

Annexure A

DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

Development Application No: 22/2014

Development:

Site preparation works (including removal of existing structures on the site), and construction of a mixed-use development including:

- (i) two basement levels containing car parking, waste rooms, plant rooms, and other ancillary back-of-house areas,
- (ii) 1,813m² of commercial and retail GFA.
- (iii) A residential tower (referred to as Tower C) comprising of 15 stories and delivering 93 dwellings
- (iv) communal open space
- (v) Landscaping works, including the southern extent of the public park and park interface and other public domain works, and
- (vi) Ancillary works

Site: Lots 3003, 3004 & 3005 DP1184498 known as 41, (part)184, and 192 Lord Sheffield Circuit, Penrith.

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 1 October 2025

Date from which consent takes effect: Date of Determination

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as Lots 3003, 3004 & 3005 DP1184498 known as 41, (part)184, and 192 Lord Sheffield Circuit, Penrith.
- (d) Any reference in this document to a “consent” means a “development consent” defined in the *Environmental Planning and Assessment Act 1979*.
- (e) Any reference to the “Council” is a reference to Penrith City Council.
- (f) Any reference to the LEP is a reference to the Penrith Local Environmental Plan 2010
- (g) Any reference to the DCP is a reference to the Penrith Development Control Plan 2014

The conditions of consent are as follows:

PART A: SCHEDULE A: Deferred Commencement – Terms to be satisfied prior to the consent becoming operable:

Pursuant to s 4.16(3) of the *Environmental Planning and Assessment Act 1979*, the following deferred commencement conditions must be complied with to the satisfaction of Council within two (2) years of the date of determination of this deferred commencement consent.

1. **Prior to the operation of the consent**, a Voluntary Planning Agreement (the VPA) is to be entered into with Penrith City Council (at no cost to Council) and executed, in accordance with the offer made by the applicant dated 7 April 2025, and annexed to the Community Infrastructure Offer (dated 14 August 2025), included in the development pursuant to Clause 8.7 of the *Penrith Local Environmental Plan 2010* and the Penrith Developer Infrastructure Agreement Policy.

The VPA is to include a detailed Landscape Plan and Civil Designs to Council's requirements and satisfaction for the landscape embellishment of the proposed Public Park and adjoining Public Domain Works.

2. **Prior to the operation of the consent**, a reference to the executed Voluntary Planning Agreement must be recorded on the title of the affected allotments.

These requirements must be satisfied within 24 months from the Date of Determination.

Upon written receipt from Penrith City Council that the deferred commencement terms in Schedule A have been satisfied, the development consent becomes operable and the conditions in Part B will apply:

PART B - The standard operational conditions of consent are set as follows:

3. This consent will lapse five (5) years after the date of determination.
4. **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority is to be provided with written confirmation from the NSW Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) or the identified relevant state agency, confirming that works approved under this consent, including but not limited to basement excavation works, do not require an Activity Approval under the Water Management Act 2000.

In the case the advice of the DCCEEW is that an Activity Approval is required, the necessary approvals are to be separately obtained and complied with throughout the works.

5. The development must be implemented substantially in accordance with the following approved plans and supporting documents received with the application, except as may be amended in red on the approved plans or by the following conditions:

Plans			
Architectural Plans prepared by Crone Architects			
Drawing No.	Drawing Title	Revision	Date
00001	Cover sheet	C	07.04.2025
10000	Survey plan	B	07.04.2025
10001	Location and site plan	B	07.04.2025
10002	Site analysis	B	07.04.2025
10508	Proposed floor plan – level b2	B	27.06.2025

10509	Proposed floor plan – level b1	D	27.06.2025
10510	Proposed floor plan – ground floor	E	27.06.2025
10511	Proposed floor plan – level 01	D	27.06.2025
10512	Proposed floor plan – level 02	D	07.08.2025
10513	Proposed floor plan – level 03	D	27.06.2025
10514	Proposed floor plan – level 04	D	27.06.2025
10515	Proposed floor plan – level 05	D	27.06.2025
10516	Proposed floor plan – level 06	C	27.06.2025
10517	Proposed floor plan – level 07	C	27.06.2025
10518	Proposed floor plan – level 08	C	27.06.2025
10519	Proposed floor plan – level 09	B	07.04.2025
10520	Proposed floor plan – level 10	B	07.04.2025
10521	Proposed floor plan – level 11	B	07.04.2025
10522	Proposed floor plan – level 12	B	07.04.2025
10523	Proposed floor plan – level 13	B	07.04.2025
10524	Proposed floor plan – level 14	C	07.08.2025
10550	Proposed floor plan - roof	C	07.08.2025
Drawing No.	Drawing Title	Revision	Date
21501	North Elevation	D	07.08.2025
21502	South Elevation	D	07.08.2025
21503	East Elevation	C	07.08.2025
21504	West Elevation	C	07.08.2025
31501	Section A & B	B	07.04.2025
31503	Section C	B	07.04.2025
31504	Section D	B	07.04.2025
40001	Elevation & section details – Tower C North	C	07.08.2025
40002	Elevation & section details – Tower C West	B	07.04.2025
40003	Elevation & section details - Shopfronts	B	07.04.2025
40004	Elevation & section details – Shopfronts 2	B	07.04.2025
40005	Shopfront Moodboard Sheet 1	B	07.04.2025
40006	Shopfront Moodboard Sheet 2	B	07.04.2025
70522	Communal open space	B	07.04.2025
70530	Cross ventilation	B	07.04.2025
70561	Adaptable apartments	B	07.04.2025
70565	Silver Apartments	B	07.04.2025
70567	Schedules sheet 1	D	07.08.2025
70568	Schedules sheet 2	D	07.08.2025
98001	Perspective sheet 1	B	07.04.2025
98002	Perspective sheet 2	B	07.04.2025
98003	Perspective sheet 3	B	07.04.2025
Landscape Plans prepared by Urbis			
	Landscape Design Package	F	14.08.2025
Civil Engineering Plans prepared by AT&L			
DAC201	Coversheet	E	31.03.2025
DAC202	General Arrangement Plan	E	31.03.2025
DAC203	Typical Sections	C	31.03.2025
DAC205	Siteworks and Stormwater Drainage Plan	C	31.03.2025
DAC210	Sedimentation and Erosion Plan	C	31.03.2025
DAC211	Sedimentation and Erosion Control Details	C	31.03.2025
Site Survey prepared by Crone			
DA-01-10000	Survey Plan	B	07.04.2025
Reports			
Document Name	Prepared by	Revision	Date
Addendum Letter – Environmental Site Audit	Prensa Pty Ltd	3	07.04.2025

Addendum Statement of Environmental Effects	Beam Planning Pty Ltd	-	27.06.2025
Addendum Clause 4.6 Variation Request – Solar Access	Beam Planning Pty Ltd	-	07.04.2025
Access Assessment Report	Jensen Hughes	4	07.04.2025
BASIX Certificate	IGS	1267346M_03	08.09.2025
BASIX & NatHERS Report	IGS	4.0	08.09.2025
BASIX Assessment Report	IGS	3.0	02.05.2025
BCA Assessment Report	Jensen Hughes	5	07.04.2025
Stage 2 Civil and Stormwater Management Report	AT&L	3	02.04.2025
Community Infrastructure Letter of Offer	Thornton North Penrith Pty Ltd	-	07.04.2025
Design Verification Statement	Crone Partners Pty Ltd TA Crone	-	07.04.2025
Design Excellence Statement	Crone Partners Pty Ltd TA Crone	-	08.09.2025
Fire Engineering Letter	Affinity Fire Engineering	162154 DA 05	07.04.2025
Geotechnical Investigation Report	Douglas Partners	5	04.04.2025
Landscape Design Report	Urbis	E	27.06.2025
Addendum Noise Impact Assessment	Acoustic Logic	R1	14.03.2025
Operational Waste Management Plan	Elephants Foot Consulting Pty Ltd	G	27.06.2025
Pedestrian Wind Environment Study	Windtech	Rev 1	08.05.2025
Preliminary Art Strategy	Art Pharmacy	-	26.06.2025
Preliminary Construction Management Plan	Thornton North Penrith Pty Ltd	2	27.03.2025
Preliminary Loading Dock Management Plan	St Hilliers	Preliminary for DA	04.04.2025
Railway Plaza Solar Studies	Crone Partners Pty Ltd TA Crone	-	07.04.2025
Services Availability Report for DA	S4B Studio	B	03.04.2025
Solar light reflectivity study	Windtech	Rev 0	04.04.2025
Statement of Environmental Facts	St Hilliers	2	27.03.2025
Statement of Heritage Impact Addendum	Heritage Design	-	03.04.2025
Structural Letter for DA	Northrop	Rev 1	07.04.2025
Summary of Flooding Advice	Northrop	-	07.04.2025
Traffic and Transport Addendum	Stantec	-	07.04.2025
Vertical Transportation Services Concept Report	S4B Studio	P1	February 2025

Conditions in this consent may also be satisfied through compliance with conditions of development consent DA22/0213 where confirmed in writing by Council.

6. **Prior to the issue of a Construction Certificate**, Lots 3003, 3004 & 3005 in Deposited Plan 1184498 are to be subject of an approved Plan of Subdivision creating a proposed lot to be

dedicated to Council as a Public Park and/or in accordance with the Voluntary Planning Agreement (VPA).

The Public Park land and surrounding public domain are to be subject of a **Subdivision Works Certificate**. Works and embellishment are to be completed to the satisfaction of Council prior to the issue of **Subdivision Certificate**.

The Subdivision Certificate is to be issued and the land registered **prior to the issue of any Occupation Certificate** and/or otherwise in accordance with the VPA.

7. **Prior to the issue of a Construction Certificate**, evidence of lot creation and plan registration with NSW Land Registry Services is to be provided to the Certifying Authority and Penrith City Council.
8. **Prior to issue of any Occupation Certificate**, the applicant must deliver the community infrastructure works as detailed in the VPA as part of the development.
9. **Prior to the occupation of all tenancies (other than residential dwellings) within the building**, a separate approval via a development consent or complying development certificate is to be obtained for each tenancy for their fit out and use.
10. **Prior to the issue of a Construction Certificate**, a Staged Construction Management Plan is to be prepared, submitted and approved by the Certifying Authority. This Plan is to address construction and site management measures to ensure that impacts of works on all adjoining properties and residents including users of the public park are minimised.

This Staged Construction Management Plan is also to address construction and site management measures associated with any Development Consent DA22/0214 (Stage 2) construction to minimise adverse impacts on the residential components and open space areas of this Stage 2 developments. The Plan must address, but is not limited to, the following:

- Noise mitigation and management measures
 - Security and safety fencing
 - Site management measures including contact details for incident reporting and a response protocol - Suitable management of construction lighting
 - Construction vehicle management.
11. **Prior to the issue of a Construction Certificate**, a signage strategy is to be submitted to Council for approval in accordance with Clause E11.8.4.13 of Penrith Development Control Plan 2014. The strategy is to:
 - Identify the preferred locations and quantum of all building identification and business identification signage;
 - Include a palette of preferred materials, signage types and graphic style;
 - Outline any illumination requirements and/or restrictions so as to consider its impact on adjacent properties and uses;
 - Promote a high quality, co-ordinated approach to signage within the Village Centre and minimise visual clutter; and
 - Include details of any way-finding signage
 - Comply with the following conditions.

12. No signage is permitted to be fixed to the awning fascia. No signage is to be positioned above the awning or to the colonnade brickwork or residential building. All signage is to be located under the awning and is to be 'hamper style' perpendicular to the elevation of the building, to which it is attached.
13. Development Consent is to be obtained for the erection of a sign or advertising structure, other than an advertisement listed as exempt development.
14. **Prior to the issue of an Occupation Certificate**, a lighting system is to be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting is to be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting is to be the minimum level of illumination necessary for safe operation. The lighting must be in accordance with AS 4282 - Outdoor Lighting Obtrusive Effects.
15. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
16. **Prior to the issue of a Construction Certificate**, evidence of compliance with the Design and Building Practitioners - Particulars for Regulated Designs Order 2022 is to be provided to the satisfaction of the Certifying Authority, for any excavation, shoring and anchoring works that traverse a property boundary.
17. **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 must 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 counter boom/jib.
 - Length of time that such a crane or structure will be erected on the 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 is to 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 counter boom/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 all times of the day and 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 is to 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 is to be the minimum amount required to facilitate construction and access to all parts of the construction site.
18. The Construction Certificate application is to demonstrate a minimum of ten (10) apartments are capable of adaptation for people with a disability or elderly residents for construction as adaptable apartments and allocated an accessible car parking space compliant with the

Australian Adaptable Housing Standard (AS4299-1995) and AS 2890.6 Parking facilities – Off-street parking for people with disabilities.

19. The Construction Certificate application must be accompanied by certification from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299-2009). A Compliance Certificate in this regard, is to be provided **prior to the issue of an Occupation Certificate**.

TfNSW - Sydney Trains Requirements

20. Pursuant to sections 2.98 and 2.99 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the development must be undertaken in accordance with the following conditions issued by Transport for NSW (**TfNSW - Sydney Trains**) in its letter dated 22 August 2025:

- **Prior to the issue of a Construction Certificate**, the persons acting upon this consent shall engage with TfNSW – Sydney Trains to identify a safe path of travel for commuters to travel from Penrith Railway Station to the commuter carpark located to the west of the site, that can be utilised during construction works on the subject site. Any such arrangement shall be to the satisfaction of TfNSW - Sydney Trains.

The principle certifying authority is not to issue a construction certificate for any works on the site until written confirmation is received from TfNSW – Sydney Trains that this condition has been satisfied.

- **Prior to the issue of any Construction Certificate**, plans demonstrating an Accessible Path for pedestrians, that is compliant with the relevant DDA, DSAPT and BCA requirements is to be designed linking the existing TfNSW multi-storey car park on Dunshea Street to the existing Transport Asset Manager of NSW (**TAM**) owned commuter car park shared zone on Lot 2, DP 1010950, adjacent to the southern boundary of the subject site. This Accessible Path is to be designed in consultation with TfNSW.
- **Prior to the issue of any Construction Certificate**, the final design for the Accessible Path referred to in the above condition is to be approved by TfNSW – Sydney Trains.
- **Prior to the commencement of any works**, an Accessible Path for pedestrians, that is compliant with the relevant DDA, DSAPT and BCA requirements and approved by TfNSW is to be constructed between the existing TfNSW – Sydney Trains multi-storey car park on Dunshea Street and the existing TAM owned commuter car park shared zone on Lot 2, DP 1010950, adjacent to the southern boundary of the site.

This path is to be constructed and fully operational with any associated traffic calming devices, signage, pedestrian safety crossings and the like, **prior to the commencement of any works on site** and is to be retained permanently as a secondary Accessible Path in addition to the proposed main path via the public access link through the site.

- **Prior to the issue of a Construction Certificate**, detailed design information must be provided to and approved by TfNSW – Sydney Trains and Council for an Accessible Path between the existing TfNSW – Sydney Trains multi-storey car park entrance on Dunshea Street and the main public access link through the subject site. The path of travel must be compliant with relevant DDA, DSAPT and BCA requirements.

- **Prior to the issue of a Construction Certificate**, a public right of way must be registered on the title(s) of the site, as marked in pink on the Plan prepared by Crone Architects, Drawing Plan No. DA- 01-10510, Rev E, dated 26 June 2025, marked 'Proposed Easement for Public Access Plan (Upon completion of DA01 and DA02), as modified by any subsequent TfNSW – Sydney Trains design approved for this area.

The easement terms must allow for suitable accessible paths of travel to TfNSW – Sydney Trains and Council's satisfaction.
- TfNSW must be consulted during the Road Safety Audits (**RSA**) and CPTED Security Workshops for the development, which involve pedestrian and bicycle access to and from Penrith Railway Station and the commuter car parks. The relevant RSA and Security risk workshop reports are to be issued to TfNSW for review and comments, **prior to any construction**.
- Prior to the issue of a Construction Certificate the applicant is to prepare an acoustic assessment report demonstrating how the proposed development will comply with the Department of Planning's document titled Development Near Rail Corridors and Busy Roads Interim Guidelines.
- The applicant must incorporate into the development all the measures recommended in the acoustic assessment report.
- **Prior to the issuing of a Construction Certificate**, a copy of the acoustic assessment report is to be provided to the Principal Certifying Authority and Council. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.
- **Prior to the issue of a Construction Certificate**, the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- **Prior to the issuing of the relevant Construction Certificate**, the Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.
- During all stages of the development, the applicant must take extreme care to prevent any form of pollution (including dust) entering the rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Persons acting upon this consent.
- During all stages of the development, excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.
- During all stages of the development, the applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from TfNSW - Sydney Trains.

- The applicant must ensure that, at all times, they have a representative (which has been notified to Sydney Trains in writing), who:
 - a. oversees the carrying out of the applicant's obligations under the conditions of this consent and in accordance with correspondence issued by TfNSW - Sydney Trains;
 - b. acts as the authorised representative of the applicant; and
 - c. is available (or has a delegate notified in writing to TfNSW - Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of TfNSW - Sydney Trains, as notified to the applicant.
- Without in any way limiting the operation of any other condition of this consent, the applicant must, **during demolition, excavation and construction works**, consult in good faith with TfNSW - Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by TfNSW - Sydney Trains in relation to the works.
- Where a condition of consent requires consultation with TfNSW - Sydney Trains, the applicant must forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface Management team and they can be contacted via email on West_Interface@transport.nsw.gov.au

End of TfNSW Requirements

21. **Prior to the issue of a Construction Certificate**, a design verification statement from a qualified designer is to be submitted to Council for approval. The design verification statement must verify that the Construction Certificate 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 State Environmental Planning Policy (Housing) 2021.
22. **Prior to the issue of an Occupation Certificate**, a further updated design verification statement from a qualified designer is to be submitted to Council for approval. The design verification statement is to 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 State Environmental Planning Policy (Housing) 2021.
23. A written statement confirming consistency with the design quality/excellence demonstrated in the approved plans is to be obtained from the project Design Review Panel (**DRP**) and provided to the certifier at the following stages:
 - **Prior to the issue of a Construction Certificate;**
 - **Prior to the issue of an Occupation Certificate;** and
 - **Prior to the lodgement of any Section 4.55 modification applications.**
24. The construction of the development must implement the recommendations:
 - in the approved Pedestrian Wind Environment Study prepared by Windtech, dated 8 May 2025, including the provision of trees in the public park and Station Plaza. **Prior to the issue of Construction Certificate**, details are to be shown with the Construction Certificate plans.

- outlined in the Solar Light Reflectivity Study prepared by Windtech, dated 4 April 2025. Prior to the issue of Construction Certificate, details are to be shown with the Construction Certificate plans.

25. **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority is to ensure that a set of approved public domain plans and supporting documentation has been prepared for the site and has been reviewed and approved by the Head of Development Services at Penrith City Council.

The public domain documents are to include the following:

(i) Public Domain General

- a. The documents are to identify the extent of public domain works being undertaken and are to include pavement treatments, street trees and landscape elements, water sensitive urban design (**WSUD**) elements, lighting locations and any street furniture and public art adjacent to all boundaries of the site.
- b. Documents are to be accompanied by detailed sections through typical and non-typical thresholds and details of landscaping and planters and maintenance and irrigation details are to be provided,
- c. Details are to be provided as to any interim and final paving finishes proposed,
- d. All line marking and relevant roadwork and paving details are to be shown and plans are to be consistent with approved stormwater, architectural, landscape and civil plans.

(ii) Street Tree Planting

- A minimum of three (3) street trees are to be planted along the Dunshea Street frontage of the site.

Advisory Notes:

- The public domain plans are to be prepared in consultation with Council's Landscape Architect and works are to be designed in accordance with the Public Domain Lighting Policy.
- The existing conditions along all frontages are to be upgraded as part of the development proposal and plans are to indicate that the overall design quality of the adjacent public domain is elevated.
- Council reserves the right to request amendments to the submitted documentation which is to be elevated to Construction Certificate and/or For Tender quality.

26. If any archaeological relics are uncovered during the course of the works, no further work is to 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.

27. A Construction Certificate must be obtained prior to commencement of any building works.

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

29. The Construction Certificate must be accompanied by certification from an accredited access consultant confirming that the adaptable dwellings and allocated car parking spaces associated with the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009).

30. All aspects of the building design must comply with the applicable performance requirements of the National Construction Code (NCC) 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:
 - (i) Complies with the performance requirements, or
 - (ii) Is shown to be at least equivalent to the deemed to satisfy provision, or
 - c. A combination of (a) and (b).
31. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (**NCC**). **Prior to the issue of a Construction Certificate and Occupation Certificate**, the Certifying Authority and Principal Certifying Authority must:
- Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
 - Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.
32. During all stages of the development, 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.
33. Approved plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon is to be available on site at all times during construction.
34. The following details are to be displayed in a maximum of two (2) signs to be erected on the site:
- a. The name of the Principal Certifying Authority, their address and telephone number,
 - b. The name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
 - c. That unauthorised entry to the work site is prohibited,
 - d. The designated waste storage area must be covered when the site is unattended, and
 - e. All sediment and erosion control measures must be fully maintained until completion of the construction phase.
35. Signage but no more than two (2) signs stating the above details are to be erected:
- a. At the commencement of, and for the full length of the construction works onsite, and
 - b. In a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.
36. All construction signage is to be removed when the Occupation Certificate has been issued for the development.

37. **Prior to the commencement of any construction works:**

- a. Toilet facilities at or in the vicinity of the work site is to 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:
 - (i) A standard flushing toilet connected to a public sewer, or
 - (ii) if that is not practicable, an accredited sewage management facility approved by Council, or
 - (iii) Alternatively, any other sewage management facility approved Council.
- b. All excavations and back filling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards.
- c. 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.
- d. 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:
 - (i) Must preserve and protect the building from damage, and
 - (ii) If necessary, must underpin and support the building in an approved manner, and
 - (iii) 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).

- e. 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:
 - (i) 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,
 - (ii) 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
 - (iii) Any such hoarding, fence or awning is to be removed when the work has been completed.

38. Prior to the commencement of any earthworks or construction works, the applicant is to:

- 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 1979* and accompanying Regulation, and
- Submit a Notice of Commencement to Council.

The Principal Certifier is to submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

39. **Two (2) days before any earthworks or construction/demolition works are to (including the clearing site vegetation)**, the applicant is to submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the *Environmental Planning and Assessment Act 1979*.

40. **Prior to the issue of any Occupation Certificate or Subdivision Certificate**, the applicant must be obtained a compliance certificate from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. Sydney Water's assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

41. **Prior to any demolition, excavation or construction works commencing**, the plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply.

42. **Tree Planting**

- Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.
- For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.
- For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 - Planting Trees within Sydney Water's Technical guidelines - Building over and adjacent to pipe assets.

43. **Trade Wastewater**

- If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. **You must obtain Sydney Water approval for this permit before any business activities can commence.** It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

- The permit application to discharge trade wastewater to Sydney Water's sewerage system is to be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au
- A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

44. Backflow Prevention

- Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.
- All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.
- Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.
- Before you install a backflow prevention device:
 - (i) Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
 - (ii) Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

45. The applicant is to:

- a. Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards) Scheme, <http://www.waterrating.gov.au/>
- b. Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- c. Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- d. Develop a water efficiency plan for your business.

Endeavour Energy Requirements

46. The development must be undertaken in accordance with the attached advice and requirements of Endeavour Energy issued in its letter to Council dated 22 July 2025 including but not limited to:
- a. Land Interest Guidelines for Network Connection Works, Version 5, December 2022.

- b. Standard Conditions for Development Applications and Planning Proposals, Version 10, January 2025
 - c. The new indoor substation will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
47. **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.

End of Endeavour Energy Requirements

Telecommunications Requirements

48. **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority is to 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 is to be located underground.
49. 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.
50. **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.

End of Telecommunications Requirements

Landscape Requirements

51. All landscape works are to be designed and constructed in accordance with the approved plan to ensure compliance with Chapter C6 - Landscape Design and Section 2.9 of Appendix F4 - Technical Information of Penrith Development Control Plan 2014.
52. Landscaping is to be maintained:
- in accordance with the approved plans, and
 - in a healthy state, and
 - in perpetuity by the existing or future owners and occupiers of the property.
53. 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.

54. On completion of the landscape works associated with the development **and prior to the issue of an Occupation Certificate**, a Landscape Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the approved landscaping works for the development. This report is to be prepared by a suitably qualified and experienced landscape professional.
55. An Occupation Certificate shall not be issued until such time as a satisfactory Landscape Implementation Report has been received and endorsed by the Certifier. If 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.
56. 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.
57. In accordance with Council's Section 7.11 Contributions Plan for District Open Space:
- **Prior to the issue of a Construction Certificate**, based on the current rates applicable to contributions payable under this plan, **\$456,630.00** is to be paid to Council (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 based on the rate for the current quarterly period.
- Council should be contacted **prior to payment of any contributions payable under this consent** to ascertain the rate for the current quarterly period. The Section 7.11 Contributions Plan for District Open Space is available on Council's website.
58. In accordance with Council's Section 7.11 Contributions Plan for Cultural Facilities:
- **Prior to the issue of a Construction Certificate**, based on the current rates applicable to contributions payable under this plan, **\$53,382.00** is to be paid to Council (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 based on the rate for the current quarterly period.
- Council should be contacted **prior to payment of any contributions payable under this consent** to ascertain the rate for the current quarterly period. The Section 7.11 Contributions Plan for Cultural Facilities is available on Council's website.
59. An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of the building/tenancy and commencement of the approved use**. The Occupation Certificate must not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

60. **Prior to the issue of any Occupation Certificate**, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.
61. **Within two (2) days of the issue of an Occupation Certificate**, a copy of the Occupation Certificate and all necessary documentation supporting the issue of the Occupation Certificate is to be submitted to Council, if Council is not the Principal Certifying Authority
62. The stormwater management system is to be provided generally in accordance with the Civil and Stormwater Management Report, prepared by AT&L, dated 02/04/2025 and North Penrith Stages 2B-3B Water Cycle Management strategy incorporating water sensitive urban design techniques, Prepared by J Wyndham Prince consulting, dated 8 November 2012, Revision D.
63. Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and must accompany the application for a Construction Certificate.
64. **Prior to the issue of a Construction Certificate**, the Certifying Authority is to ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (**WSUD**) Policy.
65. **Prior to commencement of any works**, sediment and erosion control measures must be installed in accordance with the approved Construction Certificate or Subdivision Works Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.
66. Erosion and sediment control measures must remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
67. **Prior to the issue of an Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation must be submitted to the Principal Certifying Authority in accordance with Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.
68. **Within two (2) days of the issue of an Occupation Certificate**, an original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation is to also be submitted to Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.
69. **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority is to ensure that the stormwater management system (including water sensitive urban design measures):
 - has been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - has met the design intent with regard to any construction variations to the approved design, and
 - Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s are to be provided to the Principal Certifying Authority as part of the works-as-executed drawings.

70. The stormwater management systems are to continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.
71. The 'through site link' must be lit to the minimum Australian Standard of AS1158.
72. Any outdoor furniture that is not intended for night time use must be well secured or stored away after hours.
73. The landscaping must remain high canopied or low lying to maintain clear site lines.
74. The following community safety and crime prevention through environmental design (**CPTED**) requirements are required to be implemented:
 - a. Lighting
 - (i) All outdoor/public spaces throughout the development (including the pedestrian through-link and building/car park entrances) must be lit to the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must be designed in accordance with AS4282 - Control of the obtrusive effects of outdoor lighting.
 - b. Basement Car Parking
 - (i) A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lifts and stairwells, to minimise opportunities for unauthorised access.
 - (ii) All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
 - (iii) Car park surfaces including walls and ceilings are to be light coloured with details included with the Construction Certificate application.
 - (iv) Resident storage facilities must be well secured and well-lit to minimise opportunities for theft.
 - c. Building Security & Access Control
 - (i) **Prior to the issue of an Occupation Certificate**, an electronic access and audio/video intercom system (with code or card locks or similar) must be installed for all entries to the buildings including the car parks and common areas intended for resident use only.
 - (ii) User/sensor electronic security gates/doors are to be installed at the carpark entrances/ exits.
 - (iii) AS 220 – door and window locks must be installed in all dwellings and retail/commercial premises.
 - (iv) Each individual apartment is to be clearly numbered and each level of the building is to be easily identifiable when viewed from the lift.
 - (v) CCTV is to be provided to cover communal public space areas, including basement parking entry/exit points. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended).

- (vi) Signage must be displayed to indicate that CCTV cameras are in use.
- (vii) CCTV is to be installed along all frontages of the site and in the location of the ground floor commercial vehicle entry points.
- (viii) Public access to the interface between the rail corridor and the southern side of the development must be restricted.
- (ix) Glazing to the ground floor entry lobby is to be clear and unobscured to allow a view to the street and is not to be controlled by gates or have shutters or security bars.
- (x) The pedestrian through site link is to be accessible 24/7 and not be controlled by gates or have shutters or security bars. **Prior to the issue of a Construction Certificate**, details are to be included in Plan of Management issued to Penrith Council for its approval.
- (xi) The pedestrian through site link is to be patrolled by security after hours. **Prior to the issue of a Construction Certificate**, details (including but not limited to frequency of patrols and duties of Building Manager Duties (are to be included in the Plan of Management issued to Council for its approval.

d. Graffiti/Vandalism

- (i) The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- (ii) Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- (iii) 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 details are to be outlined in the Plan of Management.
- (iv) Retailers must secure or store away all outdoor furniture after hours to minimise opportunities for loitering and vandalism.

e. Landscaping

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

75. All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to affect the consented development shall be undertaken by the applicant at no cost to Council.

76. **Prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first**, an Infrastructure Restoration Bond is to be lodged with Council for development involving works around Council's Public Infrastructure Assets. 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 Asset Management Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

77. Lodgment of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

78. The applicant is required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing.

These works may include but are not limited to the following:

- Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- Temporary road reserve occupancies
- Road reserve openings for the installation of:
 - (i) Utilities (water, sewer, power, telecommunications)
 - (ii) Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage).
 - (iii) Reconstruction of concrete footpath and/or cycleways across the frontage
- Establishment of a construction work zone
- Establishment of road reserve hoardings and temporary structures/fencing etc.
- Operation of a tower crane over the road reserve
- Temporary ground anchors that encroach below the road reserve (for basement construction).

79. All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the approved plans, and Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

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

Advisory Note:

- Separate approval may be required from Transport for NSW for classified roads.
- **Prior to the issue of any Occupation Certificate or Subdivision Certificate** (as applicable), all works associated with the Roads Act approval(s) must be completed.
- On completion of any awning over the road reserve, a certificate from a practicing 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.

80. **Prior to the issue of any Construction Certificate**, the Certifier must ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by, Council (being the Roads Authority under the Roads Act) for the following works:

- a. Relocation of existing southern pedestrian crossing within Dunshea Street further north to the frontage of Tower
- b. Upgrade of 2 x pedestrian crossings (one of which to be relocated) within Dunshea Street to be fully compliant raised threshold pedestrian crossings, including street lighting, signage and linemarking.
- c. Provision of pedestrian fencing within Dunshea Street, fronting the commuter car park directing pedestrians to the pedestrian crossings on Dunshea Street.
- d. Construction of 2 x raised pedestrian crossings on Dunshea Street and Lord Sheffield Circuit located east and west of Community Infrastructure Park including compliant street lighting, signage and line marking.
- e. Upgrade of Combewood Avenue and Thornton Drive to roundabout
- f. Realignment of existing footpath south of Tower B loading dock driveway

81. Engineering plans are to be prepared in accordance with the development consent, Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Council's website for more

information.

Advisory Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate or Subdivision Works Certificate.
 - Separate approval may be required from the Transport for NSW for classified roads.
 - **Prior to the issue of any Occupation Certificate or Subdivision Certificate** (as applicable), all works associated with the Roads Act approval must be completed.
82. The stormwater management system must be consistent with the approved stormwater plans.
83. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design (**WSUD**) Policy.
84. Stormwater Engineering plans and supporting calculations for the stormwater management system are to be prepared by a suitably qualified person and must accompany the application for a Construction Certificate.
85. **Prior to the issue of any Construction Certificate**, the Certifier 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 Plumbing and Drainage – Stormwater Drainage.
86. **Prior to the issue of any Construction Certificate**, the Certifier must ensure that building works have been designed outside of the extent of the existing electrical easement or appropriate owners' consent is obtained for the works.
87. **Prior to the issue of any Construction Certificate**, the Certifier must ensure that all floor levels have a minimum habitable floor level of RL 27.0m AHD (adopted flood level + 0.5m freeboard) and a minimum retail floor level of RL 26.8m AHD (adopted flood level + 0.3m freeboard).
88. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that the proposed building works are adequately flood proofed in accordance with Council's Development Control Plan relating to flood liable land to the adopted flood planning level of RL 27.0m AHD (flood level + 0.5m freeboard).
89. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Council's Development Control Plan, Australian Standards AS2890.1, AS2890.2 and AS2890.6.
90. **Prior to the commencement of any works** (including demolition works), a Construction Traffic Management Plan (**CTMP**) shall be submitted to Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from TfNSW.
- The CTMP is to include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on (02) 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.
91. **Prior to the issue of a Roads Act approval**, a Performance Bond is to be lodged with Penrith City Council for upgrade of pedestrian crossings within Dunshea Street and Lord Sheffield Circuit and construction of a roundabout at Combewood Ave and Thornton Drive

intersection.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges. Contact Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

92. **Prior to the issue of any Construction Certificate**, a geotechnical investigation report and strategy shall be submitted to the Certifier to ensure the stability of any adjoining Council owned infrastructure and surrounding developments. The technical direction GTD 2012/001 prepared by TfNSW is to be used as a guide for preparing the geotechnical investigation report and strategy.
93. The applicant is to 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 Certifier for the development then the dilapidation report shall be submitted to Council **prior to the issue of any Construction Certificate and then updated and submitted prior to the issue of any Occupation Certificate** confirming no damage has occurred.
94. **Prior to the commencement of any works and prior to the issue of a Construction Certificate (whichever comes first)**, the Principal Certifier is to ensure that a letter has been received from the Head of Development Services, Penrith City Council, attesting that the development is consistent with the Adaptive Management Framework and dwelling thresholds detailed in the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre, published by the Department of Planning and Environment on 28 June 2019, in accordance with Clause 61 (6) of the Environmental Planning and Assessment Regulation 2021.

The above-mentioned letter is to be dated no earlier than three (3) months prior to the issue of the Construction Certificate or commencement of works.

95. **Prior to commencement of any works**, a Traffic Guidance Scheme, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and TfNSW publication Traffic Control at Worksites Technical Manual, and certified by an appropriately accredited TfNSW traffic controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Advisory Note:

- A copy of the Traffic Guidance Scheme shall accompany the Notice of Commencement to Council.
 - Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Council **prior to the issue of any Construction Certificate or Subdivision Works Certificate**.
96. A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 27.0m AHD (adopted flood level + 0.5m freeboard) and all retail floor levels are at or above RL 26.8m AHD (adopted flood level + 0.3m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Principal Certifier.
97. **Prior to the issue of any Occupation Certificate**, the Principal Certifier 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 Council.
98. **Prior to the issue of any Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system must be submitted to the Principal Certifier in accordance with Council's Engineering Construction Specification for Civil Works,

Stormwater Drainage Specification for Building Developments and Water Sensitive Urban Design Technical Guidelines.

99. An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation must also be submitted to Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifier.
100. **Prior to the installation of any regulatory/advisory signage and line marking within the public road reserve or the issue of any Occupation Certificate or Subdivision Certificate (whichever occurs first)**, plans and details shall be lodged with Council and endorsed by the Local Traffic Committee or equivalent including, but not limited to the following works:
- Changes to signage and line marking on Dunshea Street including treatment measures to delineate southbound vehicles
 - Signage and line marking associated with the construction of pedestrian crossing and roundabout facilities

Advisory Notes:

- Contact Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
 - Allow at least eight (8) weeks for approval by the Local Traffic Committee.
 - Applicable fees are indicated in Council's adopted Fees and Charges.
101. Approved signage and line marking shall be installed at no cost to Council.
102. **Prior to the issue of any Occupation Certificate**, entry and exit signage which is clearly visible from the public road shall be placed within the development site.

The signage shall indicate that vehicular access to be used for ingress purposes only is appropriately signposted "Entry Only". Vehicular access to be used for egress purposes only is to be appropriately signposted "No Entry".

103. **Prior to the issue of any Occupation Certificate**, a Maintenance Bond is to be lodged with Penrith City Council for upgrade of pedestrian crossings within Dunshea Street and Lord Sheffield Circuit and construction of roundabout at Combewood Avenue and Thornton Drive intersection.

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

Advisory Note:

- Contact Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.
104. **Prior to the issue of an Occupation Certificate**, the Principal Certifier shall ensure that a Flood Emergency Response Strategy with consideration to the Nepean River Probable Maximum Flood (PMF) event has been prepared in accordance with the NSW Department of Planning's Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre, NSW Floodplain Development Manual and State Emergency Service guidelines.

A "shelter-in-place" response strategy is not supported for the development and an appropriate evacuation strategy shall be prepared. The strategy shall be kept in a visible location within the development for review by all management and employees in perpetuity for the life of the development.

105. Prior to the issue of any Construction Certificate, the Certifier shall ensure that:
- Accessible pedestrian paths of travel from all car parking spaces to the lifts and

stairs have been provided.

- b. Separate accessible pedestrian paths of travel from the fronting roadway footpaths to access the car park area have been provided.
- c. Accessible parking spaces are to be located in close proximity to lifts and are to designed in accordance with AS2890.6.

106. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that all vehicles accessing the site can enter and exit from/to the public road access in a forward direction. Any turning movements to comply must be in accordance with Australian Standard AS2890 for the relevant vehicle.
107. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that secure bicycle parking is provided at convenient location(s) in accordance with Australian Standard S2890.3 Bicycle Parking Facilities.
108. Complying numbers of secure bicycle parking, end-of-journey facilities, change rooms, showers, and lockers shall be provided at a convenient location(s) in accordance with Council's Development Control Plan, Australian Standard AS2890.3 Bicycle Parking Facilities and NSW Planning Guidelines of Walking and Cycling.
109. **Prior to the issue of any Construction Certificate**, an Operational Traffic Management Plan is to be prepared. The Plan shall include all details of any traffic control measures and the management of heavy vehicles servicing the development and manoeuvring on the site. The plan should refer to the *Preliminary Loading Dock Management Plan* prepared by St Hilliers, dated 04/04/2025.

The Operational Traffic Management Plan is to also include, but not limited to, the following:

- a. Traffic controllers to provide oversight and manage heavy vehicles during their manoeuvring on the site.
 - b. Management of pedestrians and ensure they are kept clear of any heavy vehicles servicing the site particularly during reversing manoeuvres.
 - c. Management of residential goods deliveries (e.g. parcels and food delivery by commercial vans).
 - d. Demonstrate on how through access along Dunshea Street will be maintained in the events of any queuing as a result of vehicles entering and exiting the loading dock.
 - e. Details on how drivers will be made aware that they must comply with the operational traffic management plan for the development.
110. **Prior to the issue of any Construction Certificate**, a Traffic Management Plan is to be prepared and submitted for approval to the Head of Engineering Services at Penrith City Council. The Plan shall include all details of the installation and management of any traffic control measures installed in relation to the single lane basement ramp(s).

The Traffic Management Plan is to include, but not limited to, the provision of:

- a. The product and its specifications (including signage and signal lantern dimensions and clearances, with any associated details of loop detectors, signal output controllers and the like).
- b. Details of swipe card/security/activation/trip/manual activation mechanisms and/or positional sensors and their operation (whether inground or surface-mounted for vehicle detection).
- c. Signal programming details with regard to "revert to" and "dwell" for green and red signals (for ingressing and egressing vehicles).
- d. Nominated system wait times and pre-set clearance timing.
- e. Instructions on the use of the system to be given to existing and new tenants.
- f. Installation and maintenance details from the installer (including a copy of the user operation manual, or the like)
- g. Contingencies in the event of a system failure, and

- h. Any additional proposed measures detailed in Operational Traffic Management Plan

111. **Prior to the issue of any Construction Certificate**, the Certifier shall ensure that a Waste Collection / Service / Delivery Vehicle Operational Management Plan is provided to the satisfaction of Council.

The Waste Collection / Service / Delivery Vehicle Operational Management Plan is to include an operational management plan that is to apply to all waste collection and service / delivery vehicles accessing the site heavy vehicle loading area and include:

- a. Coordinating all development residences, site businesses and operators agreements and management of all waste collection / service/ delivery vehicles to the site and to all users of the site.
- b. Limiting and controlling waste collection / service / delivery vehicle arrivals to only 1 vehicles entering/exiting at any time and only times when the site heavy vehicle loading area is clear.
- c. Limiting access to vehicles no larger than 12.5 metres in length for Tower A and B loading dock, and 6.4 metres for Tower C loading dock.

112. **Prior to the issue of any Occupation Certificate**, entry and exit signage which is clearly visible from the public road shall be placed within the development site.

113. **Prior to the issue of any Occupation Certificate**, directional signage and line marking shall be installed indicating directional movements and the location of resident, customer and staff parking to the satisfaction of the Principal Certifier.

114. **Prior to the issue of any Occupation Certificate**, a Green Travel Plan is to be prepared and approved by Council to minimise car use by residents and staff. The plan is to set achievable targets and encourage participation through incentives to travel to/from work by other means than by car, such as walking, cycling, car-pooling and public transport. The plan is to be implemented and reviewed by the management of the facility annually and operate for the life of the development.

115. **Prior to the issue of any Occupation Certificate**, the vehicle priority system is to be installed in the loading dock access driveways. The system must incorporate, but not limited to, the following:

- a. Wall-mounted traffic signal lanterns, positioned for optimal viewing and adequate clearance to manoeuvring vehicles (no less than 2000mm above floor level)
- b. Line marking, if required
- c. Any additional proposed measures detailed in Operational Traffic Management Plan
- d. Following installation of the system, a commissioning certificate shall be provided to the Principal Certifier by a suitably qualified Traffic Engineer **prior to the issue of any Occupation Certificate**.
- e. A copy of the relevant Traffic Management Plan is to be provided to the Principal Certifier (in the instance that Council is not the Principal Certifier) for the purpose of assessment in providing a commissioning **certificate prior to the issue of any Occupation Certificate**.
- f. A copy of the relevant Traffic Management Plan is to be provided to the Building Manger and Loading Dock Manager and to be kept on-site to be available at all times.

116. During all stages of the development, all parking spaces, loading zones, parking aisles and manoeuvring areas are to be kept clear of stored materials, products and waste materials such that these areas remain unobstructed and allow for the safe movement of vehicles.

117. Subleasing of car parking spaces is not permitted by this consent.
118. No parking is permitted outside of marked parking spaces shown on the approved plans.
119. Sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage in accordance with Australian Standards AS2890.1 and AS2890.2.
120. **Prior to the issue of a Construction Certificate**, the following waste management requirements must be complied with (and details of compliance demonstrated to Council):
- a. Along the route for the waste collection vehicles, unobstructed minimum heights of 4.5m must be demonstrated including ramps (reference 2.3.1 of the Residential Flat Building Development Waste Management Guidelines).
 - b. Updated swept path assessment to be provided to include the 10.5m truck with a width of 2.8m and additional clearance of 0.5m on either side of the truck to be included in the swept path. In addition, the integrated auger compactor rails to be included on the plan to allow for the swept path diagram to demonstrate the truck aligning with the integrated auger compaction unit guide rails for removal and replacement of the unit. See section 3.12.1 of the 'Residential Flat Building Guideline Document' for truck specifications.
 - c. Loading areas required for use with a rear loading waste collection vehicle are to provide a minimum 2m unobstructed zone at the rear of the vehicle.
121. **Prior to the issue of a Construction Certificate**, compliance with all on-site waste collection infrastructure, doors and access points (Waste Collection Room, Bulky Goods Collection Room, Loading Dock) are to be locked/accessed through Council's Abloy Key System. System specifications are outlined in section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document. Evidence of such compliance with to be provided to Council prior to the issue of a Construction Certificate.
122. **Prior to the issue of a Construction Certificate**, plans must be provided to Council demonstrating a safe and efficient method for the transport of bulky goods from the bulky goods collection room to the rear of Council's waste collection vehicle.
123. **Prior to the issue of a Construction Certificate**, the following waste management requirements must be complied with and details of compliance demonstrated to Council:
- a. All on-site waste collection infrastructure (Waste Collection Rooms, Bulky Goods Collection Rooms, Commercial Waste Collection Rooms and Chute Rooms) are 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.
 - b. Floor is to be graded to a central drainage point connected to the sewer, enabling all waste to be contained and safely disposed of
 - c. The chute inlets on each residential level to be located within cupboards (maximum depth of 150mm) and incorporate the following; dual self-closing sealed doors, ventilation, waterproofing and permit accessible resident access.
 - d. All on-site waste collection infrastructure (Waste Collection Rooms, Bulky Goods Collection Room, Commercial Waste Rooms and Chute Rooms) are to provide:
 - (i) automatic lighting and mechanical ventilation
 - (ii) to incorporate 180-degree outwards opening doors with a minimum width of 1800mm and with a latch open function
 - (iii) unobstructed internal height clearances in accordance with BCA requirements

- e. The commercial waste collection rooms are to be enclosed, walled and locked in accordance with section 3.4.1 of the 'industrial, commercial and mixed-use waste management guideline' document.
 - f. An 1800mm unobstructed access pathway is required from the on-site collection infrastructure (Bulky Goods Collection Room and Commercial Waste Rooms and Chute Rooms) to the rear of Council's standard waste collection vehicle.
 - g. An 1800mm unobstructed access pathway is required to provide connection between the Waste Compaction Units and the Chute Rooms.
 - h. Specifications of the bin lifting device to be used for emptying 1100L residential waste and recycling bins into the respective compaction units shall be provided to Council.
 - i. The Chute Rooms containing linear track systems are to provide storage for 2 x service bins within each room. The room to be line marked to showing the location of the service bins with respective clearances with access provided via an 1800mm unobstructed path of access.
 - j. The Chute Room containing a carousel chute system is to provide storage for 2 x service bins within the room. The room to be line marked to showing the location of the service bins with respective clearances with accessed via an 1800mm unobstructed path of access.
124. **Prior to the issue of a Construction Certificate**, detailed CAD drawings of the loading bay, access arrangement and waste compaction unit infrastructure are to be submitted to Council's contracted waste service provider for review and approval.
125. **Prior to the issue of a Construction Certificate**, a copy of the approved CAD drawings must be provided to Council.
126. A Construction Certificate must not be issued until Council's waste service provider has confirmed in writing that the infrastructure design, servicing configuration, access and operation arrangements for the compaction unit are acceptable.
127. Prior to the issue of an occupation certificate, installation of the waste compaction units is to be completed.
128. If the waste compaction units are not owned by the developer, a copy of the relevant lease, licence or other agreement for use of the waster compaction units is to be provided with any application for an Occupation Certificate.
129. **Prior to the issue of an Occupation Certificate**, an agreement must be entered into between the developer and Council's waste services provider for the collection, transportation, unloading and return of the waster compaction units. A copy of this agreement must be provided to the Council.
130. The installation, maintenance and operation of the waste compaction units is to be undertaken at no cost to Council.
131. The compaction units must remain in good operating condition at all times.
132. All personnel who operate the waste compaction units are required to undergo training to ensure the safe and efficient operation of the units and must manage the efficient transfer of waste from all chute rooms to the compaction units.
133. Servicing arrangements must at all times allow Council's waste service provider to remove the compaction units offsite for the purposes of emptying the unit of waste and recycling, undertaking any maintenance required and returning the compaction unit to the site.

134. **Prior to the issue of an Occupation Certificate**, the developer is to enter into a formal agreement with Council for the utilisation of Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

Advisory Note:

- By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Council's Waste Collection and Processing Contracts for Standard Waste Collection.
- The provision of Council's waste collection service will not commence until formalisation of the agreement.
- Council's bin infrastructure and waste collection service will be provided/commenced for the development upon the completion of all on-site waste collection infrastructure and the attainment of an Occupation Certificate.

Acoustic / Noise Requirements

135. **Prior to the issue of the Construction Certificate**, a Noise Impact Assessment (**NIA**) is to be submitted to Council for approval. The NIA is to be prepared by a suitably qualified acoustic consultant and must:
- a. demonstrate consideration of and compliance with the following guidelines and standards:
 - (i) NSW EPA Noise Policy for Industry
 - (ii) Association of Australasian Acoustical Consultants (AAAC) Guideline for Child Care Centre Acoustic Assessment
 - (iii) Development Near Rail Corridors and Busy Roads – Interim Guideline 2008 (NSW Department of Planning)
 - (iv) NSW Road Noise Policy
 - (v) State Environmental Planning Policy (Transport and Infrastructure) 2021
 - (vi) Australian Standard AS/NZ 2107:2016 Acoustics-Recommended design sound levels and reverberation times for building interiors
 - (vii) Penrith City Council Development Control Plan 2014
 - (viii) NSW EPA Assessing Vibration: a technical guideline, and associated industry standards
 - b. provide a noise impact assessment based upon the final detailed design, construction and operation of the development, considerate of all components and uses.
 - c. establish existing background noise levels in accordance with the NSW EPA Noise Policy for Industry
 - d. establish Project Trigger Noise Levels for both on-site receivers within the development itself (Stages 1 & 2) and off-site receivers, and establish internal noise level criteria that applies to receivers
 - e. assess all activities and uses, including plant and equipment, supermarket, medical centre, childcare centre, communal outdoor space areas, loading dock and waste collection activities, retail and commercial spaces and provide recommendations, both construction and operational, to mitigate noise impacts
 - f. assess the cumulative noise and vibration impacts from the completed development (Stages 1 and 2 cumulatively) upon receivers within the development itself and off-site. The assessment is to be based upon 'worst-case' maximum occupancy and cumulative operational scenarios across all time periods (day, evening and night)
 - g. confirm the construction elements required to mitigate noise and vibration impacts and to ensure applicable noise criteria can be complied with. This includes but is not limited to the construction required for glazing, acoustic barriers, wall, ceiling, carpark slabs, and plant and equipment enclosures to mitigate noise and vibration

- h. confirm operational measures required to mitigate noise impacts and facilitate compliance with applicable criteria. This includes but is not limited to restrictions to hours of operation and use of non-residential components and uses, restrictions to occupancy numbers, restrictions to the activities permitted within communal outdoor space areas, and the development of operational management plans and Strata By-Laws
- i. provide a detailed noise impact assessment of the proposed childcare centre, supported by an Operational Management Plan specifically for the Childcare Centre
- j. include detail of the modelling data input and assumptions applied, including the location and distribution of noise sources and receivers applied in the assessment of the childcare centre, public park and communal outdoor space areas.

Advisory Note:

For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Engineers Australia or the Association of Australasian Acoustical Consultants at the grade of member.

136. The NIA required to be submitted to, and approved by, Council must include specific stand-alone Operational Management Plans for each of the following uses and components of the development:

- Communal outdoor space areas located within the development itself
- Public Park
- Loading Dock

137. The Operational Management Plans are to be consistent with the recommendations of the NIA and are to be endorsed by the author of the NIA.

138. **Prior to issue of the Construction Certificate**, Council approval of the NIA is required. The recommendations must be shown on plans accompanying the Construction Certificate application.

139. The recommendations provided in the approved NIA must be implemented and incorporated into the final design, construction and operation of the development.

End of Acoustic / Noise Requirements

140. **Prior to the issue of the Construction Certificate**, a Construction Environmental Management Plan (**CEMP**) is to be prepared by a suitably experienced/qualified person and submitted to Council for approval.

141. If Council is not the certifying authority, a copy of the approved CEMP is to be provided to the Principal Certifier.

142. The CEMP 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, as well as, but is not limited to the following:

- a. Management roles, responsibilities and contact information
- b. Water quality management
- c. Noise and vibration control and hours of work (informed by Section'9 Construction Noise and Vibration' of Noise Impact Assessment report 20210908.3/0504A/R1/VF dated 14/03/2025, prepared by Acoustic Logic Pty Ltd

- d. Dust management and suppression
- e. Waste management (including solid and liquid waste)
- f. Erosion and sediment control
- g. Unexpected Finds Protocol
- h. Environmental management monitoring
- i. Pollution incidence and response
- j. Community communications and complaints response protocol

143. All construction activities on the site are to be implemented and carried out in accordance with the approved CEMP.
144. **Prior to the issue of the Construction Certificate**, details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Penrith City Council for consideration and approval.
145. Detailed data and information assessed by a suitably qualified acoustic consultant is to be supplied to demonstrate that operation of mechanical plant and equipment complies with the established noise criteria detailed in the approved NIA (referred to above).

Advisory Note:

- For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Engineers Australia or the Association of Australasian Acoustical Consultants at the grade of member}.

146. **During all construction works**, dust suppression techniques are to be employed during all construction works to reduce any potential nuisances to surrounding properties.
147. Mud and soil from vehicular movements to and from the site must not be deposited on the road during the construction phase.
148. All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:
- 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.

If the work relates to activities:

- a. inside the building and
- b. does not involve external walls or the roof and
- c. does not involve the interim use of equipment that emits offensive noise,

then the works are not restricted to the hours stated above.

149. The provisions of the *Protection of the Environment Operations Act 1997* in regulating offensive noise also apply to all works.
150. An appropriately qualified person/s shall:
- a. Supervise all filling works.

- b. On completion of filling works, carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority.
- c. Confirm that all fill material documentation:
 - (i) was prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - (ii) clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - (iii) provides details of the volume of fill material to be used in the filling operations,
 - (iv) provides a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
 - (v) (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.
- d. Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

Advisory Note:

- For the purpose of this condition an appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

151. The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.
152. If the Principal Certifying Authority or Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.
153. 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 is to be notified.

Any such 'unexpected finds' shall be addressed by an appropriately qualified environmental consultant.
154. Remediation works on this site are Category 1 works under State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land. Therefore, should any contamination be found during development works, and should remediation works be required, development consent may be required before the remediation works commence.

155. The recommendations of the Council approved Construction Environmental Management Plan (**CEMP**) are to be implemented and adhered to during the construction phase of the development.
156. All construction 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 are to be fully enclosed when the site is unattended.
157. Construction waste materials are to be classified and disposed of at a lawful waste facility.
158. 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.
159. Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's Interim Construction Noise Guideline 2009.
160. **Prior to the issue of the Occupation Certificate**, a Compliance Certificate prepared by a suitably qualified acoustic consultant, is to be submitted to the Principal Certifying Authority. The Certificate is to certify that the development, inclusive of all mechanical plant and equipment, acoustic barriers and construction requirements, has been constructed/installed to comply with the established noise criteria.

Advisory Note:

- For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Engineers Australia or the Association of Australasian Acoustical Consultants at the grade of member}.

161. Wastewater from the bin wash, waste room area and car wash bays is to be directed to the sewer in accordance with Sydney Water requirements.
162. The recommendations of the approved Noise Impact Assessment (**NIA**) and associated approved Operational Management Plans are to be implemented and adhered to during operation of the development.
163. In the event of substantiated ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.
164. The NIA is to be prepared and provided to Council for approval within 45 days of being requested.
165. Any noise mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

Advisory Note:

- For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Engineers Australia or the Association of Australasian Acoustical Consultants at the grade of member.

Food Business / Food Premises Requirements

166. The construction, fit out and finishes of all food premises and food preparation areas, must comply with Food Safety Standard 3.2.3 of the Australian and New Zealand Food Standards Code and AS4674-2004 Design, Construction and Fit out of Food Premises. Detailed design plans and information must be provided to the Principal Certifying Authority for any approval **prior to the commencement of the use**.
167. Food business shall not be used or occupied until a satisfactory inspection from an authorised officer of Council's Environmental Health Team is completed. The occupier is to contact the Environmental Health Team to organise an appointment at least 72 hours prior to the requested inspection time.
168. Where applicable 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 Team **at the time of the inspection or earlier**.
169. **Prior to the commencement of trade**, a food business operator must register their food business with Council by completing Council's Registration of Premises - Food Form. The occupier of the premises must notify Council within 7 days of any change of details.
170. Proprietors of food businesses shall ensure that the requirements of the NSW Food Act, 2003, NSW Food Regulation, 2015 and the Australian and New Zealand Food Standards Code are complied with at all times.

End of Food Business / Food Premises Requirements

Skin Penetration Business Requirements

171. **Prior to the commencement of trade**, the occupier must register a skin penetration business with Penrith City Council by completing Council's Skin Penetration - Registration of Premises Form.
172. The occupier of any skin penetration business must notify Council within 7 days of any change of details.
173. A skin penetration business shall not be used or occupied until a satisfactory inspection from an authorised officer of Council's Environmental Health Team is completed. The occupier is to contact the Environmental Health Team to organise an appointment at least 72 hours prior to the requested inspection time.
174. Any person carrying out skin penetration procedures must ensure that the requirements of 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 are met at all times.

End of Skin Penetration Business Requirements

175. **Prior to the use and occupation of a Nail Salon or Beautician** (where nail procedures are completed) the business shall provide certification to Penrith City Council confirming the premises is ventilated to adequately remove chemical odours and dust in accordance

with AS1668-2012 The Use of Ventilation and Air- conditioning in Buildings – mechanical ventilation in buildings, the *Protection of the Environment Operations Act 1997* and any SafeWork NSW requirements.

176. **Prior to the issuing of any Occupation Certificate and commencement of the system**, the occupier must register any Cooling Towers and Warm Water Systems with Council by completing the Regulated Systems Premises - Registration Form. The occupier of the premises must notify Council within 7 days of any change of details.
177. Air-Handling Systems, Hot-Water Systems, Humidifying Systems, Warm-Water Systems and Water-Cooling Systems shall be operated and maintained in accordance 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.
178. Air-Handling Systems, Hot-Water Systems, Humidifying Systems, Warm-Water Systems and Water-Cooling Systems must be installed in accordance with AS/NZS 3666.1:2011 “Air-Handling and Water Systems of Buildings—Microbial Control—Design, Installation and Commissioning”, as applicable to the specific system.
179. An air-handling system must be fitted with supply air filters, includes:
 - a. The Regulated System shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the Cooling Tower is a minimum 6m away from occupied areas, pedestrian thoroughfares, trafficable areas, air intakes including lift vents and building openings.
 - b. When an Air Handling, Hot Water, Humidifying, Warm Water or Water Cooling System is installed a certificate is to be submitted to Council certifying that the system has been installed in accordance with the Public Health Act, 2010, Public Health Regulation, 2012 and AS/NZS 3666.1:2011 “Air-Handling and Water Systems of Buildings—Microbial Control—Design, Installation and Commissioning”.
 - c. Any liquid discharge from the air handling system, resulting from operation, maintenance and/or cleaning operations, are to be disposed of into the sewer system. Discharge into the stormwater disposal system is not permitted.
180. The construction, fit out and finishes of all food premises, including the childcare centre, must comply with Food Safety Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 Design, Construction and Fitout of Food Premises.
181. **Prior to the issuing of a Construction Certificate**, detailed design plans and information relating to the construction, fit out and finishes of all food premises must be provided to the Principal Certifying Authority for approval.
182. Grease arrestors must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water’s requirements.
183. Waste shall be managed in accordance with the endorsed Operational Waste Management Plan.
184. Garbage rooms within buildings shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock.

185. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.
186. Toilets used by food handlers must have hand basins serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.