

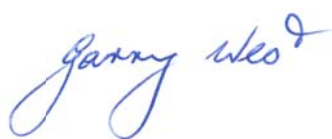
Project Approval

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

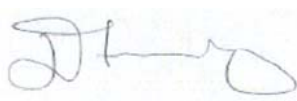
Under delegation of the Minister for Planning and Infrastructure executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission), approves the project referred to in Schedule 1, the foreshadowed conditions of approval in the attached Schedule 2, and relevant sections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

These conditions are required to:

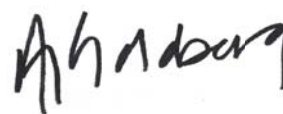
- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Garry West
Member of the Commission



David Furlong
Member of the Commission



Abigail Goldberg
Member of the Commission

Sydney

3 April 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 6 works including demolition and subdivision of the land into three allotments only.

DEFINITIONS

In this approval:

Act	means the <i>Environmental Planning & Assessment Act, 1979</i> (as amended)
Advisory Notes	mean Advisory information relating to the approval but do not form a part of this approval
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 any works, including earth and building works
Construction Certificate	means a certificate referred to in section 109C(1)(b) of the EP & A Act
Council	means Penrith City Council
P&I	means NSW Planning and Infrastructure or its successors
Director-General	means the Director-General of P&I or nominee
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 Proponent to respond in writing will be added to the one month period.
Environmental Assessment (EA)	means 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	means the <i>Environmental Planning and Assessment Act 1979</i> (as amended)
EP&A Regulation or Regulation	means the <i>Environmental Planning and Assessment Regulation 2000</i>
Minister	means the Minister for Planning and Infrastructure, or nominee
NOW	means the NSW Office of Water, or its successor
OEH	means the Office of the Environment and Heritage, or its successor
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 or any other person or persons who rely on this consent to carry out the development that is the subject of this consent
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

CONDITIONS OF APPROVAL

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 1 to 5 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 stage 6 of the concept plan.

A1 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) relevant sections of the Revised Statement of Commitments prepared by Urbis, section 6 of the Submissions Report dated November 2013;

as amended by the letter submitted by Urbis dated 17 March 2014 and the following drawings:

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

Demolition plan prepared by Leffler Simes Architects			
Drawing No.	Revision	Name of Plan	Date
DA026		Demolition Plan	May 2013

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

A2 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.
- 4) To avoid any doubt, this approval does not permit the construction of a Masters Improvement Store on land known as stage 6 and is limited to subdivision and demolition works only.

A3 *Certification*

1) 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.

2) 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.

A5 *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.

A6 *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).

A7 *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.

A8 *Legal Notices*

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

A9 *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.

End of Part 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.

B6 *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 and prior to the issue of a Subdivision Certificate. An 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 Subdivision 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.

End of Part B

PART C – PRIOR TO COMMENCEMENT OF WORKS

C1 *Demolition Environmental Management Plan*

- 1) Prior to the commencement of demolition works for the project a Demolition Environmental Management Plan (DEMP) shall be prepared that covers the area of works. The DEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The DEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during demolition. The DEMP 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 demolition management strategy;
 - d) details of measures to be installed to separate demolition areas from publicly accessible areas;
 - e) statutory and other obligations that the Proponent is required to fulfil during demolition including all relevant approvals, licences and consultations;
 - f) a description of the roles and responsibilities for all relevant employees involved in demolition
 - 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. demolition waste management;
 - iv. sediment and erosion control;
- 2) The DEMP shall be submitted for the approval of the certifying authority no later than one month prior to the commencement of demolition, or within such period otherwise agreed by the Director-General. Notwithstanding, where demolition work is to be undertaken in stages, the Proponent may, subject to the agreement of the Director-General, stage the submission of the DEMP consistent with the staging of activities relating to that work. The Proponent shall also forward copy of the DEMP to the Director-General and Council for information. Demolition shall not commence until written approval has been received from the certifying authority.

C2 *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 DEMP (condition C1).

C3 *Demolition Management Measures*

All measures contained in the Demolition Environmental Management Plan under and the Sediment and Erosion Control Plan are to be implemented prior to the commencement of demolition and be maintained throughout demolition. A copy of the approved Plans shall be maintained on site and made available upon request.

C4 *Demolition Traffic and Pedestrian Management Plan*

A Demolition 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 DEMP (condition C1).. 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 demolition 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.

C5 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 DEMP (condition C1).. 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 demolition;
- 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.

C6 Demolition Waste Management Plan

- 1) A Demolition Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted for approval as part of the DEMP. 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.

C7 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.

C8 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.

C9 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 Part C

PART D - DURING DEMOLITION WORKS

D1 Hours of work

Site 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.

D2 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.

D3 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 P&I, Council or the PCA.

D4 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.

D5 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.

D6 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.

D7 *Vibration Criteria*

Vibration caused by demolition 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 Demolition Noise and Vibration Management Plan.

D8 *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.

D9 *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.

D10 *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.

D11 *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.

D12 *Noise from demolition activities*

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

D13 *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.

D14 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.

D15 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.

D16 Demolisher Details

The demolisher/owner/proponent 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.

D17 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.

D18 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 Part D

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 Proponent must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the P&I.

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 Proponent'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

6 Revised Statement of Commitments

6.1 OVERVIEW

The Statement of Commitments details the measures that the Proponent will implement as part of the development to mitigate potential residual environmental impacts associated with the proposal.

A draft Statement of Commitments was included as part of the original Environmental Assessment. To reflect the proposed amendments to the design for the Concept plan and Stage 1 works revised and consolidated draft Statement of Commitments was prepared as part of the PPR.

The draft Statement of Commitments has now been amended to incorporate issues raised as part of the submissions from the public exhibition of the PPR document.

6.2 CONCEPT PLAN

Built Form and Urban Design

- The architectural drawings required to be lodged with the future Development Applications are to be generally consistent with the Preferred Project Concept Plan Submission prepared by Turner + Associates Architects.
- The landscape drawings required to be lodged with the future Development Applications are to be consistent with the Preferred Project Landscape Proposal prepared by Site Image.

Environmental and Residential Amenity

- Shadow diagrams demonstrating the potential overshadowing impacts of the proposed buildings on 21 June, 21 December and 21 March/September at 9.00am, 12.00 noon and 3.00pm are to be prepared and lodged with the future Development Applications.
- The detailed design of the development proposed in the future Development Applications is to incorporate the following recommendations to avoid adverse wind impacts:
 - The inclusion of proposed densely foliating trees along Station Street, Jamison Road, Woodriff Street and the proposed roads within the development. These trees should be capable of growing to a height of at least 5m with a 4m wide canopy. They should also be of an evergreen variety to ensure their effectiveness in wind mitigation during the winter period.
 - The inclusion of the proposed densely foliating trees and vegetation within the outdoor public plaza, the various central landscape communal areas and retail car-parking site.
 - To be effective in wind mitigation during the winter period, these trees should be of an evergreen variety.
 - The inclusion of impermeable balustrades along the perimeter of the corner balconies within the site.
 - The inclusion of full-height impermeable end screens on one end of the corner balconies, preferably those that face the north to north-easterly, western or south to south-easterly directions.
- Internal noise for future residential units will be assessed under separate Development Applications for Stages 2 to 6.

Ecologically Sustainable Development (ESD)

- ESD principles and measures will be implemented for the project in accordance with the ESD Strategy prepared by Cundall.

- All building will be designed in accordance with the Building Code of Australia, SEPP 65 and the Building Code of Australia (BCA) Section J for Energy Efficiency.

Drainage and Flooding

- The recommendations of the Stormwater Report prepared by Mott Macdonald will be implemented including:
 - Finalise the detailed survey of the developable area to identify above ground and below ground structures, services and utilities requiring modification, removal or replacement.
 - Preparation of Earthworks Management plans to coincide with the construction stages as part of the design development. This would minimise the double handling of excavated material or exporting surplus and importing deficit material from independent stages thereby providing cost savings.
 - Investigation of the capacity of existing Authority services on the site and the extent of augmentation, and retention that is possible.
 - Further discussion with service providers to determine any requirements for the area.
 - Further investigation of the type, size and location of the site stormwater quantity and quality strategies needed to satisfy Council's statutory requirements.
 - Further investigation of the site flooding requirements pending results of the Council commissioned flood study.
- WSUD measures will be implemented in accordance with the Stormwater Management Report and ESD Report.
- Appropriate stormwater quality treatment measures are to be finalised and incorporated in the detailed development.
- Runoff from any car wash bay will be directed to the sewer or appropriate treatment devices will be connected.
- An Earthworks Management plans including Erosion and Sedimentation Plans will be prepared to coincide with the construction stages as part of the design development.
- A detailed Stormwater Treatment Measure Maintenance Plan is to be submitted prior to construction for all applications.

Staging

- Further Development Application will be lodged to seek approval for Stages 2 -6.

Transport and Accessibility Impacts

- A Traffic Management Plan will be prepared prior to the commencement of work which will detail the implementation of these principles including appropriate measures for pedestrian amenity, construction fencing, vehicle management and construction activity.
- Car parking is to be provided in accordance with the following rates:
 - Bulky goods: Approximately one space per 36sqm gross floor area.
 - Residential: Approximately one space per unit for residents and one space per 20 units for visitors.
 - Tavern: Approximately one space per 24.5sqm gross floor area.

- Retail: Approximately one space per 100sqm gross floor area.
- The project will provide for bicycle facilities and parking in accordance with Council's standards.
- A Travel Access Guide is to be developed in conjunction with Council, RMS, Sydney Buses and other key stakeholders and is consistent with key policies including NSW 2021 to reduce car dependency.
- Consultation will be undertaken with the RMS during the detailed preparation of the Concept Plan application stages to confirm the appropriateness of the proposed road layout and traffic impact analysis.
- All bicycle path construction is to be in accordance with the RTA's Bicycle Guidelines.
- All residential internal access roads and drainage works for Stages 2-6 will be in accordance with Penrith City Council's Guidelines.

Noise and Vibration

- Detailed design will be in accordance with the Acoustic Report prepared by Acoustic Logic and recommended treatments are to be incorporated at each stage of the development.
- A further Acoustic Report will be prepared to assess the impact of the proposed Tavern on the proposed residents.

Heritage

- The Aboriginal Heritage Assessment prepared by AHMS will be distributed as follows:
 - One hard and one electronic copy should be forwarded to the AHIMS Registrar (Office of Environment and Heritage, PO Box 1967, Hurstville NSW 1481 *(as amended by OEH request)*).
 - One copy of the Aboriginal Heritage Assessment should be forwarded to each of the following Aboriginal stakeholders: Deerubbin LALC, Darug Custodian Aboriginal Corporation, Darug Tribal Aboriginal Corporation.

Utilities

- All relevant services will be further investigated at the detailed design stage as recommended by the Civil, Infrastructure and Stormwater Report prepared by Mott Macdonald.

Waste

- A Waste Management Plan relating to demolition, construction and operation will be prepared for each of the proposed buildings in the Concept Plan.
- Any waste storage for residential and non-residential development will be separated.
- Suitable waste conveying systems serving every storey of each building to a central storage area at basement level will be considered in the design of multi-storey residential buildings.
- Separate collection points for garbage and recyclables will be incorporated in the building design at ground level within 20m of the street kerb.
- Separate storage space must be provided in each building for temporary storage of bulky waste prior to arrangements being made for its disposal.
- Waste storage rooms and rooms for collection points will be adequate and comply with Council's requirements for access, floor area, lighting and ventilation.

Social Impacts

- The recommendations of the CPTED report prepared by Urbis will be included in the relevant detailed design stages:
 - Provide appropriate measures, such as pedestrian crossings, signage and signals, particularly along Station Street between the Stadium and the proposed tavern, and within local roads of the residential development.
 - Ensure that all external and relevant internal areas of the development are well lit to the relevant Australian Standards without spilling into neighbouring residential properties on Jamison Road and Woodriff Street.
 - Ensure that lifts and escalators are optimised for wheelchair access in accordance with the appropriate Australian Standards.
 - Ensure that pedestrian pathways through and around the site are easy to navigate and safe through the use of signage, lighting and landscaping as appropriate.
 - Install CCTV cameras at entry, access and egress points to all areas of the development, including access areas to car parks, residential lobbies and lift areas, as well as the brick wall border to the Centro site.
 - Ensure that landscaping does not interrupt sightlines and is used on external surfaces to deter malicious damage, show ownership and improve aesthetics.
 - Avoid blank walls in the external layout of the development to reduce opportunities, and coat external surfaces to facilitate the removal of graffiti.
- A further more detailed CPTED assessment will be prepared in the final design of the development improve crime and safety outcomes.
- A Social Impact Assessment will be provided as part of a Development Application for the Tavern as part of Stage 3 works.

Landscaping

- Landscaping within future road reserves or public areas shall be in accordance with Council's specifications.

Construction

- Construction will be carried out in accordance with the Construction Management Plan.
- Reasonable measures will be undertaken to minimise disturbance to adjacent residences during the construction phase with regard to:
 - Movement of vehicles.
 - Construction noise attenuation.
 - Visual intrusion, dust and light spill.

Consultation

- Consultation with adjoining landowners will be undertaken to inform of the project process at significant stages of the Concept Plan.
- The community will be kept informed about the construction process.

Contributions

- Section 94 Contributions will be paid or a Voluntary Planning Agreement entered into for the residential stages will be addressed prior to approval of future Development Application stage.

6.3 STAGE 1 WORKS

Built Form and Urban Design

The proposed Home Improvement Store will be in accordance with the following documents:

- Architectural Plans prepared by Leffler Simes Architects dated June 2013.
- Acoustic report prepared by Acoustic Logic dated 3 June 2013.
- Waste Management Plan dated July 2012.
- ESD report prepared by Aecom dated 9 July 2012.
- Civil, Infrastructure and Stormwater Report prepared by Mott MacDonald dated 31 May 2013.
- Stormwater Report preparing by Mott MacDonald dated 31 May 2013.
- Landscape Plans prepared by Site Image dated June 2013.
- Traffic Report prepared by CBHK dated May 2013 and October 2013.
- Accessibility Report prepared by Access Design Solutions dated 6 June 2013.

Construction

- Demolition will be undertaken in accordance with the requirements of Australian Standards AS2601 – 2001: The Demolition of Structures which is incorporated into the Occupational Health and Safety Act 2000 administered by WorkCover NSW.
- Any found remains of the grandstand are to be archived and recorded to Penrith Council's standards and a copy deposited in Penrith Council's Library.
- A Traffic Management Plan Study in relation to construction traffic management will be prepared prior to commencement of works.
- No works will be carried out in Council's Road Reserve without the written approval of Council (acting as the Roads Authority) in accordance with Sections 138 and 139 of the Roads Act.

Site Contamination and Geotechnical

- Soil contamination testing and offsite disposal of excavated soils are to be carried out following demolition of buildings and removal of concrete pads in accordance with the Geo-Logix report dated 8/6/2012.

Acoustic

- The recommendations of the Noise Impact Assessment prepared by Acoustic Logic are to be implemented into the design and operation of the proposed loading dock:
 - Bail and/or garbage compactors are to be used only within the building fabric.
 - Loading dock receiver area walls to fully enclosed from external environment access doors will be opened only for deliveries entry and exit and will be closed while goods are being moved within the facility without a truck serving the area.

- Neoprene rubber buffers should be installed on the vertical face of the loading dock where vehicles park to absorb impacts.
- A detailed assessment of noise emissions from plant and equipment associated with the loading dock is required to be conducted prior to installation in conjunction with Penrith council requirements.
- Vehicle engines should be switched off during loading and unloading within the dock.
- A detailed mechanical noise assessment is to be conducted once plant selections and services have been finalised as part of the construction documentation to ensure noise levels comply with the criteria detailed in the Noise Impact Assessment.

Utilities

- Consultation with the relevant electricity authority prior to the determination of the application to establish the likely safety risks.

Landscaping

- Landscaping will be provided in accordance with the Landscaping Report with regard to screening adjacent to Woodriff Street.

ESD

- ESD measures will be incorporated into the detailed design in accordance with the ESD report where practical and appropriate.

Contributions

- Relevant Section 94 Contributions will be paid prior to release of the Construction Certificate.

Traffic

- The following works will be undertaken in accordance with the Traffic and Access Impact Study prepared by CBHK as follows:
 - The intersection of Station Street with Ransley Street will be signalised, with a fourth approach providing access to the Masters site.
 - Give way controls at the t-intersections of the new internal road with Station Street and Woodriff Street.
- Parking and cycleway provisions are to be maintained along Station Street, with a 2.5m-3m wide shared use path on Jamison Road provided to Council's specifications.

Waste

- Waste management storage rooms for the Masters Home Improvement centre and car wash area are to include treatment devices to avoid contamination of stormwater.

Car Parking

- 375 car parking spaces will be provided with appropriate disabled facilities in accordance with the Traffic Report.
- Speed humps and multiple zebra crossings are to be provided within the Masters car park where required.
- All car parking will be in accordance with relevant Australian Standards.

Cafe

- A separate application will be submitted for fitout and use of the food premises including details of activities to be carried out, floor plan, sectional elevation drawings and details of mechanical ventilation, waste and recycling management.
- Food outlets will comply with the requirements of AS 4767-2004 and the Food Safety Standards