

Recommendations

That:

1. The Development Application for 250 Residential Units at Lots 50-51, DP 1069025, French Street, Werrington be approved subject to the conditions contained below at 'Schedule 1';
2. A copy of the decision is forwarded to external authorities for their record;
3. A letter be prepared and sent to NSW Treasury advising them of the decision and reinforcing the need for the funding and construction of the new railway station to service the WELL Precinct;
4. That those making submissions are notified of the determination.

Schedule 1: Recommended Conditions of Consent

GENERAL

1. The development must be implemented substantially in accordance with the following plans and documents, stamped approved by Council- except as may be amended in red on the attached plans and by the following conditions.

Plan/Report	Reference	Dated	Prepared by
Basement Level 1 – Block A,B,C & D	A098 Rev B	Feb 2013	Tony Owen PTNRS
Basement Level 2 - Block A,B,C & D	A099 Rev B	Feb 2013	Tony Owen PTNRS
Ground Level Plans - Block A,B,C & D	A100 Rev B	Feb 2013	Tony Owen PTNRS
Level 1 Plans - Block A,B,C & D	A101 Rev B	Feb 2013	Tony Owen PTNRS
Level 2 Plans - Block A,B,C & D	A102 Rev B	Feb 2013	Tony Owen PTNRS
Level 3 Plans - Block A,B,C & D	A103 Rev B	Feb 2013	Tony Owen PTNRS
Level 4 Plans - Block A,B,C & D	A104 Rev B	Feb 2013	Tony Owen PTNRS
Level 5 Plans - Block A,B,C & D	A105 Rev B	Feb 2013	Tony Owen PTNRS
Roof Plans - Block A,B,C & D	A106 Rev B	Feb 2013	Tony Owen PTNRS
Northern Elevations – Block A, B, C & D	A200 Rev B	Feb 2013	Tony Owen PTNRS
Southern Elevations – Block A, B, C & D	A201 Rev B	Feb 2013	Tony Owen PTNRS
West Elevations – Block A, B, C & D	A202 Rev B	Feb 2013	Tony Owen PTNRS
East Elevations – Block A, B, C & D	A203 Rev B	Feb 2013	Tony Owen PTNRS
Sections	A300 Rev A	Sept 2012	Tony Owen PTNRS
Ramp Sections	A310-A317 Rev A	Sept 2012	Tony Owen PTNRS

Landscape Plans	FG12177 001-009 Rev C	13-2-13	Formed Gardens
Stormwater Plans	20100127 SW00-03 Rev A	3-9-12	S & G Consultants
Acoustic Impact Assessment	20C-12-0213-TRP-266835-2	12-2-13	VIPAC
Traffic Impact and Parking Assessment	311929 121023	23-10-12	Mott McDonald
Soil Salinity Assessment	E1763.1AA	20-2-13	Environmental Investigations
Geotechnical Investigation	E1763.1GA	19-2-13	Environmental Investigations
BASIX Assessment	20C-12-0211-TRP-267107-0	16-10-12	VIPAC
Access Report	212152	10-10-12	Accessible Building Solutions
Statement of Environmental Effects		20-11-12	Cityscape Planning and Projects
Waste Management Plan		December 2012	Elephants Foot

2. A **Construction Certificate** shall be obtained prior to commencement of any building works. No Construction Certificate is to be issued until such times as proposed roads No. 2, 3, and 4, approved under DA11/0546, have been constructed. An occupation certificate is not to be issued until such times as roads 2, 3, and 4 have been dedicated to Council.
3. The four (4) allotments (Lots 201-204), and the 'residue allotment' (Lot 200) granted consent under DA11-0546 are to be consolidated into a single land parcel prior to the issue of a Construction Certificate.
4. Prior to the issue of a Construction Certificate for works located within 40m of the watercourse to the east of the site, a Controlled Activity Approval is to be obtained from the NSW Office of Water in accordance with Section 91 of the Water Management Act 2000.
5. A lighting plan is to be prepared and submitted as part of the application for a Construction Certificate. The lighting plan is to provide detail on the lighting locations and levels of illumination to publicly accessible locations, with the following areas (at a minimum) to be provided with adequate lighting that accords with relevant Australian Standards:
 - internal access paths, entry lobbies, basement entry points, and communal open space areas;

The lighting plan is also to provided detail on mitigation measures to ensure light spill from lighting does not unreasonably impact on residents.
6. A CCTV plan is to be prepared and submitted to Council for approval prior to the issue of a Construction Certificate. The CCTV plan is to provide (at a minimum) for CCTV systems covering basement entries, waste storage areas

and lift access points within the basement, and communal circulation areas between buildings.

7. Access to the residential lobbies and basement is to be restricted with a security system such as a swipe card or pin code with the installation of intercomm systems at the residential entry lobbies and basement access point. A security roller shutter is to be provided to restrict access to the basement entries.
8. The following crime prevention measures are to be implemented:
 - ☐ All areas of both levels of the car park (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with consistent lighting to prevent shadowing or glare.
 - ☐ All surfaces in the car park should be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.
 - ☐ Signage within the car park must be in place to clearly identify exit and access points, the location of lifts and stairwells.
 - ☐ Each building entry should clearly state the unit numbers accessed from that entry.
 - ☐ Appropriate door and window locks should be installed in all dwellings.
 - ☐ Viewers should be installed on entry doors to apartments to allow residents to see who is at the door before it is opened.
 - ☐ All common areas, i.e. multi purpose and sports room, café, need to be secured with appropriate security access system, including monitored alarm system, to restrict unauthorised access. All areas within these facilities where access to public is restricted must be securely locked when not in use.
 - ☐ Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing and common ground. This includes reporting incidents to police and/or relevant authorities.
 - ☐ Graffiti resistant coatings must be used to external surfaces where possible, including signage, fencing, street furniture, retaining walls etc.
9. Prior to the occupation of a non-residential tenancy within the buildings, a separate development approval is to be obtained from Penrith City Council to use that tenancy.
10. A building manager/caretaker is to be employed by the owner of the site or body corporate to manage the moving of bins from the basement storage areas to the temporary waste storage areas located at ground floor level to facilitate bin collection by Councils waste collection service. After bin collection has occurred bins are to be wheeled back into the basement waste storage areas.

11. A private contractor will be required for the disposal of waste associated with the commercial tenancies (cafe) as Councils waste collection service is not available for commercial properties. Copy of the nominated contractor are to be submitted to Council prior to the issue of an Occupation Certificate.
12. Prior to the issue of a Construction Certificate certification from a qualified bushfire consultant is to be provided confirming that the eastern edge of Block D is designed to comply with a BAL LOW rating in accordance with AS3959-2009 and the BCA.
13. The detailed fencing specifications relating to the entries to the central communal areas is to be submitted for consideration and approval prior to the issue of a Construction Certificate. In this regard the fencing is to be open style decorative fencing with a height no exceeding 1.5m.
14. Mailboxes are to be provided in proximity to the main entry lobbies to each of the residential flat buildings. These mailboxes are to be secure but accessible by relevant Australia Post staff.
15. The 13 'SOHO' suites are to be provided with a minimum 3.3m floor to ceiling height (excluding slab thicknesses) to promote useability and future adaptability for commercial land uses. False ceiling are permitted to these areas provided they can be easily removed to enable future adaptable to retail and commercial uses. Detail is to be submitted to the Principal Certifying Authority confirming compliance with this requirement prior to the issue of a Construction Certificate.
16. The following privacy measures are to be implemented, in addition to those already detailed on the submitted plans. Detail is to be provided at Construction Certificate Stage demonstrating consistency with the matters below.
 - a) Planter boxes are to be provided to the western and southern (where no planter boxes are already proposed) perimeter of the northern Level 5 roof terrace on Block B. Landscape plantings are required within the planter boxes and the landscape plantings to the southern edge are to be *Yucca Elephantipes* to match the plantings on the eastern portion of the southern edge of the roof terrace.
 - b) Privacy screens are to be provided on the northern edge of the Level 4 roof terrace on Block D for a minimum length of 12m, in a westerly direction, from the edge of the building façade to ensure privacy impacts to the residential units are mitigated.
17. Prior to the issue of a Construction Certificate the applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
18. The applicant shall provide a Geotechnical Engineering report to Railcorp for review by Railcorp's Geotechnical section prior to the commencement of

works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Railcorp. The report shall include the potential impact of demolition and excavation, and demolition- and excavation- induced vibration in rail facilities, and loadings imposed on Railcorp Facilities by the development.

19. Prior to the issue of a Construction Certificate the applicant is to submit to Railcorp a plan showing all craneage and other aerial operations for the development and must comply with all Railcorp requirements. The PCA must not issue a Construction Certificate until all written confirmation has been received from Railcorp confirming that this condition has been satisfied.

HERITAGE/ARCHAEOLOGICAL RELICS

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

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

ENVIRONMENTAL MATTERS

21. Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the [Department of Housing's Housing NSW](#) "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact [Landcom Urban Growth NSW](#) on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.** 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.

22. All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed

to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

23. Certification that the design of the development incorporates measures to mitigate salinity impacts is to be provided to the Principal Certifying Authority from an appropriately qualified environmental consultant prior to the issue of a Construction Certificate.
24. All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

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

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

25. 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 Council. The Validation Certificate shall:

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

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

- ☐ Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other

documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

26. Wastewater from the washing of garbage bins and vehicles is not to enter the stormwater system.
27. Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
28. All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":
 - o Mondays to Fridays, 7am to 6pm
 - o Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
 - o No work is permitted on Sundays and Public Holidays.

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

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

29. Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline".
30. Noise levels from and within the premises shall not exceed the relevant noise criteria detailed in "731-769 Great Western highway Werrington - Acoustic Impact Assessment for DA Submission" (Report No. 20C-12-0213-TRP-266835-2) prepared by Vipac Engineers & Scientists Ltd dated 12 February 2013. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application**. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report and the relevant Australian Standards. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

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

31. **Prior to the issue of the Occupation Certificate**, an acoustic compliance certificate is to be submitted to Council for approval. This certificate is to outline that all plant and equipment have been installed to comply with:
- o The noise goals stated in Table 6 of “731-769 Great Western highway Werrington - Acoustic Impact Assessment for DA Submission” (Report No. 20C-12-0213-TRP-266835-2) prepared by Vipac Engineers & Scientists Ltd dated 12 February 2013.
 - o Australian/New Zealand Standard 2107:2000 Acoustics-Recommended design sound levels and reverberation times for building interiors
32. **Prior to the issue of the Construction Certificate**, details of all plant and equipment including air conditioning units are to be submitted to Council for approval. It is to be demonstrated that this plant and equipment have been selected and designed to meet the following noise criteria:
- o The noise goals stated in Table 6 of “731-769 Great Western highway Werrington - Acoustic Impact Assessment for DA Submission” (Report No. 20C-12-0213-TRP-266835-2) prepared by Vipac Engineers & Scientists Ltd dated 12 February 2013.
 - o Australian/New Zealand Standard 2107:2000 Acoustics-Recommended design sound levels and reverberation times for building interiors
33. **Prior to the issue of the Construction Certificate**, a Construction Waste Management Plan is to be submitted to Council for approval. This Plan is to address all waste materials generated during the construction phase of the development, including details of the proposed waste volumes, on site storage and management, designated waste contractors and waste facilities.

The approved Waste Management Plan must be implemented and adhered to on site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.

BCA ISSUES

34. 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).

UTILITY SERVICES

35. All services (water, sewer, electricity, telecommunications, and gas) are to be provided to the development.

Prior to the release of the occupation certificate, the following service authority clearances shall be obtained:

- ☐ a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water;
- ☐ a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply; and
- ☐ a letter from an approved telecommunications service provider that satisfactory arrangements have been made for telecommunications.

These clearances are to be submitted to the Principal Certifying Authority.

CONSTRUCTION

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

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

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

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

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

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

37. Garbage rooms within buildings shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be tight fitting solid core or of non-combustible construction.

ENGINEERING

38. **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Provision of a heavy-duty vehicular crossing/s.
- b) Provision of path paving for the full property frontage.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

39. The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by SGC Consultants Pty Ltd), reference number 20100127 , revision 1, dated 3.10.2012.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

40. Stormwater is not to be discharged into the rail corridor unless prior approval has been obtained from Railcorp.

41. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the stormwater drainage system for the basement carpark has been designed in accordance with the requirements for pumped systems in AS3500.3:2003.

42. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

43. **Prior to commencement of works** a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3

“Traffic Control Devices for Works on Roads” and the Roads and Traffic Authority’s publication “Traffic Control at Worksites” and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

Note: A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

44. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
45. Subleasing of car parking spaces is not permitted by this Consent.
46. Secure bicycle parking shall be provided which is easily accessible from the apartments in the basement in accordance with AS2890.3:1993 Bicycle Parking Facilities.
47. Signage indicating the location of visitor parking is required at the driveway entrances.
48. The required sight lines around the basement driveway entrances are not to be compromised by street trees, landscaping or fencing.
49. The 10km/hr pedestrian shared zone is to be reinforced with a 10km/hr speed limit and associated signage, and raised pedestrian platforms or thresholds in a distinctive surface to address the pedestrian and vehicle interface.

LANDSCAPING

- 50 All landscape works are to be constructed in accordance with the stamped-approved plans prepared by Formed Gardens Design and Construction and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

Landscaping shall be maintained:

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

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

51. The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.
52. The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed

below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

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

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

iv. 3 Year Landscaping Report. 3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

The landscaping on site has matured and either:

i. the original landscape approval.

ii. The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

53. All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

54. All landscape works are to meet industry best practice and the following relevant Australian Standards:

- ☐ AS 4419 Soils for Landscaping and Garden Use,
- ☐ AS 4454 Composts, Soil Conditioners and Mulches, and
- ☐ AS 4373 Pruning of Amenity Trees

SECTION 94

55. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for:

- ☐ Cultural Facilities;
- ☐ District Open Space; and
- ☐ Werrington Enterprise Living and Learning (WELL) Precinct

These plans can be inspected at Council's Civic Centre, 601 High Street, Penrith.

Based on the current rates detailed in the accompanying schedule attached to this Notice, pay a development contribution of \$4,478,746.00

This amount is to be paid to Council prior to the issue of a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

In the event that a Voluntary Planning Agreement, that is based applicant's letter of offer dated 14th February 2013, is entered into that provides for delivery of infrastructure identified in the abovementioned plans, this condition will cease to apply to this consent.

CERTIFICATION

56. **Prior to the commencement of any earthworks, construction or demolition works on site**, the proponent is to:

- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- b) submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

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

The following documentation shall accompany the "Notice of Commencement" to be submitted to Penrith City Council:

- Certification that the sediment and erosion control measures has been installed;
- A copy of the Traffic Control Plan for the development/site;