

1. The development must be implemented substantially in accordance with the plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan / Document	Prepared By	Dated
Cover Sheet A00	Stanton Dahl Architects	25/02/15
Site & External Works Plan A01/2	Stanton Dahl Architects	02/04/15
Basement car park A02/2	Stanton Dahl Architects	02/04/15
Floor Plan (Level 1) A03	Stanton Dahl Architects	25/02/15
Floor Plan (Level 2) A04	Stanton Dahl Architects	25/02/15
Floor Plan (Level 3) A05	Stanton Dahl Architects	25/02/15
Floor Plan (Level 4) A06	Stanton Dahl Architects	25/02/15
Floor Plan (Level 5) A07	Stanton Dahl Architects	25/02/15
Roof Plan A08	Stanton Dahl Architects	25/02/15
Elevations (Sheet 1 of 2) A09/2	Stanton Dahl Architects	02/04/15
Elevations (Sheet 2 of 2) A10/2	Stanton Dahl Architects	02/04/15
Sections A11	Stanton Dahl Architects	25/02/15
Staging Plan A12	Stanton Dahl Architects	25/02/15
Development Calculations A13	Stanton Dahl Architects	25/02/15
Shadow Diagrams A14	Stanton Dahl Architects	25/02/15
Shadow Elevations A15	Stanton Dahl Architects	25/02/15
Shadow Elevations A16	Stanton Dahl Architects	25/02/15
External Colour Sections & Images A17	Stanton Dahl Architects	25/02/15
Hydraulic Services Cover Sheet HDA01/P5	InLine Hydraulic Services	22/02/15
Hydraulic Services Site Plan HDA02 / P5	InLine Hydraulic Services	22/02/15
Hydraulic Services Basement Plan HDA03 / P4	InLine Hydraulic Services	19/02/15
Hydraulic Services Level 1 Plan HDA04 / P4	InLine Hydraulic Services	19/02/15
Hydraulic Services Level 2 Plan HDA05 / P4	InLine Hydraulic Services	19/02/15
Hydraulic Services Level 3 Plan HDA06 / P4	InLine Hydraulic Services	19/02/15
Hydraulic Services Level 4 Plan HDA07/ P4	InLine Hydraulic Services	19/02/15
Hydraulic Services Roof Plan HDA08 / P4	InLine Hydraulic Services	19/02/15
Hydraulic Services Detail Sheet #1 HDA09 / P4	InLine Hydraulic Services	19/02/15
Hydraulic Services Council Stormwater System Flow Analysis & Music Modelling HDA10 / P4	InLine Hydraulic Services	19/02/15
Landscape Plan L01	In View	19/01/15
Landscape Details L02	In View	19/01/15
Staging Plan L03	In View	19/01/15
Survey	Resitech	
Footpath Gradient	Resitech	
Statement of Environmental Effects	Stimson & Baker	February 2015
BASIX – 610438M		23 February
Design Verification Certificate	Stanton Dahl Architects	25 February
Arborist Report	Aboreport	23/02/15
Access Report	AEDGroup	20 February
Traffic Report	TEF Consulting	19/02/2015
Waste Management Plan	Stanton Dahl Architects	
Safety in Design Report	Stanton Dahl Architects	February 2015
BCA Assessment	Innova Services	2 March 2015

2. The development is to be carried out generally in accordance with the stamped-approved plans, as amended in red by Council and the staging plan A12 and accompanying documentation submitted in respect to this application.
3. Lots 16/17/18 in Deposit Plan 36191 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

4. **The development shall not be used or occupied until an Occupation Certificate has been issued.**
5. **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
6. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
7. A **Construction Certificate** shall be obtained prior to commencement of any building works.
8. The development is to be undertaken in accordance with the submitted Safety in Design Report, prepared by Stanton Dahl Architects, dated February 2015. The following Crime Prevention Through Environmental Design measures are to be incorporated into the construction certificate plans:

Lighting

- All internal and external areas of the property intended to be used at night must be well lit to allow appropriate levels of visibility, including all building entries/exits, common areas, corridors, footpaths, lifts, lift lobbies, stairwells, storage areas and the basement car park.
- All lighting must be maintained and kept in a clean condition with all broken or burnt out globes replaced quickly.

Fencing

- Gates must be provided to prevent unauthorised side and rear access to the development. Fences must be treated with anti-graffiti coatings to assist in graffiti removal.

Basement Car Parking

- A security system must be installed on pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimize opportunities for unauthorised access. Signage is to be installed at the car park entry to notify that the car park is private property. Gates to the car park should remain in a closed

position until opened using a swipe card (or similar).

- Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells. Access to the 'pump room' and electrical room must be restricted to authorized personnel only.

Entrances

- The entry doors are to be glazed to allow users to see into the building before entering and exiting.

Site & Building Layout

- Good quality wire mesh security screens are to be fitted to ground floor windows and doors.

Residential Developments Building Identification

- Each individual dwelling should be clearly numbered. Unit numbers should be clearly provided on each level.
- Each building entry should clearly state the unit numbers accessed from that entry.

Building Security & Access Control

- An intercom, code or card locks or similar are to be provided for all main entries to the building (including the basement car park).
- Door and window locks should be installed in all dwellings.
- Electronic security gates or a sturdy roller shutter must be provided at car park entrances.
- The proposed storage areas in the car park should be well secured with appropriate locks, and must be well lit to prevent opportunities for theft.
- Install viewers ('peepholes') on entry doors to individual units to allow residents to see who is at the door before it is opened.

Way Finding/Finding Help

- Signs must be large and legible, and strong colours, standard symbols (e.g. for washrooms) and simple graphics.
- Signage on the exterior entry points needs to state the premises is for residents only.
- Signs should be strategically located at entrances and near activity nodes such as intersections of corridors or paths.
- The main pedestrian route should be indicated as such with appropriate signage.

9. In accordance with Clause 17(1) of State Environmental Planning Policy (Affordable Rental Housing) 2009:

- (a) The proposed development will be used for the purposes of affordable housing for a period of 10 years from the date of the issue of the occupation certificate; and
- (b) The affordable housing will be managed by a registered community housing provider, and

A restriction must be registered, before the date of the issue of the occupation

certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of (b) and (b) above are met.

Demolition

10. Mud and soil from vehicular movements to and from the site must not be deposited on the road.

Environmental Matters

11. Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
12. No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
13. 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:
 - 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.

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

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.

14. 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.

15. The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

16. Prior to the issue of a Construction Certificate, a Validation Certificate (with a copy of any report forming the basis for the validation) for the existing stockpile material located in the south-eastern corner of the property material shall be submitted to, considered and approved by Council. The Validation Certificate is required to demonstrate that the 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. The Certificate shall 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.

If Penrith City Council is not satisfied that existing stockpile material is suitable, further site investigations or remediation works may be requested.

BCA Issues

17. A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises,
- and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

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

- a. deal with each essential fire safety measure in the building premises, and
- b. be given:

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

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

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

19. 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.

Utility Services

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

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

21. Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to

the development or that arrangements have been entered into for the provision of services to the development.

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

Construction

22. 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 are to be erected:

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

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

23. Prior to the commencement of construction works:

- a. Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
 - a standard flushing toilet connected to a public sewer, or
 - if that is not practicable, an accredited sewage management facility approved by the council, or alternatively, any other sewage management facility approved by council.
- b. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate

professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- c. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).
- d. If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:
 - if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
 - the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
 - any such hoarding, fence or awning is to be removed when the work has been completed.

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

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

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

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

Engineering

25. **Prior to the issue of a Construction Certificate**, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

26. **Prior to the issue of a Construction Certificate** for building or subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act, for provision of Stormwater Drainage within Phillip Street.

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

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
 2. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.
27. The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (INLINE Hydraulic Services Pty Ltd), project reference number (2014-0116), Drawing Numbers HAD Sheets 1-10 Revision P4, dated (19/2/2015).

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. The rainwater tanks shall be connected for reuse as required by the BASIX certificate.

A detailed operation and maintenance manual for the stormwater treatment measures shall be submitted to Council for approval.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

28. **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that:

- a) Off street access and parking complies with AS 2890.1.
- b) Sight distance at the street frontage has been provided in accordance with AS 2890.1.
- c) All cars can enter and exit the site in a forward direction.

Prior to commencement of works sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

29. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

30. Prior to the issue of an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
 - b) Overland flow path works
 - c) Flood control works
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design. Any remedial works required to be undertaken have been satisfactorily completed.

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

31. Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including on-site detention and water sensitive urban design)
- b) Overland flowpath works

c) Flood control works

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

32. The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.
33. Twenty six (26) car parking spaces are to be provided and maintained on site at all times. All car parking and Manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements.
34. Subleasing of car parking spaces is not permitted by this Consent.
35. The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
36. Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided in convenient locations in accordance with *AS2890.3:1993 Bicycle Parking Facilities*.

Landscaping

37. All landscape works are to be constructed in accordance with the stamped approved plan L01, prepared by InView, dated 19/1/15, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and 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.

38. 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.

- 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.

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.

39. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

Development Contributions

40. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$163,474.00 is to be paid to Council prior to a Occupation 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. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: This condition will no longer apply where an exemption is granted by way of Council resolution and written advice reflective of this resolution is provided.

41. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$59,074.00 is to be paid to Council prior to a Occupation 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. The Section 94 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: This condition will no longer apply where an exemption is granted by way of Council resolution and written advice reflective of this resolution is provided.

42. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$15,204.00 is to be paid to Council prior to a Occupation 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. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Note: This condition will no longer apply where an exemption is granted by way of Council resolution and written advice reflective of this resolution is provided.

Certification

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

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

Information to accompany the Notice of Commencement

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