

APPENDIX D RECOMMENDED INSTRUMENT OF APPROVAL – CONCEPT PLAN APPLICATION

Concept Plan Approval

Section 75O and 75P of the *Environmental Planning & Assessment Act 1979*

Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission of New South Wales determine:

- (a) to approve the concept plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2, and the Statement of Commitments in Schedule 4, pursuant to section 75O of the *Environmental Planning and Assessment Act, 1979*;
- (b) pursuant to section 75P(1)(c) of the Act, that no further environmental assessment is required for stage 1;
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning and Assessment Act, 1979*, stages 2 to 6 stages 2 to 6 of the Concept Plan approval are to be subject to Part 4 or Part 5 or the Act whichever is applicable; and
- (d) under section 75P(2)(c) of the EP&A Act, where development is subject to Part 4 of the Act (other than complying development), that development is subject to the further requirements specified in Schedule 3 of this approval.

Member of the Commission

Member of the Commission

Sydney

2014

SCHEDULE 1

Application No:

09_0192

Proponent:

Parkview Penrith Pty Limited

Approval Authority:

Minister for Planning and Infrastructure

Land:

Lot 12 DP 234581, 164 Station Street, Penrith

Project:

Concept Plan for a staged mixed use development with approximately 570 residential apartments, neighbourhood shops, food and drink premises, and tavern; and a Home Improvement store for sale of bulky goods, hardware and building supplies with garden centre and ancillary café.

NOTES

Responsibility for other consents / agreements

The proponent is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Legal Notices

Any advice or notice to the approval authority shall be served on the Director General.

DEFINITIONS

In this approval:

Advisory Notes	Advisory information relating to the approval but do not form a part of this approval
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Penrith City Council
Certifying Authority	a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the EPA Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Department	Department of Planning and Infrastructure or its successors
Director-General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Environmental Assessment (EA)	the Environmental Assessment report for MP09_0192 Concept Plan and stage 1 Project Application, 164 Station Street, Penrith prepared by Urbis for Parkview Penrith Pty Limited, Volumes 1 and 2 dated September 2012.
EP&A Act (or the Act)	Environmental Planning and Assessment Act 1979, as amended
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Infrastructure, or nominee
Project	Means the proposal as described in Term A1 to this approval
Preferred Project Report (or PPR)	Preferred Project Report for MP09_0192 Concept Plan and stage 1 Works for 164 Station Street, Penrith prepared by Urbis dated June 2013
RMS	Roads and Maritime Services Division, Department of Transport or its successor.
Statement of Commitments	means the revised statement of commitments made by the proponent with the Submissions Report dated 8 November 2013
Subject Site	means Lot 12 DP234581 at 164 Station Street, Penrith
Submissions Report	means the Submissions Report prepared by Urbis for 164 Station

Street, Penrith dated November 2013 (submitted in response to issues and submissions following exhibition of the PPR and amended proposal)

SCHEDULE 2

TERMS OF APPROVAL

PART A – ADMINISTRATIVE CONDITIONS

A1 Development Description

Concept plan approval is granted for the project generally as described below:

Use of the site for a mixed use development, in six stages (with staging as set out in A5), with:

- Stage 1 works for establishment of Home Improvement store, bulky goods and hardware supplies outlet with garden centre and ancillary cafe (13,641m²) with associated parking for 375 cars; and
- Stage 2 to 6 residential/ retail development including
 - Indicative building footprint and envelopes for buildings containing approximately 570 residential apartments (approximately 60,000m²), retail floor space (995m²) and tavern (1,800m²),
 - A road layout and pedestrian network to support the development;
 - Basement and ground level parking;
 - Public plaza and communal open space areas; and
 - Landscaping throughout the site.

As modified by the modifications described in Part B of Schedule 2 of this approval.

A2 Project in Accordance with Plans

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated September 2012 prepared by Urbis, except as amended by the Preferred Project Report dated June 2013 and as further amended by the Submissions Report dated November 2013, including all associated documents and reports;
- the Revised Statement of Commitments prepared by Urbis, section 6 of the Submissions Report dated November 2013; and
- the following drawing:

Concept Plans prepared by Turner & Associates			
Drawing No.	Revision	Name of Plan	Date
DA003	G	Future Site Context Plan	03.06.2013
DA012	B	Part Diagrams	25.05.2013
DA013	C	Street Network Diagrams	03.06.2013
DA014	C	Staging Plan	03.06.2013
DA031	J	Illustrative Basement Plan	03.06.2013
DA032	F	Illustrative Ground Floor Plan	03.06.2013
DA033	J	Illustrative Typical Level Plan	03.06.2013

DA034	H	Illustrative Roof Level Plan	03.06.2013
DA035	B	Illustrative Elevations 1	25.05.2013
DA036	C	Illustrative Elevations 2	25.05.2013
DA037	C	Illustrative Sections 1	25.05.2013
DA038	F	Building Envelope Plan	03.06.2013
DA039	B	Building Envelope Elevations 1	25.05.2013
DA040	B	Building Envelope Elevations 2	25.05.2013
DA041	B	Building Envelope Sections 1	25.05.2013
DA052	B	3D Views 2	03.06.2013
DA053	B	3D Views 3	03.06.2013

except for:

- (1) any modifications which may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA;
- (2) otherwise provided by the terms of this approval.

A3 *Inconsistencies*

- (1) In the event of any inconsistency between:
 - a) The terms of this approval and the Statement of Commitments (at Schedule 4), the terms of this approval prevail;
 - b) The terms of this approval and the drawings/documents referred to in A2 and A3, the terms of this approval prevail; and
 - c) Any drawing/document listed in A2 and A3 and any other drawing/document listed in A2 and A3, the most recent document shall prevail to the extent of the inconsistency.

A4 *Limits of approval*

- (1) This concept plan approval shall lapse five (5) years after the date of this concept plan approval, unless works the subject of any related application are physically commenced, on or before that lapse date.
- (2) To avoid any doubt, this approval does not permit the construction of any component of stages 2 to 6 of the concept plan which will be subject to separate approval(s).
- (3) The proponent may apply to the Director-General for approval to amend the Staging Plan

A5 *Staging*

The staging of the project and the components of the staged development shall be generally in accordance with the following:

Stage 1

- demolition of the existing buildings on the northern portion of the site.
- subdivision of the site to create 3 separate lots:
 - Proposed lot 11 - (4.058ha) for stages 2 to 6 of the concept plan;
 - Proposed lot 12 - (0.46ha) for the proposed new road through the centre of the site; and
 - Proposed lot 13 - (3.325ha) for the stage 1 of the concept plan and the Home Improvement store.
- construction and operation of a Home Improvement store (13,641m²) including:
 - general sales area for hardware and building supplies (7,616m²);
 - garden and plants sales area (2,218m²);
 - trade sales area (with drive-unloading system) (2,305m²);
 - 'back of house' deliveries and loading area (840m²);
 - office and amenities (502m²);
 - café (160m²), (fit-out of the café is to be subject to a future development application);
 - car parking for 375 cars, including eight accessible spaces (as well as 30 bicycle racks); and
 - signage comprising; one main entry sign and two trade and garden identification signs located on the western elevation; and a 12m high pylon sign adjacent to the car park entry off Station Street.
- traffic and access arrangements for stage 1 and the Home Improvement store, including separate customer and general servicing entries into the stage 1 store, with:
 - construction of internal road link between Station Street and Woodriff Street;
 - main customer access and access to car park, from Station Street;
 - two way secondary customer access on to the new proposed road through the centre of the site (over proposed lot 12); and
 - service entry/access off Woodriff Street.
- stormwater infrastructure works.

Stage 2

Approximately 15,950m² of residential development (152 apartments) comprising:

- A four storey building containing 32 apartments;
- A five to ten storey building containing 120 apartments;
- Communal open space for residents of the buildings; and
- 163 car parking spaces (152 residents spaces, eight visitor spaces and three car wash bays).

Stage 3

Approximately 8,550m² of development (90 apartments) comprising:

- A five to six storey building containing 90 apartments, and ground floor retail floor space;
- Communal open space for residents of the building;
- Neighbourhood shops/cafes of approximately 995m²;
- A tavern of approximately 1,800m²;
- Public open space with a plaza of approximately 2,300m²; and
- 166 car parking spaces (90 resident spaces, five visitor spaces, ten retail (staff) spaces, 73 tavern spaces, two car wash bays).

Stage 4

Approximately 17,450m² of residential development (166 apartments) comprising:

- A four storey building containing 48 apartments;
- A seven storey building containing 118 apartments;
- Communal open space for residents of the buildings; and

- 178 car parking spaces (166 resident spaces, nine visitor spaces, three car wash bays).

Stage 5

Approximately 12,600m² of residential development (110 apartments) comprising:

- A six storey building containing 60 apartments;
- A five storey building containing 50 apartments;
- Communal open space for residents of the buildings; and
- 118 carparking spaces (110 resident spaces, six visitor spaces, two car wash bays).

Stage 6

Approximately 5,450m² of residential development (52 apartments) comprising:

- Two x four storey buildings, one with 24 apartments and one with 28 apartments;
- Communal open space for residents of the buildings; and
- 56 car parking spaces (52 resident spaces, three visitor spaces and a car wash bay).

Stages 2 to 6

- Construction of the internal road network, civil and stormwater infrastructure works relevant to each stage.

This staging may be varied with future development applications, according to future market forces and requirements.

PART B – MODIFICATIONS OF THE CONCEPT PLAN

B1 Public Plaza

All public domain areas, and in particular the public plaza within stage 3, are to be provided with 24 hour, 7 day a week access. Details on any required rights of way and easements to provide for public access over privately owned publicly accessible land shall be submitted with future development applications.

B2 Intersection Upgrade – Station Street and Ransley Street

- (a) The existing intersection at Station Street and Ransley Street shall be upgraded to a Traffic Signal Controlled intersection, in accordance with requirements of RMS, or
- (b) The proponent shall establish to the satisfaction of the Director-General and Penrith City Council (with advice from the RMS) that alternative arrangements can be provided at this intersection to suitably and effectively control traffic movements, as well as provide for safe and effective pedestrian access to the development and along Station Street.

B3 Traffic Median – Station Street

A traffic median shall be constructed in Station Street, to council's satisfaction, adjacent to the intersection with the proposed road (New Street 1) linking Station Street and Woodriff Street, to restrict traffic movement at this location to left in and left out only.

B4 Car Parking for the Tavern

At least 120 car parking spaces shall be provided exclusively for the use of patrons and staff of the proposed Tavern (stage 3), at a rate of approximately one space per 15m², with the concept plan and basement parking area/s being amended to increase the number of car spaces, at the same time retaining deep soil planting zones within the adjacent public plaza area.

B5 Aboriginal Cultural Heritage

In accordance with advice from the NSW Office of Environment & Heritage and consistent with the findings of the excavations, surface and sub-surface impacts to the northern section of the site are to be minimised as much as possible in order to reduce the risk of causing harm to any Aboriginal cultural heritage objects that may be located in that area.

B6 Earthworks

Any bulk earthworks are to be generally undertaken only in stages in conjunction with the development applications for each stage of the proposed development, however any earthworks required for site infrastructure, road works, drainage of the like, may be carried out (with consent) in advance of a particular stage, if the relevant areas are subsequently stabilised and grassed or landscaped so that no major areas of earth and soil are left exposed.

SCHEDULE 3

REQUIREMENTS FOR FUTURE APPLICATIONS

Pursuant to section 75P(2)(c) of the Act the following requirements apply, as relevant, with respect to future stages of the project to be assessed under Part 4 or 5, as relevant, of the Act:

1. DESIGN REVIEW PANEL AND DESIGN COMPETITION

The design outcomes for the final built form and landscaping for each stage of development shall exhibit design excellence.

- a) Prior to the submission of the first development application, the proponent shall establish a design review panel including at least three registered architects or architectural firms with a reputation for delivering buildings and/or the public domain of design excellence, to provide urban design and architectural review for each of stages 2 to 6.
- b) The members of the panel shall be to the satisfaction of the Director-General.
- c) A report on the findings and recommendations of the panel shall be provided with each of the future relevant applications for each of the substantive stages (stages 2 to 6) of the development, which demonstrates the proposed design having regard to the advice of the panel.
- d) For the future application which includes the 10 storey building at the key corner of Jamison Road and Station Street the proponent is to conduct a design competition for the building/s, prior to preparation and submission of the application. Such a design competition shall be conducted generally in accordance with the design competition requirements and procedures as set out in Penrith City Centre LEP 2008 and Penrith City Centre DCP.

2. DEVELOPMENT DESIGN GUIDELINES

Future applications for the site shall address the following:

- a) the built form will comply with the provisions of the State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002 (or as may be subsequently revised), except where modified by this Concept Plan approval.
- b) sufficient building modulation/articulation is provided to achieve an acceptable built form.
- c) solar access to future apartments shall be consistent with the approved Concept Plan and as modified to achieve compliance with the requirements of the Residential Flat Design Code.
- d) future applications shall ensure that the internal residential amenity of the proposed apartments are not unduly affected by the noise and vibration impacts, in particular from external noise sources;
- e) ground level public frontages to buildings are to be activated and provide a transition between public and private domain.

3. ECOLOGICAL SUSTAINABLE DEVELOPMENT (ESD)

- (a) Future applications shall demonstrate that any future development will incorporate ESD principles in the design, construction and ongoing operation phases of the development, including water sensitive urban design measures, energy efficiency, recycling and water disposal.

- (b) Future applications shall include ESD strategies generally in accordance with the recommendations of the Nepean Green Project – ESD Environmental Application report prepared by Cundall consultants dated July 2012, Appendix K of the EA. They shall also have regard to relevant provisions of Penrith City Council's Sustainability Blueprint for Urban Release Areas.

4. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- (a) Future applications shall ensure all design and treatment recommendations as identified in the report Nepean Green Crime Prevention through Environmental Design (CPTED) Assessment, Appendix O, Environmental Assessment (as revised by the addendum Appendix I PPR) are incorporated within the development.
- (b) Future applications shall include consideration of measures identified in the Crime Risk Evaluation prepared by Crime Management Unit, Penrith police, dated July 2013.

5. TAVERN (STAGE 3)

A Social Impact Statement and a Security Management Plan must be submitted with the future development application that includes the proposed tavern, which is to include information to address how crime prevention and anti-social behaviour are to be addressed.

6. PRIVACY

Future applications shall demonstrate that adequate privacy screening / treatment has been provided to minimise privacy impacts between buildings located on the site and also address privacy concerns of adjoining developments.

7. LANDSCAPING

Future applications shall include detailed landscape plans that address the following:

- (a) demonstrate that sufficient soil depth can be provided for landscaping, particularly along street frontages and over podium/basement levels (refer to Note below).
- (b) the recommendations of the Pedestrian Wind Environment Statement prepared by Windtech, Appendix N, Preferred Project Report and provide for:
 - (i) densely foliating evergreen trees capable of growing to a height of at least 5m and with a 4m wide canopy along site frontages to Station Street, Jamison Road, Woodriff Street, and along the proposed roads within the development, and
 - (ii) densely foliating trees and vegetation within the outdoor public plaza, landscape communal areas and within the car park for the stage 1 Home Improvement store.
- (c) the Nepean Green Crime Prevention Through Environmental Design (CPTED) Assessment, Appendix O, Environmental Assessment as revised by the addendum Appendix I PPR, and in particular shall generally ensure that landscaping does not interrupt sightlines or provide opportunities for concealment.

Note: Planting on top of basement podiums or structures should be generally consistent with the recommended minimum standards, in relation to soil volumes, depths, and areas, as set out on the Residential Flat Design Code 2002, 'Rules of Thumb', Site Configuration, Planting on Structures:

8. NOISE IMPACTS

Future applications must address the findings and recommended noise mitigation measures as set out in the Revised Concept Plan Noise Impact Assessment, prepared by Acoustic Logic, revision 1, dated 3 June 2013.

9. CONTRIBUTIONS

Development contributions are required to be paid to Council towards the provision or improvement of public amenities and services at each stage of the development. The amount of the contribution will be determined in accordance with the requirements of a Planning Agreement between the Proponent and Council or, if no Planning Agreement is entered into, in accordance with the development contributions plans current at the time of approval for each stage.

10. HOUSING AFFORDABILITY

- (a) Future development applications shall identify possible locations for the provision of affordable housing within the development, with at least 3% of dwellings as affordable housing, for very low to low income households.
- (b) Future applications shall provide details of how a range of mechanisms will be employed to ensure the provision and management of such affordable housing, including any role for community housing providers or the potential use of Planning Agreements.

Note: This requirement has regard to the objectives of the R4 High Density Residential zone applying to the land, under clause 13 of Penrith City Centre LEP 2008, and in particular the objective to encourage the provision of affordable housing.

11. ACCESS

Future applications shall address the following with regard to public and private access arrangements:

- (a) A positive covenant in favour of Penrith City Council shall be created providing for full free public access to the public plaza (stage 3)
- (b) A Management Plan shall be prepared for any future Community Title or co-operative owned land over the site to provide for the following responsibilities:
 - (i) maintenance of all the internal road network infrastructure in perpetuity;
 - (ii) cleaning of all internal roads and footpaths in perpetuity;
 - (iii) cleaning of all drainage pipelines, gully pits and gross pollutant traps in perpetuity; and
 - (iv) an adequate standard of maintenance of open space spaces and plaza/s.
- (c) An access application shall be made to Council to obtain footpath crossing and boundary alignment levels before commencing the detailed design of internal roads, driveways, paths and car park areas.

12. PUBLIC DOMAIN

Future applications shall address the following matters:

- a) The cost of all street works, including the provision of roads, footpaths, services, traffic management, traffic and parking signage, landscaping, lighting and street furniture within the development and where it connects to adjacent roads shall be provided by the developer at no cost to Penrith City Council or the Roads and Maritime Services.
- b) The provision of pedestrian and cycle linkages through the development in accordance with the approved Concept Plan, suitable for use by persons with disabilities, and in accordance with relevant Australian Standards.

13. ROADS

- (a) All future public roads and associated drainage works are required to be in accordance with Council's Guidelines for Engineering Works for Subdivisions and Developments, where Council is to accept their dedication. A one year maintenance period will follow any such dedication. Future applications shall provide for:

- (i) Splay corners at the intersection of Jamison Road and Station Street and at the intersection of Jamison Road and Woodriff Street, to provide for any future upgrade works at these intersections, pedestrian access, appropriate provision of services and removal of any current encroachments;
 - (ii) The dedication of land as road reserve adjacent to Jamison Road to ensure that a 4.8m wide verge is provided to allow for services, a cycleway and street tree planting;
 - (iii) Appropriate road crossing treatments where applicable, to promote connectivity for existing cycleway infrastructure along Jamison Road, subject to Roads Act approval;
 - (iv) Upgrade of existing road assets in the surrounding/adjacent streets, including verge regarding/filling of low level verges, reinstatement of redundant laybacks and crossings and provision of minimum 1.5m wide footpaths, along with consideration of shared cycleway facilities; and
 - (v) All proposed public footpaths being contained within the public road reserve.
- (b) Roads Act approval/s from Council will be required for any works within the road reserve areas and approval of the Local Traffic Committee will be required for the provision of any signage and line marking on public roads.
 - (c) Future applications are to be accompanied by a Road Safety Audit addressing the proposed local road network and any intersection treatment/s that will need to be undertaken.

14. CAR PARKING,

Future applications shall address the following:

- a) The total amount of car parking to be provided as part of the development.
- b) An updated schedule of parking allocations shall be prepared and submitted with each subsequent application.
- c) Parking facilities (public, commercial and bicycle).
- d) The design of the parking and commercial vehicle facilities shall ensure all vehicles, including commercial vehicles, enter and exit the development in a forward direction.
- e) All loading and unloading associated with the use of the development, including servicing and deliveries for the residential apartments shall take place wholly within the site from designated service and loading bays.
- f) The proponent shall enter into an agreement with Council that will delegate powers to Council, if agreed with Council, to enforce regulatory parking signs within the internal road network.

15. PEDESTRIAN AND BICYCLE FACILITIES

Prior to the submission of the development application for each stage, the proponent is to review pedestrian and bicycle access, safety, and facilities (for each of the substantive stages 2 to 6) in consultation with Council and Transport for NSW.

This review shall consider the following:

- (a) any measures, such as pedestrian crossings, refuges and bus stops, required to be provided for pedestrian movements to and from the development.
- (b) the inclusion in each stage of the development of bicycle parking facilities and bicycle path connections.

Details of measures to be implemented are to be provided with each future development application.

16. TRAFFIC ASSESSMENT – NEW STREETS

Prior to submission of a development application for stage 2, the proponent shall undertake an assessment of the performance of the cross intersection of new street I with new street II and access to the Home Improvement store car park (including SIDRA modelling, where relevant), to establish that a satisfactory level of performance and traffic movements can be provided. Findings of the assessment and any measures required to ensure a satisfactory level of service shall be detailed with the development application

17. TRAFFIC ASSESSMENT – BACKGROUND TRAFFIC GROWTH

Prior to submission of any development application for the stages of the development after stage 3, further traffic assessments are to be undertaken of the traffic impacts of the staged development in relation to any additional and cumulative impacts, including the growth in background traffic volumes, and in particular impacts on the performance of various access points into the site and adjacent intersections. Findings of the further traffic assessments and details of any measures that may be required to be implemented shall be detailed with any future development application (after stage 3).

18. NSW TRANSPORT – ROADS & MARITIME SERVICES

Future development applications shall demonstrate that any RMS requirements have been met in relation to the provision of traffic signal/s and associated road upgrades, and any other works associated with classified roads or roads controlled by the RMS.

19. SYDNEY WATER

Future development applications shall demonstrate that the Sydney Water requirements have been met in relation to water servicing, waste water servicing; and trade waste. *[Note: Documentation relating to the above, can be submitted to Sydney Water via the following email address: urbangrowth@sydneywater.com.au].*

20. STORMWATER AND DRAINAGE

Future development applications shall address the following:

- a) a stormwater drainage system through the site comprising pipe or culvert underground conduits and overland flow paths. Any overland flow paths must convey the design flows while maintaining design freeboard at all times;
- b) issues related to localised flooding, particularly in regard to the safe passage of overland flows (including flows through the site) and the capacity of existing stormwater infrastructure;
- c) general consistency with Council's technical specifications for the design of stormwater management facilities, and the principles of Water Sensitive Urban Design (WSUD) having regard to the existing stormwater infrastructure servicing the site. Water recycling facilities may be considered in lieu of any Council rainwater tank requirements;
- d) model input/output information to demonstrate that post development flows will not exceed pre-development flows at all discharge locations;
- e) details of maintenance and monitoring of all stormwater treatment devices; and
- f) details of treatment devices for runoff from any car wash bay.

21. CONTAMINATION AND REMEDIATION

Future development applications shall address any potential contamination on the site and implement the recommendations of the Contamination Assessment prepared by Geotechnique Pty Ltd report No. 11761/1-AA dated 2 June 2008) and as revised by

recommendation in the independent review undertaken by Geo_Logix dated 8 June 2012, Appendix H of the EA.

22. GROUNDWATER AND GEOTECHNICAL ASSESSMENT

- (a) Future applications are to demonstrate that the development does not adversely impact upon groundwater. Where basements intercept groundwater, the basements are to be tanked.
- (b) Monitoring of ground water levels is to commence prior to basement design and continued throughout the construction.
- (c) Future development application shall provide for site-specific geotechnical investigation/s in accordance with the recommendations of the Preliminary Geotechnical Assessment prepared by Douglas Partners dated 25 July 2012, Appendix AA of the EA.

Note: If groundwater is likely to be intercepted or extracted a licence may be required from the NSW Office of Water under Part 5 of the Water Act 1912 in relation to construction excavation/dewatering activities depending on the volumes encountered and the duration of pumping.

23. ABORIGINAL CULTURAL HERITAGE

All future applications for each stage of development are to demonstrate the implementation of the general recommendations of the Aboriginal Cultural Heritage Assessment (ACHA) prepared by AHMS dated August 2012, Appendix T of the EA.

24. CONSTRUCTION ENVIRONMENTAL AND TRAFFIC MANAGEMENT PLANS

All future development applications are to include a stage/application specific Construction Environmental Management Plan (CEMP) that details measures to address the environmental and amenity impacts of construction.

Should any impacts be identified, the duration of the impacts and the measures proposed to mitigate these must be clearly explained and committed to being enforced.

25. STAGING OF DEVELOPMENT

- (a) Staging of the development shall be generally consistent staging set out in A5. Future applications shall provide details of the final form of staging of the development, to be submitted with the first application to ensure the orderly and coordinated development of the site.
- (b) A staging plan for the delivery of all civil infrastructure should be provided with the initial development application, including intersection upgrades and upgrades to existing roads, to align with the staging of the development and ensure key infrastructure connections are delivered appropriately.

Note: Subject to any requirements and conditions of approval, staging may be varied in sequence and timing. Essential infrastructure associated with and including, but not limited to, roads, roundabouts, bus routes, footpaths, parks, services, landscaping and environmental management, shall be constructed as specified in the staging plans listed above or as otherwise provided in these conditions and the proponent's Statement of Commitments.

SCHEDULE 4
STATEMENT OF COMMITMENTS
(As Revised)

Dated November 2013

Project Approval

Sections 75J and 75P(1)(c) of the *Environmental Planning & Assessment Act 1979*

Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission), approves the project referred to in Schedule 1, subject to the DEFERRED COMMENCEMENT requirements in schedule 2, the foreshadowed conditions of approval in the attached Schedule 3, and the Proponent's Statement of Commitments in Schedule 4.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Member of the Commission

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Sydney

2014

SCHEDULE 1

Application No:

09_0192

Proponent:

Parkview Penrith Pty Ltd

Approval Authority:

Minister for Planning & Infrastructure

Land:

Lot 12 DP 234581, 164 Station Street, Penrith

Project:

Stage 1 works, of staged mixed use development, involving demolition, subdivision of the land into three allotments, and construction and operation of a improvement store on proposed lot 12, including retailing of hardware and building supplies/ bulky goods, with a garden centre, an ancillary café, signage and provision of 375 car parking spaces.

DEFINITIONS

In this approval:

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BCA	means Building Code of Australia
Certifying Authority	means a person who is authorised by or under section 109D of the Act to issue a construction certificate under Part 4A of the EPA Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Construction	means Penrith City Council
Construction Certificate	means any works, including earth and building works
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Director-General	means Department of Planning and Infrastructure or its successors
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PCA	Means Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Project	means the proposal as described in Term A1 to this approval
Proponent	means Parkview Penrith Pty Limited
Preferred Project Report (or PPR)	means the Preferred Project Report for MP09_0192 Concept Plan and stage 1 works for 164 Station Street, Penrith, dated June 2013.
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	means Roads and Maritime Services Division, Transport for NSW, or its successor.
Statement of Commitments	means the modified statement of commitments made by the proponent, and included as Section 6 of the Submissions Report and dated 8 November 2013

Subdivision Certificate	means a certificate referred to in section 109C(1)(d) of the EP & A Act
Subject Site	means Lot 12 DP234581 at 164 Station St, Penrith
Submissions Report	means the Submissions Report prepared by Urbis for 164 Station Street, Penrith dated November 2013 (submitted in response to issues and submissions following exhibition of the PPR and amended proposal)
Trade wastewater	means discharge water containing any substance produced through industrial or commercial activities or operation on the premises.

SCHEDULE 2

DEFERRED COMMENCEMENT REQUIREMENTS

The following deferred commencement requirements must be complied with, to the satisfaction of the Director-General, within 12 months of the date of this determination, and prior to the project approval for stage 1 of the concept plan being operational.

- 1) The proponent shall demonstrate that the warrants for signalisation required by the RMS are met, or alternatively there is an agreement from RMS for installation of traffic signals, at the intersection of Ransley Street, Station Street and the access into the car park for the stage 1 Home Improvement store; or
- 2) The proponent shall establish to the satisfaction of the Director-General and Council (with advice from the RMS) that alternative arrangements can be provided at this intersection to suitably and effectively control traffic movements, as well as provide for safe and effective pedestrian access to the development and along Station Street.
- 3) The proponent shall commit to being responsible for the costs of installation of traffic signals referred to in point (1) or the alternative arrangements referred to in point (2), along with the costs of associated road/civil works.

SCHEDULE 3

FORESHADOWED CONDITIONS OF APPROVAL

The following conditions of approval including any other conditions that may arise from resolution of the deferred commencement requirements listed in Schedule 2, will be included in an operational project approval to be issued by the Director-General (or, nominee or delegate) after the proponent provides sufficient information to satisfy the Director-General (or, nominee or delegate) in relation to the deferred commencement requirements listed in Schedule 2.

PART A ADMINISTRATIVE CONDITIONS

A1 Project Description

Project approval is granted only to carrying out the project described in detail below:

- demolition of existing buildings
- subdivision of the site to create 3 separate lots:
 - Proposed lot 11 - (4.058ha) for stages 2 to 6 of the concept plan;
 - Proposed lot 13 - (0.46ha) for the proposed new road through the centre of the site; and
 - Proposed lot 12 - (3.325ha) for the stage 1 of the concept plan and the Home Improvement store.
- construction and operation of a Home Improvement store (13,641m²) including:
 - general sales area for hardware and building supplies of 7,616m²;
 - garden and plants sales area of 2,218m²;
 - trade sales area (with drive-unloading system) of 2,305m²;
 - deliveries and loading area off 840m²;
 - office and amenities 502m²;
 - café 160m² (fit-out of the café is to be subject to a future development application);
 - car parking for 375 cars, including eight accessible spaces (as well as 30 bicycle racks);
 - signage comprising; one main entry sign and two trade and garden identification signs located on the western elevation; and a 12m high pylon sign adjacent to the car park entry off Station Street.

A2 Development in Accordance with Plans and Documentation

- 1) The Proponent shall carry out the development generally in accordance with
 - a) the Concept Plan (MP09_0192);
 - b) the Environmental Assessment dated September 2012 prepared by Urbis, except as amended by the Preferred Project Report dated June 2013 and as further amended by the Submissions Report dated November 2013, including all associated documents and reports;
 - c) the Revised Statement of Commitments prepared by Urbis, section 6 of the Submissions Report dated November 2013; and
 - d) the following drawing.

Subdivision plan prepared by Dunlop Thorpe & Co Pty Limited			
Drawing No.	Revision	Name of Plan	Date
15666-4		Plan of Proposed Subdivision of Lot 12 DP234581	21 May 2013

Architectural (or Design) drawings prepared for the Preferred Project by Leffler Simes Architects			
Drawing No.	Revision	Name of Plan	Date
DA020	A	Title Sheet & Locality Plan	June 2012
DA021		Site Plan	June 2013
DA022	A	Floor Plan	May 2013
DA023	A	Roof Plan	June 2012
DA024	A	Elevations	June 2013
DA025	A	Sections	June 2012
DA026		Demolition Plan	May 2013
SA00	A	Aerial View (Signage)	June 2013
SA01	A	Site Plan (Signage)	June 2013
SA02	A	Signage Elevations	June 2013
SA03	A	Car Park Signage	June 2013

Landscape Plans prepared for the Preferred Project Report by Site Image (Job No. SS12-2487)			
Drawing No.	Revision	Name of Plan	Date
000	A	Cover Sheet	04.06.2013
101	A	Landscape Plan	04.06.2013
102	B	Landscape Plan	11.06.2013
501	B	Landscape Details	11.06.2013

Engineering Plans prepared for the Preferred Project Report by Mott MacDonald (Drawing Set no: MMD-31057-C-DR-MA-XX)			
Drawing No.	Revision	Name of Plan	Date
0001		Cover Sheet	31.05.2013
0002		General Arrangement Plan	31.05.2013
0005		Notes and Legends Sheet 1	31.05.2013
0006		Notes and Legends Sheet 2	31.05.2013
0010		Soil and Water Management Plan	31.05.2013
0011		Soil and Water Management Notes and Details	31.05.2013
0020		Siteworks Plan Sheet 1 of 4	31.05.2013
0021		Siteworks Plan Sheet 2 of 4	31.05.2013

0022		Siteworks Plan Sheet 3 of 4	31.05.2013
0023		Siteworks Plan Sheet 4 of 4	31.05.2013
0030		Siteworks Details Sheet 1 of 1	31.05.2013
0040		Stormwater Details Sheet 1 of 2	31.05.2013

- e) as otherwise provided for by requirements within the following conditions of this approval.

A3 *Inconsistency between documents*

- 1) In the event of any inconsistency between the documentation referred to in condition A2, the most recent document shall prevail to the extent of the inconsistency.
- 2) In the event of any inconsistency between the conditions of this approval and the documents referred to in condition A2, including the Proponent's Statement of Commitments, the conditions of this approval shall prevail.
- 3) In the event of any inconsistency between this project approval and the concept plan approval, or any other development consent over the land, the concept plan approval shall prevail to the extent of the inconsistency

A4 *Certification*

- 1) Construction Certificate

Prior to the commencement of works the proponent must obtain a construction certificate for the proposed works from either Council or an accredited certifier.

- 2) Subdivision Certificate

Prior to registration of a plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* for any allotments in any stage within the subdivision a subdivision certificate pursuant to section 109C(1)(d) of the Act must be obtained.

- 3) Notwithstanding any other condition of this approval, separate construction certificates for bulk earthworks and civil works (including any approved staging) may be issued.

Note: In accordance with Section 109F(1) of the Act, a construction certificate for subdivision works or building works shall not be issued until any long service levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided.

A6 *Statutory requirements*

The proponent shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the project. No condition of this approval removes the obligation of the proponent to obtain, renew or comply with such licences, permits or approvals. The proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

A7 *Road works*

All road works associated with the proposal will be at no cost to Council and to the RMS.

A8 Prescribed conditions

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the *Environmental Planning and Assessment Regulation 2000* in relation to the requirements of the *Building Code of Australia* (BCA).

A9 Director-General as moderator

Where this approval requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution.

A10 Legal Notices

Any advice or notice to the approval authority shall be served on the Director-General.

A11 Lapsing of Approval

In order that the approval remains relevant to the planning intent for the area, the approval shall lapse 5 years after the determination date of this approval, unless building, engineering or construction work relating to the works authorised by this approval has physically commenced on the land to which this approval applies, before this date.

A12 Building Code of Australia

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.

A13 Section 94A Development Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

a) Amount of Contribution – Penrith City Centre Civic Improvement Plan (2008)

Contribution Category	Rate of Contribution	Amount
Retail Use	\$85 per m ² x 13,641m ²	\$1,159,485.00
Administration	1% of total contribution	\$11,594.85
TOTAL		\$1,171,979.85.

b) Timing and Method of Payment

- i) The contribution shall be paid in the form of cash or bank cheque, made out to Council (or as required by Council). For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Council.
- ii) Evidence of the payment to Council shall be submitted to the Certifying Authority prior to the issue of the initial Construction Certificate for above ground works.

c) Indexing

The contributions will be adjusted in accordance with the requirements of Penrith City Centre Civic Improvement Plan (2008), or any applicable successor contribution plan/s.

End of Section A

PART B PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Prior to registration of the plan of subdivision under Division 3 of Part 23 of the *Conveyancing Act 1919* a subdivision certificate pursuant to section 109C(1)(d) of the Act must be obtained.

B1 Subdivision Plans and Details

- 1) An original plan of subdivision and ten (10) copies are to be submitted to the Council, or Certifying Authority, for issue of a subdivision certificate.
- 2) The following information is to be shown on one (1) copy of the subdivision plan.
 - a) The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
 - b) All existing services are wholly contained within the lot served and/or covered by an appropriate easement.
- 3) All required drainage easements, rights of way, restrictions and covenants are to be included on the plan.
- 4) All dedications of roads/drainage are to be undertaken at no cost to Council.

B2 Dedications

The subdivision plan shall provide for:

- 1) A splay corner at the intersection of Jamison Road and Station Street and at the intersection of Jamison Road and Woodriff Street shall be dedicated to Council, at no cost to Council. The width of the splay corner is to accommodate future pathways and cycles ways and is to be designed in accordance with Austroads Guidelines with regard to intersection site distances.
- 2) All proposed public footpaths and cycle ways are to be contained within the public road reserve. If required, land is to be dedicated to Council, at no cost to Council, to accommodate the proposed footpath/cycle ways and verge areas in Station Street, Jamison Road and Woodriff Street.

B3 Surveyors Certificate

A Surveyors Certificate is to be lodged with the application for a subdivision certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

B4 Services

- 1) The following service authority clearances shall be obtained:
 - a) a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water;
 - b) a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
 - c) a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Certifying Authority.

- 2) All services (water, sewer, electricity, telephone and gas) including the provision of service conduits and stub mains are to be installed within the proposed public roads before final inspection of the engineering works.

B5 Registration of Easements / Restrictions to Use / Rights of Carriageway

- 1) The creation of easements for services, rights of carriageway and restrictions as to user applicable to the subdivision under Section 88B of the *Conveyancing Act 1919*, including (but not limited to) the following:
 - a) Easements for sewer, water supply and stormwater/drainage over all public services/infrastructure on private property
 - b) Stormwater/drainage easements are to be placed over all relevant surface drains, all subsurface drains and inter-allotment drainage, benefiting and burdening the property owners. Maintenance of the subsurface drains is to be included in the 88B instrument.
 - c) Easements for existing and proposed powerlines benefiting the energy supplier to allow access for maintenance purposes
- 2) Any Section 88B Instrument creating restrictions as to user, rights of carriageway or easements which benefit Council shall contain a provision enabling such restrictions, easements or rights of way to be revoked, varied or modified only with the consent of Council.
- 3) Pursuant to Section 88BA of the *Conveyancing Act 1919* the Instrument creating the right of carriageway/easement to drain water shall make provision for maintenance of the right of carriageway/easement by the owners from time to time of the land benefited and burdened, and for costs to be shared equally or proportionally on an equitable basis.

End of Section B

PART C—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

C1 Remediation of Land

- 1) Further site investigations are to be undertaken to determine the extent of remediation that is required, following demolition of existing structures on the site. A OEH Accredited Auditor is to review the environmental site investigations and determine if a Remediation Action Plan is required.
- 2) Prior to the issue of a Construction Certificate, the Proponent shall submit to the Certifying Authority a Remedial Action Plan (if required) and a Hazardous Materials Survey. The Remedial Action Plan (if required) must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.
- 3) Upon completion of the remediation works on the site, which were the subject of a Remedial Action Plan, the Proponent shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Certifying Authority. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

C2 Pre-Construction Dilapidation Report/s

- 1) The proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. This zone is to be defined as the horizontal distance from the edge of the works/excavation to twice the maximum excavation depth.
- 2) Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate. A copy of the report is to be forwarded to the Council.

C3 Structural Details

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority, structural drawings prepared and signed by a suitably qualified practising Structural Engineer that complies with:

- a) the relevant clauses of the BCA;
- b) the relevant approval;
- c) drawings and specifications comprising the Construction Certificate; and
- d) the relevant Australian Standards listed in the BCA (Specification A1.3).

C4 Documentation

The following documentation (where applicable) is to be submitted to Council or to the satisfaction of the accredited certifier, prior to issue of a Construction Certificate:

- a) Detailed building plans and specifications containing sufficient information to verify that the completed building works will comply with the Building Code of Australia.
- b) A list of any proposed fire safety measures provided in relation to the land or any existing building on the land (*not applicable to dwellings or outbuildings*)
- c) A report prepared by a *professional engineer* detailing the proposed methods of excavation, shoring or pile construction, and what measures are to be implemented to

prevent damage from occurring to adjoining or nearby premises as a result of the proposed excavation works. (NOTE: Any practices or procedures specified to avoid damage to adjoining or nearby premises are to be incorporated into the plans and specifications for the relevant Construction Certificate).

C6 *Geotechnical and Groundwater Management*

- 1) Prior to the issue of a Construction Certificate, the Proponent shall submit to the Certifying Authority a Groundwater Report, prepared to Council's satisfaction, which specifies the impacts of construction groundwater pumping on other licensed groundwater uses and groundwater dependent ecosystems in the vicinity of the site.
- 2) Prior to the issue of a Construction Certificate, the Proponent shall submit to the Certifying Authority a report, prepared to Council's satisfaction, on methods of dewatering and predicted volumes and associated predictions of the drawdown zone of influence beyond the excavation boundary and likely amount of ground settlement and risk of impacts on existing buildings.

C7 *Ecological Sustainable Development (ESD)*

The building plans and specifications shall incorporate all ESD initiatives as set out in the ESD Initiatives Report (Masters Penrith) prepared by AECOM, revision 2, dated 19 July 2012, Appendix L of the EA. The Proponent shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

C8 *Noise and Acoustic Assessment*

- 1) Prior to issue of a Construction Certificate, a detailed acoustic assessment of noise emissions from proposed plant and equipment, including plant and equipment associated with the loading/unloading dock/s, is required to be prepared by an a suitably qualified acoustic consultant, to the satisfaction of Council.
- 2) The assessment shall have regard to the preliminary findings and recommendations regarding mechanical plant treatment in the Revised Concept Plan Noise impact Assessment, prepared by Acoustic Logic, revision 1, dated 03/06/2013.
- 3) The relevant building plans and specifications shall incorporate the recommendations of the detailed acoustic assessment, and any required noise mitigation measures.

C9 *Disabled Access & Facilities*

Access and facilities for people with disabilities must (as a minimum) be provided in accordance with the relevant provisions of Part D3 and F2 of the Building Code of Australia and AS1428.1 (Design for Access & Mobility - General requirements), AS1428.4 (Tactile Indicators) and 2890.1 (Car Parking). Details of the proposed access, facilities and car parking for people with disabilities are to be included in the plans / specifications issued for each Construction Certificates.

Note: Refer to Advisory Note AN7, as the end of this approval, regarding the provisions of the Commonwealth Disability Discrimination Act 1992

C10 *Safer by Design*

To minimise the opportunity for crime and in accordance with Crime Prevention Through Environmental Design principles, the building plans and specifications shall incorporate:

- a) the design and treatment recommendations as identified in the report Nepean Green Crime Prevention through Environmental Design (CPTED) Assessment, Appendix O, Environmental Assessment (as revised by the addendum Appendix I PPR; and

- b) relevant measures identified in the Crime Risk Evaluation prepared by Crime Management Unit, Penrith police, dated July 2013.

C11 Landscape Plan

Detailed landscape plans shall be submitted to and approved by Council prior to the issue of a Construction Certificate. The plans must:

- a) demonstrate that sufficient soil depth can be provided for landscaping, particularly along street frontages and throughout the customer car park
- b) include landscape treatment in accordance with the recommendations of the Pedestrian Wind Environment Statement prepared by Windtech, Appendix N, Preferred Project Report and provide for:
 - i) densely foliating evergreen trees capable of growing to a height of at least 5m and with a 4m wide canopy along site frontages to Station Street, Jamison Road, Woodriff Street, and along the proposed roads within the development, and
 - ii) densely foliating trees and vegetation within the outdoor public plaza, landscape communal areas and within the car park for the stage 1 Home Improvement store.
- c) Landscape recommendations of the Nepean Green Crime Prevention Through Environmental Design (CPTED) Assessment, Appendix O, Environmental Assessment as revised by the addendum Appendix I PPR, and in particular to ensure that landscaping does not interrupt sightlines or provide opportunities for concealment.

C12 Outdoor Lighting

All outdoor lighting within the site shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

C13 Details of Materials, Colours and Finishes

Materials and finishes shall be generally in accordance with the details of the approved plans. Final design details of the proposed external materials and finishes, including schedules and a sample board of materials and colours shall be submitted to and approved by the Director-General prior to the issue of a Construction Certificate for above ground works.

C14 Reflectivity Index of Glazing

The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted with the relevant Construction Certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

C15 Reflectivity of Roofing Materials

Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Proponent shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare

nuisance or excessive reflectivity to adjoining or nearby properties, relative to the roofing material. The Proponent shall provide a copy of the assessment with the Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties.

C16 Stormwater disposal details

Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Council shall be submitted to the certifier prior to issue of a Construction Certificate. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff

C17 Water Reuse

- 1) The stormwater generated from the roof area shall be reused for the irrigation of the landscape area within the subject development site. In this regard appropriate storage volume shall be provided on site and the required roof area shall be directed towards the storage.
- 2) Full details of the Water reuse facilities shall be submitted to Council or to the satisfaction of the Certifying Authority with the relevant Construction Certificate.

C18 Street boundary levels

Street boundary levels for vehicle access and drainage purposes are to be obtained at the applicant's cost from Council. These levels are to be incorporated in all drainage submissions required under this determination.

C19 Food Premises Fit-out

Separate development approval is required for the fit-out of the food premises (café) within the Home Improvement store, to ensure that complies with the requirements of *Australian Standard 4674-2004, Design, Construction and Fit-out of a Food Premises* and *Food Safety Standard 3.2.3, Food Premises & Equipment*.

C20 Car Spaces

A minimum 375 car spaces are to be provided for the development, including at least 16 accessible spaces. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

C21 Bicycle Spaces & Facilities

- 1) A minimum of 30 bicycle spaces are to be provided for the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.
- 2) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities except that:
 - a) all bicycle parking for staff / employees must be Class 2 bicycle facilities, and
 - b) all bicycle parking for visitors must be Class 3 bicycle rails.
- 3) Storage, change room and shower facilities shall also be provided to comply with the requirements of the *Planning Guidelines for Walking and Cycling*.

C22 Car Park and Service Vehicle Layout

Plans demonstrating compliance with the following traffic and parking requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate:

- a) all vehicles should enter and leave the Subject Site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the Subject Site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing;
- b) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage;
- c) appropriate pedestrian advisory signs are to be provided at the egress from the car park;
- d) All works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority;
- e) Speed humps and multiple zebra crossing are to be provided within the car park, particularly on long aisles and at the main customer entries; and
- f) The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability throughout the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to the Director-General for approval; which shows that the proposed development complies with this requirement.

C23 Mechanical Ventilation/Exhaust System

Mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building*, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

C24 Road Works and Footpath Construction

- 1) Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that an application, including the payment of application and inspection fees, has been lodged with, and approved by Council (being the Roads Authority under the *Roads Act 1993*, including works related to:
 - a) construction of a traffic median in Station Street adjacent to the intersection with the proposed road (New Street 1) linking Station Street and Woodriff Street, to restrict traffic movements at this location to left in and left out only;
 - b) construction of new driveway access/crossings;
 - c) removal of the redundant gutter crossing and driveway crossover slab and reinstatement with upright kerb & gutter; and
 - d) relocation of any path paving affected by the intersection works.
- 2) All public utility services that are affected by the works are to be relocated to the satisfaction of the relevant utility service authority.
- 3) Construction of these works and any relocation of utility services are to be undertaken at no cost to Penrith City Council and to the RMS.
- 4) Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works, any RMS requirements and Austroads guidelines.

Note: Contact Council to ascertain applicable fee/s.

C25 Performance Bond/ Security Bond – Protection of Works

A Security Bond for the protection of council assets shall be deposited with council prior to the issue of a Construction Certificate. If any damage is caused council shall deduct from the Security Bond the reasonable cost of replacement or rectification of the works. The value of the bond shall be determined in accordance with any relevant Council Bond policy. The bond will be administered in accordance with this policy.

Note: Contact Council's Development Engineering Unit for further information relating to bond requirements.

C26 Spill Prevention

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

C27 Storage and Handling of Waste

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises., including:

- a) all internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;
- b) provision for the separation and storage in appropriate categories of material suitable for recycling; and
- c) provision for separate storage and collection of any organic/food waste.

C27 Compliance Report

Prior to the issue of the first Construction Certificate, the Proponent, or any party acting upon this approval, shall submit to the Private Certifying Authority a report addressing compliance with all relevant conditions of this Part.

End of Section C

PART D – PRIOR TO COMMENCEMENT OF WORKS

D1 Construction Environmental Management Plan

- 1) Prior to the commencement of construction works for each stage of the project a Construction Environmental Management Plan (CEMP) shall be prepared that covers the area of works. The CEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during construction. The CEMP shall include, but not be limited to:
 - a) a description of all relevant activities to be undertaken on the site during construction (including an indicative timeline);
 - b) a description of relevant environmental management objectives for the site;
 - c) a detailed construction management strategy for each sequence / stage;
 - d) details of measures to be installed to separate construction areas from publicly accessible areas;
 - e) statutory and other obligations that the Proponent is required to fulfil during construction including all relevant approvals, licences and consultations;
 - f) a description of the roles and responsibilities for all relevant employees involved in construction
 - g) hours of work (including standard hours of work for the Environmental Officer);
 - h) a 24-hour contact telephone number shall be provided to all adjoining owners and occupants. Note: the nominated telephone number may contain provision for a voice message service outside of normal working hours;
 - i) A subset of the following management plans:
 - i. traffic and pedestrian management;
 - ii. noise and vibration management;
 - iii. construction waste management (including the proposed method and location of excess spoil from bulk earthworks;
 - iv. sediment and erosion control;
- 2) The CEMP shall be submitted for the approval of the certifying authority no later than one month prior to the commencement of construction, or within such period otherwise agreed by the Director-General. Notwithstanding, where construction work is to be undertaken in stages, the Proponent may, subject to the agreement of the Director-General, stage the submission of the CEMP consistent with the staging of activities relating to that work. The Proponent shall also forward copy of the CEMP to the Director-General and Council for information. Construction shall not commence until written approval has been received from the certifying authority.

D2 Sediment and Erosion Control Plan

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1* (2004) by Landcom. Details are to be submitted as part of the CEMP (condition D1).

D3 Construction Management Measures

All measures contained in the Construction Environmental Management Plan under and the Sediment and Erosion Control Plan are to be implemented prior to the commencement of

construction and be maintained throughout construction. A copy of the approved Plans shall be maintained on site and made available upon request.

D4 Construction Traffic and Pedestrian Management Plan

A Construction Traffic and Pedestrian Management Plan in accordance with AS1742 and RMS publication *Traffic Control at Works Sites* Version 2 shall be prepared by an RMS accredited person(s), and shall be submitted for approval as part of the CEMP (condition D1).. The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the site and details of how construction of project infrastructure will be managed in proximity to local and regional roads;
- b) loading and unloading, including construction zones;
- c) predicted traffic volumes and measures to ensure traffic volume, acoustic and amenity impacts along construction vehicle routes are minimised;
- d) types and routes including traffic routes for heavy vehicles, and any necessary route or timing restrictions for oversized loads;
- e) pedestrian and traffic management methods (including site security);
- f) Washing facilities for trucks on the site (including a vehicle shakedown area);
- g) Hours of access to the site; and
- h) evidence that all statutory responsibilities with regard to road traffic impacts have been complied with.

D5 Noise and Vibration Management Plan

A Noise and Vibration Management Plan to detail measures to minimise noise emissions associated with the construction of the project shall be submitted for approval as part of the CEMP (condition D1).. This plan shall be prepared in accordance with the *Interim Construction Noise Guidelines* (DECC, July 2009) and shall include, but not necessarily be limited to:

- a) identification of all major sources of noise that may be emitted as a result of the construction of the project;
- b) identification of nearby residents and other sensitive land uses;
- c) specification of appropriate noise and vibration criteria as it applies to a particular activity;
- d) identification and implementation of best practice management techniques for minimisation of noise and vibration emissions;
- e) procedures for the monitoring of noise emissions and vibrations; and
- f) a description of the procedures to be undertaken if any non-compliance is detected.

D6 Construction Waste Management Plan

- 1) A Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted for approval as part of the CEMP. The Plan shall address, but not be limited to the following matters:

- a) Recycling of demolition materials including concrete;
- b) Removal of hazardous materials and disposal an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works
- c) Identification of sources of waste

- d) Description of measures to control and manage any waste
 - e) Identification of any monitoring locations and procedures for monitoring
 - f) Licensing requirements
 - g) Measures to maximise onsite recycling
 - h) Locations of waste storage
- 2) The Proponent shall submit a copy of the Plan to council, prior to commencement of work.

D7 Construction Waste Management

- 1) The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.
- 3) Storage of waste shall occur within the boundaries of the site, by way of a screened area of silt stop fabric, shade cloth or waste disposal bin; provided to council specifications.
- 4) Any waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.
- 5) The Proponent shall maximise the treatment, reuse and/or recycling on the site of any excavated soils, slurries, dusts, aggregate and sludges associated with the project, to minimise the need for treatment or disposal of those materials outside the site.

D8 Excavation Works

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

D9 Existing Services

The Proponent shall accurately locate and identify any existing sewer main, stormwater line or other underground infrastructure within or adjacent to the site and the PCA advised of its location and depth prior to commencing works for each stage of the subdivision and ensure there shall be no conflict between the project and existing infrastructure prior to start of any works.

D10 Site Safety

Prior to the commencement of works, the Proponent shall ensure that a Site-Specific Safety Management Plan and Safe Work Methods for the subject site have been prepared and put in place in accordance with relevant guidelines and legislation.

End of Section D

PART E - DURING DEMOLITION, EXCAVATION AND CONSTRUCTION WORKS

E1 Hours of work

Site works, building works and demolition works, including the delivery of materials to and from the Subject Site, shall be restricted as follows:

- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- b) between 8:00 am and 1:00 pm, Saturdays;
- c) no work on Sundays and public holidays.
- d) works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities;
 - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iii) variation is approved in advance in writing by the Director General or his nominee.

E2 Erosion and Sediment Control

- 1) All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 2) These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

E3 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

E4 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Principal Certifying Authority and Structural Engineer.

E5 Contact Telephone Number

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

E6 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (3) All materials shall be stored or stockpiled at the best locations;

- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

E7 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

E8 Recycling of Concrete

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

E9 Services to be Underground

Where practical all services associated with the development are to be located underground and works associated with this are to be fully born by the Proponent, within the development and along all street frontages for the length of the development, to the scope agreed with the supply authority.

E10 Roadworks and Crossings

- 1) All roadworks and new vehicular crossings to the site are to be constructed in accordance with Council and any RMS requirements and specifications.
- 2) The proponent shall remove all redundant crossings together with any necessary reinstatement of the footpath, nature strip, kerb and gutter. Such work shall be carried out in accordance with Council's specification.
- 3) The footpath and footpath crossing/s adjacent to the property shall be reinstated by the Proponent to the satisfaction of Council at the completion of works with all costs being borne by the Proponent. Alternatives to the pre-payment for this work will be considered if written request is made to Council.

E11 Items not to be placed on roadway

The following items must not be placed on the footpath, roadway or nature strip at any time:-

- a) Building materials, sand, waste materials or construction equipment;
- b) Bulk bins/waste skips/containers; or
- c) Other items that may cause a hazard to pedestrians.

E12 Street tree removal and replacement

All costs associated with the removal and replacement of street trees shall be the responsibility of the Proponent, and subject to the prior approval of Council. Any street tree approved for removal shall be stumped to a minimum of 200mm below ground level. All levels must be reinstated on the same day so that no trip or fall hazards are created.

E13 Compulsory Inspections

1) A minimum of 48 hours notice shall be given to Council to inspect the following work:

- a) Drainage works with Council controlled lands; and
- b) Drainage connections to Council's stormwater system

Inspections are to be arranged by telephoning Council's Works and Services Section during office hours.

2) Inspections will be required:-

- a) After the excavation of pipeline trenches.
- b) After the laying of all pipes prior to backfilling.
- c) After the completion of all pits and connection points.

3) Work is not to proceed until the works are inspected and approved by Council.

E14 Site to be kept in a clean condition

Upon completion of demolition works and if no new building works are commenced on site, the site shall be kept in a clean manner with landscaping and fencing to the satisfaction of Council.

E15 Noise from construction activities

Construction noise objectives shall be consistent with the requirements of the DECC Interim Construction Noise Guideline (July, 2009).

E16 Dial before you dig

Prior to commencement of any earthworks on site, "Dial before you dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no. / name, side of street and the distance to the nearest cross street) or register on line at www.dialbeforeyoudig.com.au for underground utility services information for any excavation areas.

E17 Demolition – Lead Paint Disposal

The demolition and disposal of materials incorporating lead such as lead paint and dustpaint shall be conducted in accordance with *AS2601-2001 Demolition of Structures*. Removal, cleaning and disposal of lead-based paint shall conform with relevant EPA guidelines including the *Lead Safe A renovator's guide to the dangers of lead*, NSW EPA, 1998.

E18 Demolition – common sewerage system

If the land to which the application relates is served by a common sewerage system that is also used by others, then measures must be placed in effect and prior to the commencement of work to ensure the operation of the sewerage system is without disruption to other joint users.

E19 Demolisher Details

The demolisher/owner/applicant shall:-

- a) Lodge with Council, and at least forty-eight (48) hours prior to the commencement of work (due to the potential impact on Council's infrastructure):-
 - i) Written notice, indicating the date when demolition of the building is to commence;
 - ii) The demolisher's full name and address; and
 - iii) Details of Public Liability Insurance.
- b) Comply with Australian Standard 2601 – 2001 "*Demolition of Structures*";
- c) Have a current public liability/risk insurance, and policy details of such shall be submitted to Council for its records;
- d) Ensure that all possible/practicable steps are taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from wind-blown dust, debris, noise and the like arising from the demolition works;
- e) Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority prior to commencement of demolition.

This Consent shall not preclude the demolisher from giving notice to other statutory authorities, such as Sydney Water Corporation, WorkCover, etc.

E20 Excavations extending below the base of footings of adjoining development

Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner. The person causing the excavation must give the owner of the adjoining property at least seven (7) days written notice of its intention to excavate below the level of the base of the footing. The person must also furnish the adjoining property owner with particulars of the proposed work.

E21 Off-site soil disposal and site filling

- 1) Any soil disposed of offsite shall be classified in accordance with the procedures in the NSW EPA Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes (1999).
- 2) 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, considered and approved by Council. The Validation Certificate shall:
- 3) 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.
- 4) Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

Note: If Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

E22 Discovery of Aboriginal Heritage

In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS.

End of Section E

PART F - PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

F1 Occupation Certificate

- 1) A person must not commence occupation or use of the whole or part of a new building unless an occupation certificate has been issued in relation to the building or part.
- 2) The application for an Occupation Certificate must be made to the Principal Certifying Authority (Council or an accredited certifier) using the approved form.

F2 Trade Waste Agreement

- 1) A copy of the *Permission to Discharge Trade Wastewater* shall be obtained from Sydney Water and a copy provided to Council prior to the issuing of the Occupation Certificate. Please contact Sydney Water in relation to this matter.
- 2) A *Trade Waste Agreement* shall be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. .

F3 Landscaping Installation & Maintenance

Landscaping must be installed in accordance with the approved landscape plan prior to the issue of an Occupation Certificate, and maintained for the life of the development.

F4 Street Trees Planting

- 1) Street trees shall be planted by the proponent to replace and compensate for removal of trees, with any costs associated with numbers, species, type and size as nominated by Council, and with the cost of this work being borne by the Proponent.
- 2) The proponent shall be responsible for co-ordination with all relevant service authorities as required to facilitate planting. Planting shall be completed prior to the issuing of an Occupation Certificate.

F5 Treatment of Vehicular Entry

In order to improve the appearance of the building when viewed from the street, any part of the immediate external walls and openings at vehicular entry points that are visible from the street shall be in accordance with this approval and no service ducts or pipes are to be visible on the outside face of the building.

F6 Final Fire Safety Certificate

Prior to the occupation of the building, the owner of the building shall submit to the PCA a final fire safety certificate in relation to each essential fire safety measure specified in the fire safety schedule, attached to the project approval or Construction Certificate.

Such certificate shall state that each essential fire safety measure specified:-

- a) Has been assessed by a properly qualified person, and
- b) Was found, at the date of assessment, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building for which the certificate is issued.

Notes:

1. *As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-*

- i) *Must cause a copy of the statement (and current fire safety schedule) to be given to the Commissioner of NSW Fire Brigades, and*
 - ii) *Must cause a further copy of the statement (and current copy of the current fire safety schedule) to be prominently displayed in the building.*
2. *A “fire safety measure” is defined as any measure (including any item of equipment, form of construction or fire safety strategy) that is, or is proposed to be, implemented in the building to ensure the safety of persons using the building in the event of fire.*

F7 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any relevant Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The development approval and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

F8 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Council after:

- 1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- 2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F9 Road Damage

The cost of repairing any damage caused to Council or other Public Authority’s assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the Proponent/developer prior to the issue of any Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

F10 Registration of Easements

Prior to the issue of any Occupation Certificate, the Proponent shall provide to the PCA evidence that all easements required by this approval have been or will be registered on the certificates of title.

F11 Post-construction Dilapidation Report

- (1) The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain

whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the report must:
 - (a) compare the post-construction dilapidation report with the pre-construction dilapidation report required by Condition C2, and
 - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to Council.

F12 Provision of Street Numbers

A street number is to be displayed in a prominent position at the entrance to the premises. Numbers are to be of a colour contrasting with the wall to which they are affixed.

F13 Bollards outside Exit Doors

Where exit doors open onto driveway, loading docks or similar, bollards shall be placed at either side of the door opening to prevent obstruction of the exit.

F14 Works-as-Executed Plan

Prior to occupation of the building or issue of the occupation certificate, two (2) copies of the Works-as-Executed (W.A.E.) Plan prepared by a registered surveyor and certified by the design engineer shall be submitted to Council. The W.A.E. plan shall show (where applicable):

- a) Whether all works have been completed generally with the approved drainage plans.
- b) Any departure from the approved plan and conditions.
- c) Any additional work that has been undertaken.
- d) Location, levels and sizes of pipes and pits.
- e) Finished floor and finished surface levels. The location of finished levels should in general correspond with those shown on Council's approved drainage plan.
- f) Basement pump out volumes.

Note: The WAE surface level shall be taken after all landscaping has been completed. In this regard the above information is to be superimposed on a full sized copy of Council approved drainage plan and is to be submitted to Council.

End of Section F

PART G - POST OCCUPATION

G1 Annual Fire Safety Statement

The owner of the building shall certify to the Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

G2 Unobstructed Driveways, Parking and Turning Areas

All driveways, parking and turning areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G3 Hours of Operation

- 1) The hours of operation shall be restricted to between:
 - a) Monday to Friday: 6am to 10pm; and
 - b) Saturday/Sunday/Public Holidays: 6am to 8pm
- 2) Deliveries, loading/unloading and servicing (including garbage removal) will be carried out within these hours.

G4 Display of goods not permitted outside building or property

Plant, equipment, signage, advertising structures are not to be stored, placed or displayed anywhere outside the building or property without Council approval.

G5 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with WorkCover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

G6 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

G7 Maintenance of proposed street trees

Any newly planted trees on Council land shall be maintained for a period of twelve months. Maintenance shall include watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other activities required to maintain a healthy tree. A suitably qualified horticulturist shall undertake all maintenance work.

At the end of the twelve month period the applicant may apply to Council in writing for the hand-over of the trees. Any replacement of dead or damaged trees required to be replaced by Council will be at the proponent's cost.

G8 Noise and Vibration

- 1) Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB (A) above the background noise level when measured at the boundary of the site.
- 2) The LA10 noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5 dB between 7:00am and 12 midnight and 12 midnight to 7:00am at the boundary of any affected residence.
- 3) Notwithstanding the requirements of this condition, the noise from the premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.

G9 Maintenance of water treatment devices

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act, 1997*.

G10 Loading and Unloading of Vehicles

- 1) All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Subject Site at all times.
- 2) Truck access shall be limited to left in and right out movements (as shown in the in the Swept Path diagrams prepared by CBHK Pty Limited, dated 16 October 2013, attached to the Submissions Report prepared by Urbis dated November 2013), unless swept paths diagrams and information are provided to the satisfaction of the Director-General establishing that right-in and left-out movements can be satisfactorily undertaken.
- 3) The following management controls for the operation of the loading dock are to be implemented (as set out in Revised Concept Plan Noise impact Assessment, prepared by Acoustic Logic, revision 1, dated 03/06/2013):
 - a) bail and/or garbage compactors are to be used only within the building fabric;
 - b) loading dock receiver area walls are to be fully enclosed from external environment;
 - c) access doors are to be opened only for deliveries and loading, and are to be closed while goods are being moved within the facility without a truck serving the area.;
 - d) neoprene rubber buffers shall be installed on the vertical face of the loading dock where vehicles park to absorb impacts; and
 - e) vehicle engines should be switched off during loading and unloading within the dock.

G11 Business and building identification signage

Business and building identification signage shall comply with the following:-

- a) The approved signage shall be appropriately maintained at all times.
- b) The signage shall be utilised as building and business identification signage only and shall not be adapted or altered to be third party advertising signage without the further approval of the Director-General.

G12 *Amenity*

The operation of the premises shall be conducted in such a manner as not to interfere with or materially affect the amenity of the neighbourhood by reason of noise, vibration, odour, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise.

G13 *Water Pollution*

The operation of the premises shall be conducted in a manner which does not pollute waters as defined by the *Protection of the Environment Operations Act 1997*.

G14 *Light Overspill*

Any lighting on the site shall be designed so as not to cause nuisance to other residences in the area or to motorists on nearby roads, and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*.

End of Section G

ADVISORY NOTES

AN1 *Use of Mobile Cranes*

The proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Principal Certifying Authority:

- i) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- ii) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN2 *Temporary Structures*

An approval under Section 68 of the *Local Government Act 1993* may be required from the Council for the erection of the temporary structures. The application, if required, must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN3 *Disability Discrimination Act*

This application has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The proponent is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN4 *Road Closure*

A temporary road closure permit is to be obtained by Council / RTA prior to the closure of any roads.

AN5 *Excavation – Historical Relics*

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN6 *Asbestos*

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be

carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

AN7 Site contamination issues during construction

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

AN8 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with the Council's policy, prior to the occupation of the building(s) or commencement of the use. If street numbers or a change to street numbers are required, a separate application shall be made to the Council.

AN6 Appeals

The proponent has the right to appeal to the Land and Environment Court in the manner set out in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* (as amended).

AN7 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

End of Advisory Notes

SCHEDULE 4

STATEMENT OF COMMITMENTS (AS REVISED)

Dated November 2013