

COUNCIL ASSESSMENT REPORT

Panel Reference	2019WCI023
DA Number	DA17/0237.03
LGA	Penrith
Proposed Development	Modifications to Access Driveway Alignment & Landscaping Works - Seniors Housing Development comprising 160 Self-Care Apartments, Related Facilities, Basement Car Parking & Associated Works
Street Address	40 – 48 Garswood Road Glenmore Park
Applicant	The Sunshine Property Investment Group
Owner	Penrith Golf & Recreation Club Pty Ltd
Date of DA lodgement	11 September 2018
Number of Submissions	1 (Requested to be listed as a submitter at SWCPP meeting in September)
Recommendation	Refusal
Regional Development Criteria (Schedule 4A of the EP&A Act)	Class 2 Modification Application
List of all relevant s4.15(1)(a) matters	• Penrith Local Environmental Plan 2010 (Amendment 4) • Penrith Development Control Plan 2014 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • 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 No.65 – Design Quality of Residential Flat Development • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
List all documents submitted with this report for the Panel's consideration	- Further Amended Plans (Appendix 1) - Further Amended Landscape Design Report (Appendix 2) - Further Amended Basement Plan (Appendix 3) - Previous Assessment Report (16 September 2019) (Appendix 4) - Record of Deferral (16 September 2019) (Appendix 5)
Report prepared by	Lauren Van Etten
Report date	18 November 2019

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

Yes – where appropriate

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

No

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

N/A

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SWCPP Ref. No.:	2019WCI023
DA No.:	DA17/0237.03
PROPOSED DEVELOPMENT:	Modifications to Access Driveway Alignment & Landscaping Works - Seniors Housing Development comprising 160 Self-Care Apartments, Related Facilities, Basement Car Parking & Associated Works - Lot 18 DP 128940, Lot 1617 DP 871803,40 - 48 Garswood Road, GLENMORE PARK NSW 2745
APPLICANT:	The Sunshine Property Investment Group
REPORT BY:	Lauren Van Etten, Environmental Planner, Penrith City Council

Assessment Report

Executive Summary

Background

On the 16 September, 2019, DA17/0237.03 was reported to the Sydney Western City Planning Panel meeting for determination. The application was provided with a recommendation for refusal. Following a request from the applicant, the Panel unanimously agreed to defer determination of the application for amendments to be made to the proposal with specific regard to landscaping and visual amelioration of the proposal from The Northern Road, vehicular access and circulation alignment, re-located common open space areas and energy efficiency measures.

This report is a further assessment report that responds to the amendments made to the application by the applicant following the above resolution of the Panel.

Previous Development Application History

The Sydney Western City Planning Panel previously considered a Development Application for Seniors Housing Development on 25 June 2018. The application was approved by the Panel subject to conditions of consent.

Summary of Further Assessment and Recommendation

Following the resolution of the SWCPP on 16 September 2019 the applicant amended the proposed modification application to respond to the matters raised. The proposed amendments to the application are as follows:-

- (1) Remove the eastern landscaped area (80m) from the application;
- (2) Amendments to the driveway layout, including:
 - (2a) Delete the basement entrance to Block D and reconfigure remaining driveway, ground level parking spaces and waste storage area accordingly;
 - (2b) Provide alternative vehicular access entry point into the development to retain the 80m landscaped setback.
 - (2c) Relocate 10 parking spaces from ground to basement parking areas.
- (3) Incorporate landscaped and open space areas within the eastern setback of the development, which was previously proposed as a driveway area.

In accordance with Appendix F4 (Notification and Advertising) of Penrith Development Control Plan 2014, the original modification application was advertised in the local newspaper and notified to the owners and occupiers of adjoining and nearby properties. The public exhibition period for the proposal was from 17 September to 1 October 2018 and no submissions were received. The proposed amendments to the application as outlined above were not considered to warrant further notification or public exhibition in accordance with the provisions of Penrith Development Control Plan 2014, as the amendments do not significantly alter the development as originally proposed to be modified.

An assessment of the proposed amendments under Section 2.12, Section 4.15 and Section 4.55(2) of the Environmental Planning and Assessment Act 1979 has been undertaken and the proposal is now recommended for approval subject to revised recommended conditions of consent which are **underlined and bold.**

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 Garwood 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.

The Northern Road Upgrade works include 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).

A site inspection revealed that the 80m setback to The Northern Road has been filled and all trees have been removed.

Proposal

Original Modification Proposal

- (1) Alter the eastern landscaped area (80m) from open space to retain as golf course lands
- (2) Amendments to the driveway layout, including:
 - (2a) Relocate the driveway leading to Building D so that it runs north south directly opposite the entry to Parking Area 2 (required due to amendment (1) above;
 - (2b) Provide alternative vehicular access entry point into the development to retain the 80m landscaped setback.

Amendments made since SWCPP deferral

The applicant seeks approval for the following modifications to the originally approved development:

- (1) Remove the eastern landscaped area (80m) from the application;
- (2) Amendments to the driveway layout, including:
 - (2a) Delete the basement entrance to Block D and reconfigure remaining driveway, ground level parking spaces and waste storage area accordingly;
 - (2b) Provide alternative vehicular access entry point into the development to retain the 80m landscaped setback.
 - (2c) Relocate 10 parking spaces from ground to basement parking areas.
- (3) Incorporate landscaped and open space areas within the eastern setback of the development, which was previously proposed as a driveway area (deleted due to amendment (2) above).

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 2.12 – Sydney Western City Planning Panel (SWCPP)**

Under Clause 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the consent authority is a regional planning panel for development that is declared by an environmental planning instrument as regionally significant development. Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, specifies that development that has a capital investment value (CIV) of more than \$30 million is regionally significant development.

In accordance with 4.5(b) of the *Environmental Planning and Assessment Act 1979*, the Sydney Western City Planning Panel (SWCPP) is the determining authority as the proposal has a CIV over \$30 million and the proposed modifications are considered a 4.55 (2) application.

- **Section 4.15 - 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 4.55(2) - Other modifications**

The proposed modifications have been assessed in accordance with the matters for consideration under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. The proposed modifications, as amended, are considered to now represent substantially the same development as that originally granted development consent, noting the 80m front setback is no longer heavily vegetated nor relied upon, however there is landscaping embellishment proposed within the area subject to the lease (80-90m from the Northern Road). The visual impacts as viewed from the Northern Road are ameliorated by the amended development which now provides for an acceptable interface presentation to The Northern Road, similar to the original approved development.

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

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

The modified proposal remains compliant with the relevant provisions of the SEPP.

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

The modified proposal remains compliant with the relevant provisions of the SEPP however the following clauses are addressed in detail below:

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 22 June 2018.

Clause 24(1)a(i), however, 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.

The site compatibility certificate under which the development application was previously approved includes the requirement that the development provide an appropriate buffer to The Northern Road upgrade for visual amelioration purposes. Within the original assessment the Panel was satisfied that the extensive 80m setback between the car parking adjacent to Block D, which was heavily vegetated, was adequate to satisfy that requirement. However this setback is no longer vegetated nor proposed to be landscaped as the land is to be utilised for the golf course. To satisfy the requirements of the certificate the modified proposal now includes additional landscape embellishment within the lease area east of the proposed buildings and this landscaping, in addition to the reinstatement of the golf course 80m setback, is considered satisfactory as detailed within Clause 33. Therefore, the requirement of the certificate is still considered to be achieved as a consequence and Site Compatibility Certificate is deemed to still be valid.

Part 2 Site-Related Requirements

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

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 modified proposal is considered compliant with the provisions within the guidelines which intend to respond to context, contribute to streetscape and employ site planning and design principles. More specifically, the 80m setback coupled with the proposed landscape embellishment within the subject site complements the surrounding locality and minimizes the visual impact, built form, scale and massing of the proposed development.

Clause 33- Neighbourhood Amenity and Streetscape

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

Character and Neighbourhood Amenity

This clause states that proposals should recognize the desirable elements of the locations current character. 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 was originally provided and existing vegetation was to be preserved and also embellished to buffer and screen the scale of the development from the main roads and provide a sense of canopy connection that retain the character of the existing streetscape. While the modified proposal will maintain a buffer distance of 80m

from The Northern Road and Glenmore Parkway, it is no longer heavily vegetated nor is it to be relied upon to ameliorate the scale of buildings within the surrounding green space. The modification results from the intention of The Golf Club to utilise this 80m setback for the golf course. The proposed development, therefore, will utilise the eastern edge of the development to provide a landscape buffer between the seniors development and The Northern Road.

Council's Landscape Architect reviewed the landscape plan and noted that additional planting could be incorporated into the eastern side of the development to screen the buildings. Therefore, it is recommended that the landscape plan be further amended in red to double the number of trees to be planted within the eastern side setback and also change their species to ones which are evergreen and capable of reaching a mature height of 15 metres to ensure the landscape buffer is embellished appropriately.

The developments highest 4 storey buildings have been located on the eastern side of the site. The views for the proposed residents of the 80m setback is not considered to adversely affect the occupants visual amenity and outlook when compared to the current approved development given the 80m setback is to be reinstated as golfcourse.

It is therefore considered that the modified proposal would not adversely affect the character and amenity of surrounding environment subject to recommended conditions of consent relating to landscaping works.

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.

Regarding proposed planting, the previous plan to embellish this 80m with further landscaping is no longer proposed. However the golf club intend to reinstate this area as a golf course and therefore it can be relied upon informally. Further, more formally, the proposal includes a 10-20m wide strip of landscaping along its eastern setback, the diversity and species of which appropriately responds to the character and screens the development.

Regarding existing vegetation, within the original application, the arborist report stated that all trees within the 80m front setback to the east of the proposed buildings were to be retained. The modified proposal excludes this area from the development. It is noted that the majority of vegetation within this area has been cleared however this matter is for investigation separate from the development assessment process. That being said, given the vehicular access arrangements have changed with the modification there is scope to retain alternative trees within the eastern setback of the development, within the area that is actually subject to the modification application. Therefore, a recommended condition of consent will require the arborist report to be amended and an associated tree retention plan to incorporate existing trees that can be retained as a result of the amended design. Subject to this condition of consent, it is considered the modified proposal retains trees where possible.

Clause 34 - Visual and Acoustic Privacy

The modified proposal is considered to maintain visual and acoustic privacy within the development for the reasons outlined above. The layout of buildings across the site, design of the buildings themselves and the setbacks remain the same and the provision of an amended landscape buffer to the golf course land to the east and between the proposal and the Northern Road will ensure that privacy within the development is maintained.

Clause 38 - Accessibility

The modified proposal has been designed to provide obvious pedestrian links to public transport services and convenient access as is required. More specifically, the pedestrian path to the bus stop may be longer than it was previously however the distance remains compliant with the requirements of Clause 26 of the SEPP. In addition, wayfinding signage is recommended as a condition of consent.

While there are no explicit numeric requirements for visitor parking under the SEPP, 17 at grade spaces are provided in addition to the 170 spaces within the basement required by Clause 50. Originally there were 35 spaces at ground however 10 of those have been relocated into the basement to ensure additional landscape planting is provided in prime locations for screening purposes as viewed from The Northern Road. This modified parking arrangement thus satisfies the design principle 38 which states that "convenient access and parking for visitors" is provided.

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.

A referral may be required to the RMS but this is dependent 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 or 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 modified proposal did not change the access point to the Northern Road, nor change the number of dwellings and therefore no referral to the RMS was required as part of this application.

State Environmental Planning Policy No 55—Remediation of Land

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

A site inspection revealed that unauthorised filling and tree removal has occurred adjacent the development, within the 80m setback to The Northern Road. More specifically it is situated between the development and the proposed access road to the development and therefore constitutes works without consent. No contamination assessment was provided to address these new fill activities. However, the applicant stated that this last was no longer subject to the proposal. The Golf Club thereafter advised that the trees were removed due to Northern Road upgrade works and the uncovering of asbestos fragments.

During the road upgrade works being undertaken by Lead Lease, it was observed that the filled ground included asbestos containing materials (fibro pieces) in a concentration slightly above the ratio that could be classified for recycled general solid waste (RGSW). The Club undertook removal of the filled ground to enable Lend Lease to continue the road works. This work took place between 28 November 2018 and 16 December 2018. An asbestos clearance report from CHEC has been submitted to detail this action.

The subject proposal no longer includes this area of the site, albeit with the exception of the pathway. Council's Environmental Officer is satisfied that the site is suitable based upon the submitted information and it is noted that the path, which extends within the 80m setback zone is suitable by virtue of the asbestos clearance report. Therefore, in accordance with Clause 7 of the *SEPP No. 55 Remediation of Land*, Council is satisfied that the subject site, as modified and reduced in size, is suitable for the proposed use.

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 modified proposal is consistent with the aims and objectives of SEPP 65 with the exception of contributing to the streetscape.

An assessment has been undertaken of the proposed development in relation to the ten design quality principles and the related Apartment Design Guide. The development, as amended, is now appropriate in terms of the context and character, built form and scale and landscaping given the incorporation of landscape embellishments within the setback to The Northern Road which will complement the existing natural features of the site and contribute to the building's setting.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The modified proposal remains 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.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Does not comply - See discussion
Clause 2.3 Zone objectives	Complies
Clause 7.1 Earthworks	Complies - See discussion
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies

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 7.1 Earthworks

The proposed earthworks within the modified site area are not considered to diminish the development's compliance with this clause.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Does not comply - see Appendix - Development Control Plan Compliance
C2 Vegetation Management	Does not comply - see Appendix - Development Control Plan Compliance
C3 Water Management	Complies
C4 Land Management	Does not comply - see Appendix - Development Control Plan Compliance
C5 Waste Management	Complies
C6 Landscape Design	Does not comply - see Appendix - Development Control Plan Compliance
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	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	Does not comply - see Appendix - Development Control Plan Compliance
D2.6 Non Residential Developments	N/A

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

Subject to compliance with the relevant conditions of consent, the modified development remains compliant with the relevant requirements of the Regulations.

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

The proposed modifications will alter the following likely impacts of the development as identified in the original assessment report for the proposal:

Urban Design and Rural Character

The character of the area as viewed from The Northern Road will be reinstated as there is an 80m setback between the development and the road in addition to a 10-20m landscape buffer within the area subject to the development application. Overall, then, the setback remains as per the original application and additional landscaping within the development adequately ameliorates any visual impacts. Refer to the discussion against SEPP (Housing for Seniors or People with a Disability) 2004 for further details.

Accessibility

The modified proposal provides a suitable accessible pathway as defined within the SEPP (Housing for Seniors or People with a Disability) 2004 and discussed within this section of the report, subject to the recommendation of a condition regarding wayfinding signage.

Access and Circulation

The removal of the driveway and second entrance to the basement in this location was supported by Council's Traffic Engineers given a letter from a traffic consultant confirmed that the number of traffic movements is not high (64 per peak hour). As such one basement access will be sufficient to cater for the traffic demands.

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

The modified proposal is considered suitable for the modified site as it remains in accordance with the previously issued Site Compatibility Certificate requirements listed under Schedule 2, specifically in relation to appropriate landscape buffer to The Northern Road for visual amelioration purposes. The modified design remains appropriate for the site as it adequately responds to the character of the locality.

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 17 September 2018 to 1 October 2018. During this period, no submissions were received in response.

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

Non-support for the proposal from Council's Public Health Officer related to the original development application. Concerns raised were resolved through relevant conditions of consent.

Environmental - Waterways

Non-support for the proposal from Council's Waterways Officer related to the original development application. Concerns raised were resolved through relevant conditions of consent.

Tree Management Officer

Non-support for the proposal from Council's Tree Management Officer related to the original development application. Concerns raised were resolved through relevant conditions of consent.

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

The modified proposal remains in accordance with the primary aims, objectives and controls of the applicable planning instruments and will result in acceptable impacts in the locality and as such, support of the proposal remains in the public interest.

Conclusion

The modified proposal has been assessed against the applicable plans and policies and against Section 2.12, Section 4.15 and Section 4.55(2) and is found to be acceptable. The modified design of the development remains compatible with the character of the local area particularly having regard to landscaping. The modification application is recommended for approval.

Recommendation

That DA17/0237.03 for the modification to an approved 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.

CONDITIONS

General

- 1 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 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
<u>Landscape Plans</u>	<u>SS17-3483, Drawing No. 000 E to 502A.</u>	<u>Jackson Teece</u>	<u>16/10/19</u>
<u>Landscape Design Report</u>	<u>SS17-3483, Drawing No. 001-009.</u>	<u>Jackson Teece</u>	<u>October 2019</u>
<u>Landscape Masterplan</u>	<u>SS17-3483</u>	<u>Jackson Teece</u>	<u>16/10/19</u>

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

As amended on 18 November 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

8 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 **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 **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 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 **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 **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 **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 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 **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 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 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 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.
- **Way finding signage shall be provided from the proposed bus stop to the pedestrian entrance and main open spaces within the senior development.**

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).

As amended on 18 November 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 20 **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 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 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 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.

Heritage/Archaeological relics

- 24 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

- 25 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.

- 26 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.

- 27 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.

- 28 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.

- 29 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.

- 30 **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 and all recommendations and requirements outlined within this report when approved, are to be incorporated into the design prior to the issue of a Construction Certificate.

- 31 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.
- 32 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.

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

- 34 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.

- 35 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.
- 36 **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.
- 37 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.
- 38 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.
- 39 **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.

40 **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.

41 **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.

42 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.

43 **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.

44 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

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

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

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

(b) be given:

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

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

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

- 47 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

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

Health Matters and OSSM installations

- 48 The construction, fit out and finishes of 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,

49 The operator of the personal care room (treatment room -hairstylist/ 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

- 50 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

- 51 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.

- 52 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.

- 53 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.

- 54 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.

- 55 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.

- 56 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

- 57 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.**

- 58 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.

- 59 **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

- 60 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.

61 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.

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

63 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

- 64 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.
- 65 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.

- 66 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.

- 67 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.

- 68 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).
- 69 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.
- 70 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.
- 71 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.
- 72 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. 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.

73 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.

74 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.

75 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.

76 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.

77 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.

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

79 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

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

81 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*.

- 82 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

- 83 Prior to the issue of a Construction Certificate a Landscape Design Report and Tree Retention Plan prepared by a suitably qualified and experienced landscape professional shall be submitted to, and approved by, Development Services Manager. The report and plan shall incorporate the retention of trees where possible in the eastern setback and provide supplementary planting to achieve an overall planting density as per the stamped plans marked in red. The landscape design shall consider such retained trees while also including perimeter fencing to protect occupants from golf course activities. The revised plans shall be consistent with the revised arborist's report required as a condition of this consent.

As amended on 18 November 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 84 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.

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

86 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.

87 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.

88 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.

89 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.

- 90 **A revised arborist report/ Arboricultural Impact Assessment must be submitted reflective of the tree retention plan required as a condition of this consent.**

As amended on 18 November 2019 under Section 4.55 of the Environmental Planning and Assessment Act 1979.

- 91 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

- 92 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.

- 93 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

- 94 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 95 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

- 96 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.

- 97 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 modified proposal remains consistent with Section C1.2.3 which requires that bulk and scale shall have minimal negative impacts on an area's landscape and character taking into account the surrounding landscape and setbacks should maximise deep root planting areas to reduce visual impacts and scale.

The application has demonstrated compliance with the requirements under Section C4 'Land Management' as the proposal now accounts for the source of unauthorized fill through an asbestos clearance certificate. Therefore, in accordance with Section C4 the modified proposal justifies the use of landfill and ensures the landfill utilises appropriate materials that do not result in pollution or contamination of land or water on a site.

The landscape design reinforces vegetation patterns and enhance the amenity and visual quality of the site given the building elements are now screened within their setting as viewed from The Northern Road. Therefore the proposal is consistent with the related objectives of Section C6.1.3.

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 modified proposal is consistent with the relevant provisions.