

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

JRPP Ref. No.:	2017SWT014
Application number:	DA17/0995
Description of development:	Staged Concept Development Comprising Stage 1 Works Involving the Construction of Commercial Shopping Centre Development, Shop Top Housing and Associated Bulk Earthworks, Road Works, Car Parking, Landscaping, Drainage Works and Advertising Signage; and Stage 2 Concept Development for Future Commercial/Retail Tenancies
Classification of development:	Class 6

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 100 DP 1194481
Property address:	Great Western Highway, KINGSWOOD NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Western Sydney University C/- Higgins Planning PO Box 1269 QUEEN VICTORIA BUILDING NSW 1230
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DECISION OF CONSENT AUTHORITY

In accordance with Section 2.12 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	7 January 2019
Date the consent expires	7 January 2024
Date of this decision	20 December 2018

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Pukar Pradhan
Contact telephone number:	+612 4732 7726

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within six months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

CONCURRENCE AUTHORITIES

CONCURRENCE AUTHORITY	DATE OF CONCURRENCE	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Roads and Maritime Services	29 January 2018	SYD17/01559(A20756177)	2	Roads Act 1993

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, BASIX Certificate No. 943992M and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing Reference	Prepared by	Dated
Basement Plan	10227_DA009-(Issue F)	Nettletontribe	29/08/2018
Site/ Ground Floor Plan	10227_DA010-(Issue G)	Nettletontribe	29/08/2018
Roof Plan	10227_DA011-(Issue D)	Nettletontribe	29/08/2018
Apartments Ground Floor Plan	10227_DA012-(Issue E)	Nettletontribe	17/08/2018
Apartments Level 1 Plan	10227_DA013-(Issue E)	Nettletontribe	17/08/2018
Apartments Level 2 Plan	10227_DA014-(Issue D)	Nettletontribe	17/08/2018
Apartments Level 3 Plan	10227_DA015-(Issue E)	Nettletontribe	17/08/2018
Apartments Roof Plan	10227_DA016-(Issue C)	Nettletontribe	18/07/2018
Elevations	10227_DA020-(Issue C)	Nettletontribe	17/08/2018
Coloured Elevation & Signage	10227_DA021-(Issue C) - Sheet 1	Nettletontribe	17/08/2018
Coloured Elevation & Signage	10227_DA022-(Issue C) - Sheet 2	Nettletontribe	17/08/2018
Apartments Elevations	10227_DA023-(Issue E)	Nettletontribe	17/08/2018
Signage Pylon Elevations	10227_DA025-(Issue C)	Nettletontribe	17/08/2018
Sections	10227_DA030-(Issue B)	Nettletontribe	16/07/2018
Sections	10227_DA031-(Issue C)	Nettletontribe	17/08/2018
Adaptable Unit Plans	10227_DA080- (Issue C)	Nettletontribe	17/08/2018
Urban Design Review	Caddens Creek Precinct	Roberts Day	May 2018

Landscape Architectural Plan 1 & 2	L_101 (issue H) & L_102 (issue H)	Elke Landscape Architects	30/08/2018
Landscape Architectural Vision	L_200 (issue C) & L_501 (Issue E)	Elke Landscape Architects	30/08/2018
Soil and Erosion Control Plan	32763-SYD Sheet Numbers CI-070-01C and CI-070-02H & CI-076-01C	Wood & Grieve Engineers	25/8/2018 & 30/08/2018
Civil Engineering Works Plans	32763-SYD Sheet Numbers CI-001-01F, CI-007-01D, CI-050-01F, CI-060-01, CI-100-01D, CI-400-01H, CI-400-02H, CI-400-03E, CI-400-04E, CI-401-01E, CI-402-01E, CI-402-02D, CI-403-01F, CI-403-02G, and CI-406-01D	Wood & Grieve Engineers	30/08/2018
Stormwater Quality Report	32763-SYD-C (Revision E)	Wood & Grieve Engineers	24/08/2018
Stormwater Drainage Plans	32763-SYD Sheet Numbers CI-500-01G, CI-520-01K, CI-520-02K, CI-520-03K, CI-520-04K, CI-522-01D, CI-522-02D, CI-526-01F and CI-526-02D	Wood & Grieve Engineers	30/08/2018
Stormwater Management Report	32763-SYD-C (Revision H)	Wood & Grieve Engineers	24/08/2018
BASIX Certificate	943992M (Revision 3)	Nicholas Johnson	17/07/2018

- 2 **Prior to the issue of a Construction Certificate**, the following design amendments shall be incorporated into the architectural plans:
- A change room facility (compliant with the requirements of the Building Code of Australia) shall be provided adjacent to or in close proximity to existing utility facilities
 - The proposed pylon signs shall be reduced in size (to a maximum size of 7m height x 2m wide).
- 3 This development consent relates to Stage 1 of the development only. A separate development application shall be submitted to Penrith City Council for any future stages of the development.
- 4 The relevant **Construction Certificates** shall be obtained prior to commencement of any building works.
- 5 **The development shall not be used or occupied until the relevant Occupation Certificate has been issued.**
- 6 The development shall be implemented and constructed in accordance with the requirements of Planning for Bushfire Protection 2006, the NSW Rural Fire Service's document 'Standards for asset protection zones' and advice issued by the NSW Rural Fire Service dated 8 February 2018.

- An Emergency /Evacuation Plan is to be prepared consistent with the NSW Rural Fire Service document 'Guidelines for the Preparation of
- Emergency/Evacuation plan'.
- New construction for the Child Care Centre shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.
- Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

7 A signage strategy and signage and wayfinding plan is to be submitted to and approved by Council **prior to the issue of a Construction Certificate**. The Principal Certifying Authority is to be provided with confirmation from Penrith City Council that the submitted plans have been reviewed and are endorsed.

Note: All signage requiring consent from Council, shall be subject to a separate development application, other than the approved pylon sign or signage listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan 2014.

8 The approved operating hours for individual components of the development are limited as follows:

- Supermarket - 6am to Midnight Mondays to Sunday
- Liquor Store - 9am to 10pm Mondays to Saturdays, and 10am to 10pm Sundays.

All delivery and service vehicles generated by the development are limited to 5am and 12:00am.

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

10 **Prior to the issue of the relevant Occupation Certificate**, applicant shall comply with all recommendations made in the Access Report prepared by McKenzie Group dated 28 August 2018 and provide a written document or a certificate of compliance indicating that all recommendations have been satisfactorily completed to Council for information and record.

11 **Prior to the issue of the relevant Occupation Certificate**, all recommendations made in the Sustainability Management Plan prepared by Wood & Grieve Engineering dated 17 July 2018 shall be implemented in the development and a written document shall be submitted to Council for information.

12 **Prior to the issue of the relevant Construction Certificate and/or relevant Occupation Certificate (as relevant)**, the following community safety and crime prevention through environmental design (CPTED) requirements shall be satisfied:

Lighting

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

(1997).

- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.
- All areas intended to be used at night must allow appropriate levels of visibility. This includes central arcade area, pedestrian pathways, communal areas, access ramps, stairwells, lifts and lift lobbies, bin area, any possible places for intruders to hide internal shop fronts and basement car park must be lit to the minimum Australian Standard of AS1158.
- All shop frontages must be well lit (e.g. under awning lighting) to improve visibility of this area at night and to minimise opportunities for graffiti and malicious damage.

Basement Car Parking

- A security/boom gate system with access control systems must be installed on vehicle entry points to the car park to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- All areas of the car park must be well lit, with consistent lighting to prevent shadowing or glare.
- All surfaces in the car park must be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.
- CCTV cameras should be provided for this development and are recommended for the basement car park, particularly on entry/exit points, including lift lobbies and stairwells.

Landscaping

- Vegetation throughout the development must be regularly pruned to ensure that sight lines are maintained allowing for natural surveillance.

Communal/Public Areas

- Vegetation in front planter boxes must be kept at a low level so as not to obstruct surveillance of the building entrances.
- Each individual dwelling should be clearly numbered.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed in all tenancies and areas where public access is restricted.
- Access to the internal mall areas must be restricted after hours.
- Australian Standard 220 – door and window locks must be installed in all tenancies.
- A monitored alarm system must be installed.
- Site supervisors or security guards must be provided.
- CCTV must be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Entrances to the shops off the central arcade must be clearly identifiable through design treatments and signage. Walls between the shops and the arcade must be glazed/see through.
- The layout of individual shops must support good surveillance of the shop entrances by staff. (i.e. shop counters/reception desks should be located at the front of the store facing the shop entrance).
- Authorised guests should be escorted to apartments by residents or intercom systems could be provided to enable guests to be 'buzzed in'.

Amenities

- The amenities (male and female toilets and parents room) are not located in a highly visible location with access down a long I-shaped corridor. Mirrors and adequate lighting must be provided in this corridor to allow users to see around corners.

Ownership & Space Management

- Building management must ensure all areas of the building is well maintained at all times, particularly those areas accessed by the public.
- Practices must be in place to ensure the speedy repair or cleaning of damaged or vandalised property, including the swift removal of graffiti.
- Management should provide information to residents and commercial tenants advertising where to go for help and how to report maintenance or vandalism problems.

Way Finding/Finding Help

- Signs should be large and legible, and use strong colours, standard symbols and simple graphics. They should indicate where to go for help or assistance.
- Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
- Location maps and directional signage should be provided for the proposed development to assist with way finding.

Graffiti/Vandalism

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

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

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

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

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and 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 shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

Heritage/Archaeological relics

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

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

Environmental Matters

- 15 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 16 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 17 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 18 All construction waste stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 19 All excavated material and other wastes generated as a result of the construction of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

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

- 20 Noise levels from the premises shall not exceed the relevant noise criteria detailed in prepared by Reverb Acoustics dated July 2018 (Report No. 17-2066-R3).

The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the relevant Construction Certificate application**.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of the relevant Occupation**

Certificate.

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

- 21 **Prior to issue of Construction Certificate for the fit-out of the proposed gymnasium**, an Acoustic Impact Assessment (AIA) shall be prepared by a qualified person and shall be submitted into council for consideration and approval.
- 22 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to the appointed PCA.

The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to the appointed Principal Certifying Authority,
- Certify by way of the relevant 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 appointed Principal Certifying Authority.

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

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

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

- 23 **Prior to the issue of the relevant Construction Certificate or the relevant Occupation Certificate (as relevant)**, the following waste management requirements must be detailed in the architectural plans:
 - All residential on-site waste collection infrastructure, doors and access points (including Waste Chute

Room, Waste Collection Room, Bulky Household Waste Collection Point and Loading bay) are to be locked through Council's Abloy Key System.

- All residential on-site waste collection infrastructure (including Waste Chute Room, Waste Collection Room, Bulky Household Waste Collection Room and Loading bay) are to be provided with wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing shall be installed to support the use of hose facilities.
- A linear track system is to be provided under each residential chute inlet in accordance with Council's Waste Management Guidelines.
- Smooth and impervious surfaces (walls and floors) must be provided to all waste storage areas and rooms.
- Floor areas must be graded and drained to a floor waste gully connected to the sewer.
- Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer.
- Waste storage rooms must be adequately ventilated and proofed against pests.

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

Note: By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City 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.

- 25 Council's residential waste collection service shall commence for the development upon the completion of all approved on-site waste collection infrastructure and once the relevant Occupation Certificate has been issued for the development.
- 26 A bin tug device is required to operate and manoeuvre the 1,100 lt bins. The bin tug device shall be provided and stored within the development. The device specifications, use and operational requirements are required to be submitted to Council **prior to commencement of Council's Waste Service**.

BCA Issues

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

The annual fire safety statement for a building must:

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

(b) be given:

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

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

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

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

Compliance with the performance requirements can only be achieved by:

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

Health Matters and OSSM installations

- 29 All food businesses are to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the business.
- 30 The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*. Details of compliance shall be submitted **prior to the issue of a Construction Certificate**.
- 31 Any cooling towers and warm water systems are to be registered with Penrith City Council by completing the regulated systems registration form.

This form is to be returned to Council **prior to the operation of the system**.

The occupier of premises at which a water-cooling system or warm-water system is installed must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au:

- a. if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- b. if the system is installed after he or she becomes the occupier, within one month after the system is installed.

The occupier of the premises must notify Council within 7 days of any change of details.

Utility Services

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

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

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

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

- 34 **Prior to the issue of the relevant Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:
- The requirements of the Telecommunications Act 1997;
 - For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
 - For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

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

Construction

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

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

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

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

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

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

36 Prior to the commencement of construction works:

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

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

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

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

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

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

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

37 An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to the issue of the Construction Certificate**, the Protocol is to be submitted to Council and approved. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval.

The Protocol is to address, at minimum, the management of any contamination found on the site during the excavation and construction phase of the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The above Protocol is to be complied with at all times during the excavation and construction phase of the development.

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

Authority Noise Control Guidelines:

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

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

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

- 39 **Prior to the issue of the relevant Construction Certificate**, details of any plant and equipment or unsightly structures required to be installed on the external facades or rooftop shall be shown on the architectural plans and submitted to Council for approval. In this regard, the plant, equipment and/or structures must be screened from view in materials/ finishes complimentary to the developments design. No approval is granted for the installation of ducting, conduit, plant or services infrastructure on the external facades of the building, unless it is indicated on the stamped approved plans.

Engineering

- 40 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 41 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of the works on site or prior to the issue of the relevant Construction Certificate**, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

- 42 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of the road, drainage works and associated civil works in O'Connell Street, including but not limited to:
- A 1.5m wide concrete footpath shall be provided for full length of street frontages of development site.
 - A roundabout is to be constructed (as proposed in the application) at the intersection of O'Connell Street (north/south) & O'Connell Street (east/west) and driveway access to the Western Sydney University site.. Amended plans for the proposed roundabout are to be submitted, for approval by Council's Traffic Engineers, which include a pedestrian refuge on each of the four legs of the roundabouts.
 - Bus shelters and boarding points are to be provided to existing Bus Stops fronting the site on O'Connell Street in accordance with Council's requirements. The existing Bus Stop on the western side of

O'Connell Street (fronting the site) shall be relocated to a suitable area closer to the proposed roundabout, with a concrete pedestrian footpath link to be provided to the Bus Stop.

All road works within the road reserve of O'Connell Street (East/West) shall integrate with the road works approved by Penrith City Council under Roads Act approval number CCX18/0025 for the upgrade of O'Connell Street.

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

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

Note: Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate. All works associated with the Roads Act approval must be completed **prior to the issue of the relevant Occupation Certificate**.

- 43 A Construction Certificate is to be approved by the Certifying Authority for the provision of a new road and associated drainage works.

Prior to the issue of the relevant Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plans prepared by Wood & Grieve Engineers, project number 32763, revision K, dated 30/08/2018, and that all works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

The engineering works may include but are not limited to the following:

- Public and private roads
- Private access driveways
- Sediment and erosion control measures
- Flood control measures
- Overland flow paths
- Traffic facilities
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

The relevant Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note: Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 44 **Prior to the issue of the relevant Construction Certificate**, the Certifying Authority shall ensure that the proposed road has been designed generally in accordance with Wood and Grieve Drawings in condition 1, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road Reserve Width	Carriageway Width	Verge Width	Footpath (1.5m wide) Min.	ESA
22.6m	12m (including two 2.5m wide parking lanes)	4.8m north and 5.8m south	1.5m north and 2.5m south	2×10 ⁶

A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer **must accompany the application for the relevant Construction Certificate**.

- 45 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the relevant Construction Certificate or Roads Act application.

Prior to the issue of the relevant Construction Certificate or Section 138 Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifying Authority for information purposes.

- 46 The stormwater management system shall be provided generally in accordance with the Stormwater Quality Report prepared by Wood and Grieve Engineers reference 32763-SYD-C revision G dated 24 August 2018, the MUSIC modelling and associated concept plan/s lodged for development approval, prepared by Wood and Grieve Engineers Reference Number 32763, revision K, dated 30 August 2018.

Prior to the issue of the relevant Construction Certificate, the stormwater plans shall be amended to ensure the crest of access ramp for apartments carpark entry shall be the greater of 300mm above the top of kerb level.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for the relevant Construction Certificate.

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

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

- 48 **Prior to the issue of the relevant Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2 and AS2890.6.

- 49 **Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for road and drainage works in O'Connell Street.

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

Note: Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

- 50 **Prior to the issue of the relevant Construction Certificate**, the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended. The development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be **submitted to Council prior to the issue of the relevant Construction Certificate and then updated and submitted prior to the issue of the relevant Occupation Certificate** confirming no damage has occurred.

- 51 Prior to commencement of any works associated with the development, sediment and erosion control measures shall be installed in accordance with the approved and relevant Construction 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.

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

- 52 **Prior to commencement of any works associated with the development**, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

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

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council. Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council **prior to the issue of the relevant Construction Certificate**.

- 53 **Prior to the issue of the relevant Occupation Certificate**, street lighting is to be provided along the proposed internal private road and O'Connell Street for the full length of the frontages of development site to Penrith City Council's standards.
- 54 All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

- 55 **Upon completion of all works in the road reserve**, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
- 56 **Prior to the issue of the relevant Occupation Certificate**, all existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated

underground in accordance with the relevant authorities regulations and standards.

- 57 **Prior to the issue of the relevant Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 58 **Prior to the issue of the relevant Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Water Sensitive Urban Design Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council **with notification of the issue of the relevant Occupation Certificate** where Council is not the Principal Certifying Authority.

- 59 **Prior to the issue of the relevant Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design):
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design.
 - Any remedial works required to be undertaken have been satisfactorily completed.

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

- 60 **Prior to the issue of any Occupation Certificate**, a 6m×6m splay corner at the existing and proposed intersections along O'Connell Street is to be dedicated as public road to Penrith City Council on a plan of subdivision registered with Land and Property Information (LPI). The dedication of public road and subsequent registration shall be at no cost to Penrith City Council.
- 61 **Prior to the issue of the relevant Occupation Certificate**, all regulatory/advisory linemarking and signage shall be installed, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee prior to installation.

Notes: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process. Allow eight (8) weeks for approval by the Local Traffic Committee. Applicable fees are indicated in Council's adopted Fees and Charges

- 62 **Prior to the issue of the relevant Occupation Certificate**, directional signage which is clearly visible from the public road shall be placed within the development site. The signage shall indicate vehicular access throughout the site and appropriately signposted 'Entry/Exit Only'.
- 63 Prior to the issue of the relevant Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 64 **Prior to the issue of the relevant Occupation Certificate**, a Maintenance Bond is to be lodged with Penrith City Council for road works and drainage works within O'Connell Street and proposed new road.

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

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

65 Prior to the issue of the relevant Occupation Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

- a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.
- d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage as identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.
- g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regarding.
 - Soil classification for all residential lots
 - Statement of Compliance
- i) Structural Engineer's construction certification of all structures
- j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.

66 The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on

request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 67 **Prior to the issue of a Construction Certificate**, amended plans for the proposed roundabout at the intersection of O'Connell Street (North/South), O'Connell Street (East/West) and the Western Sydney University are to be submitted for approval by Council's Traffic Engineers and Local Traffic Committee, wherein the plans include a pedestrian refuge incorporated into the splitter islands on each of the four legs of the roundabouts, as well as pram ramps and footpath connections to adjacent footpaths.

Note: Local Traffic Committee approvals will take a minimum of 8 weeks from the time plans are received by Council, to allow time for reporting, timing of monthly meeting cycles, subsequent reporting to Council's Ordinary Meeting and the issuing of action sheets facilitating formal approval.

- 68 All vehicles are to enter/exit the site in a forward direction.
- 69 All car spaces are to be sealed/linemarked and dedicated for the parking of vehicles only and not to be used for storage of materials/waste material/products/etc.
- 70 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 71 The proposed service vehicle access driveway to the loading dock area shall be designed to accommodate all service vehicle swept paths for the largest service/delivery vehicle required to enter the site.
- 72 **Prior to the issue of an Occupation Certificate**, bus shelters and boarding points are to be provided at the existing bus stop fronting the site on O'Connell Street (North/South) in accordance with Council's requirements. The existing bus stop on the western side of O'Connell Street (fronting the site) shall be relocated to a suitable area closer to the proposed roundabout, with a concrete pedestrian footpath link provided.
- 73 Detailed cross-section plans for the proposed Stormwater360 Jellyfish treatment device must be submitted **prior to issue of the relevant Construction Certificate**, including all site specific levels.

Landscaping

74 All landscape works are to be constructed in accordance with the stamped approved plans (as amended by Condition 82 of this consent) and Penrith Development Control Plan 2014.
Landscaping shall be maintained:

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

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

75 The approved landscaping for the site must be constructed by a landscape professional or a qualified consultant/profession as suitable to construct landscape works.

76 Upon completion of the landscape works associated with the development and **prior to the issue of an the relevant Occupation Certificate** for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a Landscape Consultants/professional as suitable to design landscape works.

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

77 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

78 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.

79 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

80 As outlined in Part 6 to Part 8 of the Arboricultural Assessment Report and revised Landscape Plans prepared by Elke Landscape Architect dated 21 September 2017, all nominated and required trees required to be retained and duly protected during the construction of the development and shall be fully be implemented **prior to the commencement of the construction works**.

Tree protection measures shall:

- be installed before any works can commence on site including the clearing of site vegetation, and
- comply with the standards prescribed by the Tree Management Plan, and
- be certified by the author of the Tree Management Plan (TMP) before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".

All landscape works shall be completed **prior to the issue of the relevant Occupation Certificate**.

81 **Prior to the release of the Construction Certificate**, the following landscape and other details outlined below shall be submitted to Penrith City Council for consideration and approval:

- In order to minimise the visual impact and improve the landscaping area along the western frontage of the site, the applicant shall provide additional low growth screen planting located along the deck area frontage across the front elevation to O'Connell Street. Details of species and their location shall be prepared by a Landscape architect or an Arborist and provided to Council for consideration and approval **with the construction Certificate**.
- Details of pathway leading from the north-west corner of deck cut out and other outdoor areas, addressing how water and air would be supplied to the roots of these plants and how litter collections beneath the deck would be carried out with the documentation to Council for consideration and approvals with the Construction certificate. Details shall be prepared by a Landscape architect or an Arborist.
- Details of the hand rails along the deck areas.
- Details of the pathway leading from the north-east corner of the site to the deck and how it is connected to the decking area.
- Details of shade provision, including structures and trees and tree canopies suitable for Activity Hub area located at the north-west corner of the site.
- The proposed shading structure within the car park area shall be readjusted and amended as shown in red on the approved plan to ensure better landscaping outcome.

Planting:

- Species of street trees are to be identified on plans, minimum 100L pot size for street trees. Street trees shall be located so their canopies do not negatively impact street lighting.
- All plants, including provenance stock, are to be procured through a reputable nursery within 14 days of contract being awarded to secure their supply in the size approved. Provide evidence of this occurring. All trees are to be grown to NATSPEC standards.
- Use of *Grevillea robusta* is not supported. Alternative species shall be provided in their place.
- Planting details are to be provided for the different types of tree plantings in the carpark e.g. use of structural soil or similar is required in narrow and small planting areas.
- Provision of shade (tree plantings to the north) to pedestrian routes through the carpark.
- To ensure all plant species are suitable for local soils and Western Sydney climatic conditions (heat and low precipitation).

- Provide mulch beds around clusters of existing trees in lieu of mown grass to encourage succession planting, optimal growing conditions and tree health. Indicate extent of mulch on landscape plans.

Western setback:

- Details of handrails, materials, slip resistance, anti-skate, levels etc for elevated boardwalk including details relevant to bicycle use and accessibility.
- To remove bulge/ extension at north west end of elevated boardwalk.
- Addition tree plantings are to be provided in the vicinity of the elevated boardwalk to both contribute to the streetscape of O'Connell St and reduce visual impact of the boardwalk. These must be located to ensure lopping or pruning will not be undertaken by Endeavour Energy.
- All proposed trees along O'Connell St (north-south) are to be provenance stock and species consistent with those existing in the same area. Plant schedule shall indicate when species is provenance. Trees shall be an even mixture of 45L and 75L pot sizes.
- No filling or cut is permitted within the rootzones of existing trees to be retained, unless at the express approval of the site arborist.

General:

- Extent of irrigation are to be indicated on plans.
- Provide landscape cross sections with spot levels through areas of change of level, providing details of retaining materials, stability, footings, gradients of landscaping, screening of walls, safe maintenance access etc.
- Fencing is not permitted on the boundary and they are to be set back a minimum of 1.5m from boundary with landscaping outside the fence to reduce the visual impact of the fence.
- Provide spot levels on all landscape plans in key locations to illustrate changes in level.
- Throughout all seating areas, including picnic settings, at least a total of 40% of seats should be accessible and inclusive i.e. provide backs, armrests and design adjacent and in-line spaces for people in wheelchairs.
- Apart from pedestrian crossings, ensure public domain elements and planting provide a safe path of travel for pedestrians crossing High Street.
- Any further potential precedent images must be relevant to the scale of the design element represented, with notes explaining the relevance to the design

82 **Prior to the issue of the relevant Construction Certificate**, a Landscape Plan of Management is to be provided detailing how all plants will be maintained and managed for the life of the development in order to ensure that all plants are planted and maintained to be capable of and nurtured to grow to their natural mature height and natural form.

83 All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained

84 All trees on public property shall be adequately protected against damage during construction. No trees on public property shall be removed, pruned or damaged during construction and this includes the erection of any fences, hoardings or other temporary works without approval from Council.

The placement of construction materials beneath the canopy of street trees is prohibited.

Section 94

- 85 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan(s) for **Werrington Education Living and Learning Precinct, Cultural Facilities and District Open Space** . **Based on the current rates detailed in the accompanying schedule attached to this Notice**, is to be paid to Council **prior to a Construction Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

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

The use of the multi-purpose community facility space as nominated on the approved plans shall be made available to Council (or as otherwise advised by council) subject to future agreement/negotiation with the developer or landowner.

Payment of Fees

- 86 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 87 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

- 88 **Prior to the issue of the relevant Construction Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the relevant Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 89 **Prior to the issue of the relevant Occupation Certificate**, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved relevant Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 90 **Prior to the commencement of any earthworks or construction works on site**, the proponent is to:
- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved

development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
(b) submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

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

- 91 The relevant Occupation Certificate are to be obtained from the Principal Certifying Authority on completion of all relevant works.

The relevant Certificate shall not be issued if any of the relevant conditions of this consent, are outstanding.

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

SIGNATURE

Name:	Pukar Pradhan
Signature:	

For the Development Services Manager