cooking appliances must only be sealed to walls made of a non-combustible material.

39 F035 - Ceilings

The ceiling in the preparation, service and scullery areas must be constructed with a rigid, non-absorbent, smooth faced material free from open joints, cracks and crevices and be painted with a light coloured washable paint. The intersection of the walls and ceiling must be tight jointed, sealed and dust proofed. Drop-in panel style ceilings are not permitted.

40 F036 - Service pipes

Service pipes, electrical conduits, refrigeration condensate pipes shall be enclosed or chased into walls, floors or plinths. Where it can be demonstrated that this is not feasible pipes and conduits fixed on brackets, providing a minimum of 25 mm clearance from the adjacent wall and 100 mm from the floor or adjacent horizontal surface, can be used. All openings in walls, floors and ceilings, through which service pipes and conduits pass, must be vermin proof.

41 F042 - Dishwasher

Should a dishwasher be provided to the kitchen, the sanitising rinse cycle must achieve a water temperature of 80°C for 2 minutes or 75°C for 10 minutes.

42 F044 - Sink & splashback construction

The premises must be equipped with either a double bowl sink or a single bowl sink and a dishwasher, separate to the hand wash basin. All wash sinks must be serviced with warm running potable water. The sink/s must be constructed of stainless steel, have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment, be fitted with a draining area at each end, and have a splashback as part of the unit at least 300mm up the wall.

43 F047 - Fixtures & fittings

All fixtures, fittings and equipment must be provided with smooth and impervious surfaces, free from cracks and crevices to enable easy cleaning.

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

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

Note: False bottoms under fittings are not permitted (AS4674-2004 – Section 4.2 and 4.3).

44 F048 - Food prep benches

All food preparation benches must be constructed in stainless steel or finished in a smooth and non-absorbent approved material that is free of joints.

45 F050 - Light bulbs & tubes

Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.

46 F051 - Shelving

Shelves must be smooth and impervious; free from joints, cracks and crevices; and able to be easily cleaned. The lowest shelf must be at least 200mm off the floor to allow easy cleaning underneath. Approved materials must be used, such as galvanised piping, stainless steel or laminated plastic. Shelves are to be sealed to the wall or kept clear of walls to allow easy access for cleaning (>40 mm).

47 F057 - Waste storage

All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

Utility Services

48 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 obtained **prior to occupation**.

49 G004 - Integral Energy

Prior to commencement of works, 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 commencement of works for the development as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

50 G006 -

Prior to the commencement of above ground works, written advice must be obtained from an approved telecommunications carrier stating that satisfactory arrangements have been made to ensure provisions of adequate services.

Construction

51 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent 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 project manager, 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 following occupation of the development.

52 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.

53 H041 - Hours of work (other devt)

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

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

Other works being carried out inside a building and that do not involve the use of equipment that emits noise 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 works.

Engineering

54 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.

55 K209 - Stormwater Concept Plan

The stormwater management system shall be provided generally in accordance with the MUSIC modeling prepared by Bonacci Group dated 27 February 2019 and associated concept plan/s lodged for development approval, prepared by Barnson P/L reference 29929-C00 to 29929-C04 and 29929-C07, revision A dated 21 November 2018; 29929-C05 to 29929-C06 revision C dated 27 February 2019; 29929-C10 revision A dated 25 March 2019.

Prior to works commencing a suitably qualified person will ensure that the stormwater management system, engineering plans and supporting calculations, are designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

56 K210 - Stormwater Management

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Barnson, reference number 29929_C04, revision A, dated 21/11/2018.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person.

Prior to the commencement of works, the stormwater management system must be designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

57 K214 - Flooding – Floor levels

A registered surveyor must verify that floor levels are constructed in accordance with the stamped approved plans, with a minimum floor level of RL 51.35m AHD (standard flood level + 0.5m freeboard).

58 K222 - Access, Car Parking and Manoeuvring – General

All vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development must be in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith Development Control Plan 2014.

59 K301 - Sediment & Erosion Control

Prior to works commencing sediment and erosion control measures shall be installed in accordance with the approved plans 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.

60 K502 - Works as executed – General and Compliance Documentation

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

61 K503 - Stormwater Compliance

Prior to occupation, a suitably qualified person shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved plans and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

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

62 K504 - Restriction as to User and Positive Covenant

Prior to occupation, a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F

63 K - Waterways - Stormwater Management system operation and maintenance

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

Landscaping

64 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plan as amended to satisfy condition 1 of this development consent and Section's C2 'Vegetation management' and C6 'Landscape Design' of 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.

65 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 landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (2 / 3) landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and **prior to occupation** of 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 landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (2 / 3) landscape works.

A copy of the satisfactory Implementation Report is to be submitted to Council **prior to Occupation of the development.**

66 L005 - Planting of plant

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

67 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.

68 L Special BLANK

In accordance with the recommendations of Clause 4.3 of the Arboricultural Development Assessment Report, prepared by Moore Trees, author Paul Vezgoff, dated November 2018, amendments in design are required to be undertaken to ensure that there is no encroachment within 4.5 metres of Tree 234. This includes the construction/excavation that is required for the construction of the retaining wall. The amendments in design shall also permit a Tree Protection fence to be installed at 4.5 metres from Tree 234.

The Project Arborist shall also confirm whether appropriate Tree Protection Measures can be applied to Trees 259 & 262 or whether the scope of works are too large an intrusion into the TPZ of these trees (refer to the Arboricultural Development Assessment Report, prepared by Moore Trees, author Paul Vezgoff, dated November 2018 for details). If it is determined that the proposed works are too great an intrusion then appropriate recommendations shall be provided as a addendum to the above mentioned report.

In the Arboricultural Development Assessment Report, prepared by Moore Trees, author Paul Vezgoff, dated November 2018 there is a duplicate in numbering for Tree 255. Both trees are located adjacent to the car park but in slightly different locations. **The Tree 255 (a small *Toona australis*, Red Cedar) that is adjacent to the loading dock area shall be know as 258 and designated as a tree to be removed.** The second Tree 255 (*Eucalyptus punctata*, Grey Gum) is to be retained and protected and is within the clump of trees numbered 256 & 257.

Amended architectural, landscaping and arboricultural plans in accordance with the above requirements are required to be provided to Council prior to the **prior to commencement of works.**

69 L Special Landscaping

Landscaping as proposed within the scope of the construction of the childcare facility shall be in accordance he Planting Plan, prepared by Barson Pty Ltd, Dwg No 29929 LA 05, Revision D, dated 20/3/2019.

To compensate for the removal of the trees on the site for the purpose of constructing the approved works, replacement plantings are to be provided at a rate of 3:1.

Landscaping for the actual work site can remain as proposed in the Planting Plan, prepared by Barson Pty Ltd, Dwg No 29929 LA 05, Revision D, dated 20/3/2019 with additional replantings to occur anywhere on the site.

Additional plantings shall be nominated to be planted in a designated landscape area where they can be provided with sufficient space to grow and thrive and be permitted to be retained until they reach maturity.

70 L Special Trees to be removed

Removal of trees shall be in accordance with the Arboricultural Development Assessment Report, prepared by Moore Trees, author Paul Vezgoff, dated November 2018 and any approved addendum to this report.

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by C2 Vegetation Management, Penrith Development Control Plan, is to be retained and protected from construction damage and pruning.

71 L Special Trees to be retained and protected

Trees to be retained and protected shall be in accordance with the following:

- Arboricultural Development Assessment Report, prepared by Moore Trees, author Paul Vezgoff, dated November 2018 and any approved addendum to this report; and
- Tree Retention and Removal Plan, prepared by Barson Pty Ltd, Dwg No 29929 LA 02, Revision D, dated 20/3/2019; and
- AS4970 - 2009, Protection of Trees on Development Sites.

