

CONDITIONS SUMMARY

Application Number:	DA18/0264
Assessing Officer	Kathryn Saunders
Land to be developed (Address):	Lot 300 DP 1243401 87 - 93 Union Road PENRITH NSW 2750
Proposed Development:	Construction of a Part Twelve (12) Storey & Part Fifteen (15) Storey Mixed Use Development including Basement, Podium Level 1 & Level 2 Car Parking, Ground Floor Business and Commercial Uses, 187 Residential Apartments & Construction and Dedication of a Public Road, Stormwater Drainage, Civil and Public Domain Works & Landscaping

General

1 [A001 - List of Plans](#)

The development must be implemented substantially in accordance with the Penrith City Council stamped approved plans and reports as listed below,

Drawing no.	Drawing Description	Revision	Dated
Architectural Plans and Documentation Prepared by SJB			
AR-1-1009	Basement 01	Rev 59	29.03.2019
AR-1-1010	Ground Level	Rev 59	29.03.2019
AR-1-1011	GA Floor Plan - Level 1	Rev 59	29.03.2019
AR-1-1012	GA Floor Plan - Level 2	Rev 59	29.03.2019
AR-1-1013	GA Floor Plan - Level 3	Rev 59	29.03.2019
AR-1-1014	GA Floor Plan - Level 4 - 11	Rev 59	29.03.2019
AR-1-1022	GA Floor Plan - Level 12	Rev 59	29.03.2019
AR-1-1023	GA Floor Plan - Level 13-14	Rev 59	29.03.2019
AR-1-1025	GA Floor Plan - Roof	Rev 59	29.03.2019
AR-1-5000	North & South Elevation	Rev 59	29.03.2019
AR-1-5001	East Elevation	Rev 59	29.03.2019
AR-1-5002	West Elevation	Rev 59	29.03.2019
AR-1-5004	Podium North & South Elevations	Rev 59	29.03.2019
AR-1-5010	Site Link Elevations	Rev 59	29.03.2019
AR-1-5100	Section A-A Long Section	Rev 59	29.03.2019
AR-1-5200	Podium Façade Details – Sheet 1	Rev 59	29.03.2019
AR-1-5201	Podium Façade Details – Sheet 2	Rev 59	29.03.2019
AR-1-5202	Building 1 Façade Details	Rev 59	29.03.2019
AR-1-5203	External Finishes Board	Rev 59	29.03.2019
AR-1-5204	Sign Strategy- Sheet 1	Rev 51	17.10.2018
AR-1-5205	Sign Strategy- Sheet 2	Rev 51	17.10.2018
AR-1-5221	Podium Façade Details - Sheet 3	Rev 59	29.03.2019
AR-1-9000	Photomontage 1	Rev 59	29.03.2019
AR-1-9001	Photomontage 2	Rev 59	29.03.2019
AR-1-9004	Perspective View Sheet 1	Rev 59	29.03.2019
AR-1-9005	Perspective View Sheet 2	Rev 59	29.03.2019
AR-1-9006	Perspective View Sheet 3	Rev 59	29.03.2019
AR-1-9007	Perspective View Sheet 4	Rev 59	29.03.2019
AR-1-9008	Perspective View Sheet 5	Rev 59	29.03.2019
Design Competition Jury and Review Panel Documents			

Reference	Document Details	Revision	Date
-	GA NSW Correspondence and attached images	-	15 February 2019
	Perspective View Sheet 1		15 February 2019
	Perspective View Sheet 2		15 February 2019
	Perspective View Sheet 3		15 February 2019
	Perspective View Sheet 4		15 February 2019
-	GA NSW Design Excellence Competition – Endorsement letter	-	14 March 2018
Stamped Approved Documents			
Reference	Document Details	Revision	Date
900047M_02	BASIX Certificate	n/a	20 June 2018
20180154.1/2202A/R1/TA	Acoustic Assessment	1	22/02/2018
Project 85867.00	Douglas Partners Report of Preliminary Geotechnical Investigation		March 2018
Project 85867.02 R.002.Rev1	Douglas Partners – Report on Detailed Site Investigation		21 June 2018
Project 85867.05 85867.05.R.001.Rev1	Douglas Partners – Additional Contamination Investigation	1	21 June 2018
Project 85867.01 85867.01.R.001.Rev1	Douglas Partners – Due Diligence Contamination Investigation		27 April 2017
Project: 11310	Cermak Peterka Petersen – Qualitative Wind Assessment		March 2018
REF: 075151-03BCA	McKenzie Group – BCA Report	E	19 June 2018
Job No: 217318	Accessible Building Solutions – Statement of Compliance		14-03-2018
-	Waste Audit – Revised Operational Waste Management Plan		November 2018

the application form, the BASIX Certificate and any Council stamped approved document and reports submitted with the development proposal (as they may relate to the approved plans), except as may be amended in red on the stamped approved plans and by the following conditions.

2 [A001A - Special \(Architectural Design Amendments and Additional Information\)](#)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority (PCA) is to ensure that the stamped approved plans and documents related to the development are amended to incorporate the design changes listed below under (A) and (B). All effected amended and additional plans resulting from the alterations under (A) and (B) below must be submitted to the Manager of Development Services at Penrith City Council for review and approval **prior to the issue of a Construction Certificate** and a copy of the approved plans are to be provided to the PCA.

(A) Building Design Conditions

1. A lighting plan is to be provided that details how, 'special lighting for entrances to the building and arcades in order to promote way finding' is provided in accordance with the amendments required by the Government Architects Office of New South Wales as described in their letter dated 15 February 2019 and by the attached photomontages.
2. An updated and amended set of landscape documentation is to be submitted for approval. The documentation is to include details of all Water Sensitive Urban Design features, irrigation and long term maintenance and is to include relevant sections and planter details. Plant species, pot size and planter depths and construction methods are to be nominated.
3. An amended architectural ground floor plan is to be submitted which correlates with the civil and landscape ground floor plans.
4. Amended landscape and architectural plans are to include two additional on street car parking spaces which are to be provided on the eastern side of the new link road, close to the intersection with Union Lane.

(B) New Road Conditions

1. A full set of amended civil plans are to be submitted which reflect the amended architectural ground floor layout, and any amendments undertaken to the water sensitive urban design (WSUD) strategy including any rain gardens and on-street car parking spaces, the revised drainage and on-site detention tank arrangements. The submitted civil plans are to correlate with architectural, required public domain plans and the WSUD Strategy and modeling.

(C) Design Excellence Jury Endorsement

1. In accordance with the requirements of the Design Excellence Competition Jury in correspondence dated 14 March 2018, the architectural Construction Certificate documentation is to be provided to the Competition Jury for their review and endorsement **prior to the issue of Construction Certificate**. A copy of the endorsement letter is to be provided to the Principle Certifying Authority.

Advisory Note:

- (i) Penrith City Council reserves the right to request amendments to the submitted documentation which is to be elevated to Construction Certificate and/or For Tender quality.

3 [A001B Special \(Subdivision - Title\)](#)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be provided with a copy of the Subdivision Certificate and approved Plan of Subdivision issued by Penrith City Council for the allotment to be subdivided as follows:

- (a) The eastern Part Lot 300 in DP 1243401 noted as being 5406.58sqm in area shall be subdivided into one separate allotment which is bounded by High Street to the north, John Tipping Grove to the west, Union Road to the south and the land to be dedicated as public road to the east.
- (b) The western Part Lot 300 in DP 1243401 noted as being 6617.8sqm in area, shall be subdivided into one allotment bounded by John Tipping Grove to the east, Mulgoa Road to the west, High Street to the north and Union Road to the south.

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority is to be provided with a copy of the registered Plan of Subdivision confirming that the allotments are created and road dedicated as detailed above.

4 **A001D - Signage**

No signage is permitted to be fixed to the awning fascia. No signage is to be positioned above the awning or to the colonnade brickwork or residential building. All signage is to be located under the awning and is to be 'hamper style' perpendicular to the elevation of the building, to which it is attached.

5 **A001F - Special (Adaptable units and accessible car spaces)**

A minimum of eighteen (18) apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability and in accordance with the stamped approved plans. The adaptable units shall each be allocated an accessible car parking space compliant with AS 2890.6 and shall be evenly distributed throughout the building and not be concentrated in any one area or level.

The Construction Certificate application must be accompanied by certification from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299-2009). A Compliance Certificate in this regard, shall be provided **prior to the issue of an Occupation Certificate.**

6 **A001N Special (Through link)**

No external roller shutters, bars or similar structures are permitted to be installed on the ground floor glazing of the commercial tenancies.

7 **A001o Special (CPTED gates and graffiti)**

The following Crime Prevention Through Environmental Design matters are to be incorporated in the design of the building:

- (a) User/sensor electronic security gates/doors shall be installed at the carpark entrances/exits.
- (b) Each individual apartment is to be clearly numbered and each level of the building is to be easily identifiable when viewed from the lift.
- (c) Glazing to the ground floor entry lobby is to be clear and unobscured to allow a view to the street.
- (d) CCTV is to be installed along the frontage of the site to Lord Sheffield Circuit and along the rear of the site in the location of the ground floor commercial vehicle entry point.

8 **A001P Special (CPTED - Lighting)**

Car parking and vehicle access points, pedestrian pathways, lobby areas, stairwells, garbage rooms, laneways and pedestrian access routes in outdoor public spaces should be lit to the minimum of Australian Standard 1158 and the following design requirements:

- (a) Lighting is to be consistent in order to reduce the contrast between shadows and illuminated areas.
- (b) Lighting is to be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Advisory Notes:

- Lighting should be directed towards access/egress routes to illuminate potential offenders, rather than towards the building or observation points.
- Lighting is to take into account vegetation and landscaping that may act as an entrapment point and should be designed to avoid vandalism.
- Where appropriate movement sensor lighting may be incorporated.
- Lighting shall be maintained and kept in good working order.
- Appropriate directional signage is to be installed to assist with way-finding.
- All surfaces in the car parking areas should be light in colour to reflect as much light as possible.

9 **A001Q Special CPTED Requirements**

The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

Lighting

- All outdoor/public spaces throughout the development must be lit to the minimum Australian Standard of AS 1158 and must be designed in accordance with AS 4282 - Control of the obtrusive effects of outdoor lighting.

Basement Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed at all entry points into the buildings.
- Australian Standard 220 – door and window locks must be installed in all dwellings/premises.
- CCTV is to be provided to cover communal public space areas. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- Monitored alarms must be installed in all retail and communal public space areas.

Advisory Notes:

- (i) Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- (ii) Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.
- (iii) Outdoor furniture in the retail and communal areas must be stored away after hours or well secured to minimise opportunities for vandalism and theft.
- (iv) All vegetation throughout the site must be regularly pruned to ensure that sight lines are maintained.
- (v) All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- (vi) Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas.

10 **A003B Special (Final Materials and Finishes Schedule)**

Prior of the issue of a Construction Certificate, a final Materials and Finishes Schedule is to be submitted to and approved by the Manager of Development Services at Penrith City Council. The following elements are to be clearly noted on the final Materials and Finishes Schedule:

- (a) The upper residential levels of Building 1 must include expressed joints around the painted panels associated with paint finishes noted as PF1, PF2, PF3, PF4, PF5 and PF6.
- (b) All changes to colours, materials and façade elements required to be undertaken in order to satisfy the requirements of the office of the Government Architect of NSW Design Integrity Review letter dated 15 February 2019 and its attached photomontages (as appended to this consent), are to be detailed in the final schedule.
- (c) The materials and finishes for the awning proposed along High Street, John Tipping Grove and the new north-south road are to be noted on the final materials and finishes schedule. The schedule is to note that the awning is to be constructed of steel edge expressed frame with concealed drainage and the underside of awning is to be clad aluminium/timber soffit in a warm tone finish (as detailed on plan AR-1-5202 Revision 51).
- (d) As required by office of the Government Architect of NSW Design Integrity Review letter dated 15 February 2019, larger-scale sections which describe design details of the amended podium elevations including materials and finishes are to be included in the final schedule.

11 **A006 - BCA Home Building Act**

This building work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the *Home Building Act*.

12 **A017 - DA FOR USE**

Prior to the occupation of any commercial or business tenancy within the building, a separate development approval is to be obtained from Penrith City Council for the use of each tenancy.

13 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

The development shall not be used or occupied until an Occupation Certificate has been issued.

14 [A021 - Business Registration](#)

Food businesses are to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the business.

15 [A039 - Graffiti](#)

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

16 [A045 - ATMS](#)

Automatic Teller Machines are not permitted to be installed into the façade of the building at ground floor.

17 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any building works.

18 [A Special \(arcade/Pedestrian Link\)](#)

(a) The arcade/pedestrian link spanning between John Tipping Grove and Union Lane is to be open between 7am and 9pm daily (minimum) and is to be provided with CCTV cameras and adequate lighting.

(b) Security doors are to have clear glazing, allowing views into the link. No approval is granted for gates, shutters or security grills or bars.

(c) Shopfront/commercial glazing fronting the arcade must not be obscured or otherwise covered for a minimum of 50% of the frontage of each tenancy, along the arcade.

19 **A Special (Awning and Public Domain Documentation)**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to ensure that a set of stamped approved public domain plans and supportive documentation has been prepared for the site and has been reviewed and approved by the Manager of Development Services at Penrith City Council. The submitted public domain documents are to include the following:

Public Domain General

- (a) The documents are to identify the extent of public domain works being undertaken and are to include pavement treatments, street trees and landscape elements, water sensitive urban design (WSUD) elements, lighting locations and any street furniture and public art adjacent to all boundaries of the site, in accordance with the Public Domain Technical Manual (PDTM).
- (b) Documents shall be accompanied by detailed sections through typical and non-typical thresholds and details of landscaping and planters and maintenance and irrigation details are to be provided,
- (c) Details are to be provided as to any interim and final paving finishes proposed,
- (d) All line marking and relevant roadwork and paving details are to be shown and plans are to be consistent with approved stormwater, architectural, landscape and civil plans.
- (e) Union Road is identified as a Type 3 Tertiary Street adjacent to retail/commercial uses, within the PDTM and as such shall be fully paved from built edge to kerb. Opportunities for WSUD may be integrated into the kerb-side edge where pedestrian volumes are low. High Street and John Tipping Grove are identified as a Type 2 Secondary Streets. Paving treatments are detailed within Section 3 of the PTDM and correlate to the street hierarchy type i.e. Type 2 Streets are required to be finished with Type 2 composite concrete pavers, and Type 3 streets are to be finished with Type 3 coloured concrete (CCS "Onyx 21") in grey cement with broom finish.
- (f) Penrith Council utilises 'Eden Outreach' for street lighting as per the PDTM Section 0.6. The final street lighting layout (including location, spacing, LUX and kerb setback) are to be prepared in consultation with Council's City Assets team and Landscape Architect.
- (g) The width of the awning along High Street and John Tipping Grove is to be confirmed with Council's Landscape Architect. The maximum height of the awning along High Street (from finished street pavement level to the underside of awning) is to be 3.2m. Steps for design articulation or to accommodate sloping streets are not to exceed 700mm.

Street Tree Planting

- (h) A minimum of 3 street trees are to be planted along the High Street frontage of the site.
- (i) Street trees are to be planted within the verge along John Tipping Grove at a rate of 1 tree per 10m.
- (j) A minimum of 3 street trees are to be planted along the Union Road frontage of the site.
- (k) All street tree locations, species selection, pot sizes and pavement treatment around the street trees is to be detailed on the public domain plans which are to be prepared in consultation with Council's Landscape Architect.

Advisory Notes:

- (i) The public domain plans shall be prepared in consultation with Council's Landscape Architect and works are to be designed in accordance with the Penrith CBD Public Domain Technical Manual (PDTM) and the Public Domain Lighting Policy.
- (ii) The existing conditions along all frontages including John Tipping Grove are to be upgraded as part of the development proposal and plans are to indicate that the overall design quality of the adjacent public domain is elevated.
- (iii) Penrith City Council reserves the right to request amendments to the submitted documentation which is to be elevated to Construction Certificate and/or For Tender quality.

20 **A Special (Dilap)**

Prior to the issue of a Construction Certificate, a Civil Dilapidation Report is to be prepared and submitted to Penrith City Council. The report shall detail in photographs, the quality of the existing pavement, kerb and gutter, landscaping, street trees and any other civil infrastructure immediately adjacent to the site, likely to be damaged as a result of construction works at the subject site.

Prior to the issue of an Occupation Certificate, an addendum to the Dilapidation Report is to be provided to Penrith City Council, which details the same areas surrounding the site and shall identify any areas damaged as a result of construction. All damage is to be reported and rectified to Council's satisfaction prior to the issue of the Occupation Certificate.

21 **A Special (glazing and security shutters)**

No security shutters, roller doors, bars or the like shall be fitted to the glazing of the ground floor tenancies.

22 **A Special (Glazing coverage)**

Ground floor shop front glazing shall not be covered by frosting or otherwise rendered opaque by covering, advertising, stickers, decals or the like for greater than 25% of the glazing attributed to each individual tenancy.

23 **A Special (Office of Water)**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be provided with written confirmation from the NSW Department of Primary confirming that works approved under this consent do not require their advice or a Controlled Activity Approval (CAA).

Advisory note:

In the case where site conditions vary from that identified within the Geotechnical Report as a result of further investigations or during the construction works, the advice of the Department of Primary Industries is to be sought as to whether a CAA is required and if so, the necessary approvals are obtained and complied with throughout the works.

24 **A Special (Reflectivity and Wind Report)**

Prior to the issue of a Construction Certificate, a reflectivity report is to be submitted to and approved by the Manager of Development Services at Penrith City Council.

Advisory note: The construction of the development shall have regard to the recommendations of the approved Qualitative Wind Assessment prepared by Cermak Peterka Petersen (CPP), dated March 2018.

25 **A Special (Screening of Plant)**

All roof mounted plant, ducting or services infrastructure shall be screened from view. No approval is granted for the installation of ducting, conduit, plant or services infrastructure on the external facades of the building, unless it is indicated on the stamped approved plans.

26 **A Special Condition (BLANK)**

Prior to the issue of a Construction Certificate the Principal Certifying Authority shall ensure that the stamped approved civil engineering plans include the size and area details of all the raingardens, the location of the Enviropods and the location and size of the rainwater tank.

The PCA is to ensure that all supporting calculations and modelling, including a water sensitive urban design strategy, MUSIC modelling (.sqz file). and all additional supportive documentation has been submitted to and approved by the Manager of Development Services at Penrith City Council, (attention to the Environmental Health and Compliance Unit).

Advisory notes:

- (i) All documentation submitted to Penrith City Council is to demonstrate compliance with Council's Water Sensitive Urban Design Policy and is to correlate with the stamped approved civil plans, architectural plans and stormwater engineering plans.
- (ii) All documentation is to have regard to any amendments resultant from other conditions of this consent.

Demolition

27 **B006 - Hours of work**

Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition relates to works inside the building and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

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

Heritage/Archaeological relics

28 [C003 - Uncovering relics](#)

Activities at the site are to have regard to the Aboriginal Archaeological Assessment prepared by Comber Consultants dated March 2018. 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 Office of Environment and Heritage.

The applicant is advised that depending on the possible significance of items of cultural significance, 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

29 [D001 - Implement approved sediment& erosion control measures](#)

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.

30 [D009 - Covering of waste storage area](#)

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.

31 [D010 – Appropriate disposal of excavated or other waste](#)

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.

32 [D014 - Plant and equipment noise](#)

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.

33 [D026 - Liquid wastes](#)

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

34 **D - Acoustic Report Compliance prior to OC**

Prior to any Occupation Certificate being issued, written advice from an appropriately qualified and experienced acoustic consultant must be obtained to confirm that:

1. The recommendations made in the acoustic report prepared by Acoustic Logic, titled *Toga High Street, Penrith, Stage 1 - Development Application Acoustic Report*, dated 22/02/2018, (the approved acoustic report) have been incorporated into the development; and
2. The development has been constructed to meet the indoor design sound levels in accordance with the approved acoustic report; and
3. Noise emissions from plant and equipment meet the project noise criteria contained in the approved acoustic report.

35 **D - Dust**

Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.

36 **D - Mud/Soil**

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

37 **D - Remediation and Validation Works**

Prior to a Construction Certificate being issued:

1. Site remediation and validation works are to be completed; and
2. A Validation Report is to be submitted to Penrith City Council; and
3. The report must certify that the remediation works have been carried out in accordance with the Remedial Action Plan approved under development consent no. DA 18/0654, relevant NSW Environment Protection Authority requirements, NEPM 2013 and Penrith Development Control Plan 2014; and
4. The Validation Report must state that the site has been made suitable for its proposed use; and
5. Written confirmation must be obtained from Penrith City Council's Environment Team confirming that they are satisfied with the remediation works undertaken, and the conclusions of Validation Report that has been submitted.

Written notification that the site remediation works have been completed is to be submitted to Council **within 30 days of the said works having been completed.**

The Validation Report must be prepared by an appropriately qualified person as defined in the Penrith Development Control Plan 2014.

38 **D - Remediation Supervision**

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

1. Supervise the remediation works.
2. Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
3. Address off site impacts and proposed management strategies where relevant.
4. (after completion of works) Certify by way of a Compliance Certificate or other written documentation that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the Validation Report). A copy of the Compliance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement.**

{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.”}

39 **D Unexpected Finds**

Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, surface or subsurface asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified.

Any such "unexpected finds" shall be investigated and addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55 - Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

BCA Issues

40 **E006 - Disabled access and facilities**

Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

41 **E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)**

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.

42 **E01A - BCA compliance for Class 2-9**

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

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

Health Matters and OSSM installations

43 **F001 - General Fitout**

The construction, fit out and finishes of food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 *Design, Construction and Fitout of Food Premises*.

44 **F004 - Registration & Notification**

Cooling towers and warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the system.

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

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

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

45 **F005 - Legionnaires disease**

Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.2:2011 *Air-handling and water systems of buildings – Microbial control - Operation and maintenance* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease

The water-cooling system shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS3666.3:2011 *Air-handling and water systems of buildings – Microbial control – Performance-based maintenance of cooling water systems* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.

46 **F008 - Skin Penetration regulations**

Any person carrying out any of the following skin penetration procedures shall ensure that the requirements of the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times:

- Tattooing
- Unregistered acupuncture and dry needling practitioners
- Ear/Body Piercing
- Hair Removal
- Colonic Lavage
- Cuticle cutting
- Microdermabrasion
- Any procedure (whether medical or not) that involves skin penetration and includes any procedure declared by the regulations to be a skin penetration procedure, but does not include:
 - (a) any procedure carried out by a health practitioner registered under the Health Practitioner Regulation National Law, or by a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service, or
 - (b) any procedure declared by the regulations not to be a skin penetration procedure (i.e. laser hair removal).

47 **F012 - Food Act**

The proprietor of any food business shall ensure that the requirements of the NSW Food Act 2003, NSW Food Regulation 2010 and the Australian and New Zealand Food Standards Code are met at all times.

48 **F019 - Occupation Certificate**

Any food or skin penetration business shall not be used or occupied until an Occupation Certificate has been issued.

A satisfactory inspection from an authorised officer of Council's Environmental Health Team is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Team to organise an appointment at least 72 hours prior to the requested inspection time.

49 **F021 - Business Registration**

Skin penetration business are to be registered with Penrith City Council by completing the "Skin Penetration - Registration of Premises" form. This form is to be returned to Council prior to the issuing of the occupation certificate and commencement of the business.

50 **F060 - Grease Arrestor**

The grease arrestor must not be installed in any kitchen, food preparation or food storage area. The grease arrestor shall be installed in accordance with Sydney Water's requirements.

51 **F091 - Installation requirements**

Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems must be installed in accordance with AS/NZS 3666.1:2011 *Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning*, as applicable to the specific system. An air-handling system must be fitted with supply air filters.

The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.

When an air handling, hot water, humidifying, warm water or water cooling system is installed a certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS3666.1:2011.

52 **F092 - Safe & easy access**

There must be safe and easy access to a regulated system (as defined in the Public Health Act 2010) for the purpose of the cleaning, inspection and maintenance of the system.

53 **F special BLANK**

Detailed design plans of any proposed food business or skin penetration business, as defined under the Food Act 2003 or Public Health Act 2010, must be provided to Penrith City Council as part of a separate development application for Council approval.

54 **F Special condition Mechanical ventilation 2**

Prior to the issuing of an Occupational Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard AS1668 Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

Utility Services

55 **G001F - Special - Waste**

Prior to the issue of an Occupation Certificate and in perpetuity, the development shall comply with the following requirements in relation to waste collection infrastructure:

(a) The residential bin storage room and bulky waste room will need to be lockable through an abloy key device to restrict access only to the building caretaker/manager and Council's waste collection staff.

Advisory notes:

1. The property owner or agent acting for the owner shall arrange for the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days **prior to occupancy** and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 4732 7615 for the commencement of waste services.
2. Access to the bulky waste room shall be restricted to Council and the building manager and shall be provided with an access doorway with a width of 1.8m minimum. Residents are to arrange access with the building manager for the storage of bulky waste prior to collection.
3. Commercial and residential bin storage and waste areas are to be kept clean and tidy.
4. Commercial waste is not to be placed in residential waste bins. The commercial bin room is to be kept secure and access is to be provided for the commercial tenants only.
5. The residential bin room, bulky waste and chute rooms and the commercial bin room are to be clearly sign posted to ensure waste is not co-mingled.

56 **G001G - Waste Collection**

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

Commercial waste collection at the site will not be undertaken by Penrith City Council. Commercial waste collection is to occur outside of those times when Council is conducting its residential collection for the building. Commercial tenants are to liaise with Council prior to confirming waste contracts for commercial collection to ensure collection times do not clash with Council's residential waste service.

Note:

(a) By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

57 **G002 - Section 73 (not for**

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**.

58 **G004 - Integral Energy**

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 second 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. Confirmation is to be provided that a blast wall or other protective structure is/is not required.

59 **G006 -**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

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

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

60 **GA Special (Waste Collection)**

To ensure that Council's residential waste collection service is not interrupted by the use of the shared waste collection area by private waste contractors, delivery vehicles, removalist vehicles and the like, the waste collection area and turntable are to be kept clear during the Council residential collection times.

No use of the waste collection area and turntable is permitted to be undertaken at the time of Council's residential waste collection services (inclusive of services related to recycling, residual, food and bulky waste collection).

Advisory note:

Council's waste collection service requirements and times are subject to change. The building manager (or body corporate/owners corporation) is advised to liaise with Council to ensure the waste collection access and arrangements allow safe, practical and efficient residential waste collection.

Construction

61 **H001 - Stamped plans and erection of site notice**

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.

62 **H001DA Special (Cranes)**

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

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

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

- Be equipped with medium intensity steady red lighting positioned at the highest point and both ends of the boom/jib and counter boom/jib, such that the lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at all times of the day and night, should be positioned so that when displayed it is visible from all directions.
- When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
- No part of the crane or structure shall extend beyond the boundaries of the subject development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.

63 H002 - All forms of construction

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.

64 H041 - Hours of work (other devt)

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 or tenancy and that does not involve the use of equipment that emits noise likely to cause offence, are not restricted to the construction hours stated above. The provisions of the Protection of the Environment Operations Act 1997 in regulating offensive noise apply to all construction works.

Engineering

65 K011 - Engineering Works DCP

All civil engineering construction works shall be carried out substantially in accordance with Penrith City Council's Engineering Works Development Control Plan and accompanying Guidelines for Engineering Works for Subdivisions and Developments Part 2-Construction.

66 [K022 - Line Marking](#)

Prior to the issue of a Construction Certificate, the applicant shall provide a concept line marking and signage plan to the Manager of Development Services at Penrith City Council. The plan shall include the following:

- (a) All line marking and signage along the new road;
- (b) All directional and parking signage along the new roads modified or required to facilitate the development as approved; and
- (c) The provision of regulatory signage

The final Line Marking and Signage Plan is to be submitted to and approved by Penrith City Council and shall be endorsed by Council's Local Traffic Committee. Please note that the Committee meets monthly. All approved and endorsed signage and line marking is to be undertaken and/or installed, **prior to the issue of an Occupation Certificate**.

67 [K023 - Sensor Gates](#)

User/sensor electronic security gates shall be installed at carpark entrance/exits.

68 [K028 - Acoustic Treatment](#)

The surface treatment of all car parking areas is to be a brushed or matte surface to reduce the impact of noise from the turning movements of vehicles.

69 [K101 - Works at no cost to Council](#)

All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

70 [K201 - Infrastructure Bond](#)

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

71 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- (a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings),
- (b) Concrete footpaths and or cycleways,
- (c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage),
- (d) Road occupancy or road closures,
- (e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve,
- (f) Temporary construction access.

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, guidelines and best engineering practice. Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Council's website for more information.

Advisory note:

- (i) 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.
- (ii) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- (iii) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- (iv) On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

72 **K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the following works:

- Roadworks within the road reserve of High Street and the new link road
- Road and drainage works within the road reserve of Union Road and the new link road
- Roadworks within the road reserve of Union Lane and the new link road
- Path paving works and public domain works within the road reserve areas of High Street, Union Road, Union Lane and John Tipping Grove.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Advisory note:

- (a) 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.
- (b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- (c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

73 **K206 - Construction Certificate for Subdivision Works**

A Construction Certificate is to be approved by the Certifying Authority for the provision of subdivision works (road, drainage, earthworks associated with the new link road). A Construction Certificate shall be issued for any subdivision works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the Council stamped approved civil plans prepared by Robert Bird Group, Job number 17665c, drawing number C3-00 and that all engineering road and drainage works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

- Public and private roads,
- Storm water management (quantity and quality),
- Interallotment drainage,
- Private access driveways,
- Sediment and erosion control measures,
- Flood control measures,
- Overland flow paths,
- Traffic facilities,
- Earthworks,
- Bridges, culverts, retaining walls and other structures,
- Landscaping and embellishment works.

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

Advisory note:

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

74 **K207 - Road design criteria table**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	Carriageway Width	ESA
New Link Road	7m	2 x 10 ⁶

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

75 **K208 - Road Safety Audit**

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

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

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

76 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the stamped approved WSUD Strategy, MUSIC modeling and associated concept plan/s.

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.

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.

77 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the Council stamped approved civil plans, prepared by Robert Bird Group, Job reference 17665C, drawing No C3-00.

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.

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

78 **K211 - Stormwater Discharge – Basement Car parks**

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

79 **K212 - No loading on easements**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.

80 **K221 - Overland Flow - General**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that:

- a) All habitable floor levels are at a minimum of RL 27.85m AHD
- b) The crest in the access ramp to the basement car park is at a minimum of RL 27.4m AHD.
- c) All proposed penetrations and access points into the basement carpark area minimum of 0.3m above the top water level adopted for the flooding

Details demonstrating compliance with these requirements, shall form part of any Construction Certificate issued.

81 **K222 - Access, Car Parking and Manoeuvring – General**

Prior to the issue of any 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.

82 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

83 **K225 - Performance Bond**

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for any road and drainage works within Council's road reserve areas of High Street, Union Road and Union Lane.

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

Advisory note:

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

84 **K226 - Basement Geotechnical Testing/ Dilapidation Report**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a Geotechnical investigation, report and strategy has been conducted to ensure stability of the Council infrastructure and surrounding developments within 20m of the site boundaries.

The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services as amended.

The developer shall undertake a dilapidation report for all neighbouring buildings and Council owned infrastructure which details any and all damage and existing conditions to ensure that no damage occurs due to the excavations and construction activities associated with the development.

If Council is not the Certifying Authority the dilapidation report shall be submitted to Council **prior to the issue of a Construction Certificate or commencement of works**. The Report is to be updated and submitted to Council **prior to the issue of any Occupation Certificate** providing details of any damage or change in conditions and any rectification works required.

85 **K302 - Traffic Control Plan**

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

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

Note:

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

86 **K303 - Matters to be addressed prior to commencement of Subdivision Works**

Work on the subdivision shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

87 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

88 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval along with all road, drainage and verge works required for provision of the new north-south link road, spanning between Union Road through to High Street, have been inspected and signed off by the Manager of Engineering Services at Penrith City Council.

89 **K502 - Completion of subdivision works**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

90 **K502 - Works as executed – General and Compliance Documentation**

Prior to the issue of an Occupation Certificate, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

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

91 **K503 - Stormwater Compliance**

Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall ensure that the:

- (a) Stormwater management systems (including on-site detention and water sensitive urban design)
- (i) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- (ii) Have met the design intent with regard to any construction variations to the approved design.
- (iii) 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.

92 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of any 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)

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 and Drainage for Building Developments policy.

93 **K508 - Splay**

Prior to the issue of any Occupation Certificate, a 4m x 4m splay corner at the intersection of Union Road and the new link road is to be dedicated as public road to Penrith City Council on a plan of subdivision registered with Land and Property Information (LPI). The dedication of public road and subsequent registration shall be at no cost to Penrith City Council.

94 **K509 - Linemarking & Signage**

Prior to the issue of any Occupation Certificate or Subdivision Certificate (whichever occurs first), and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

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

95 **K511 - Directional signage**

Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of any customer, tenant, service, loading, visitor and/or residential parking, to the satisfaction of the Principle Certifying Authority.

96 **K512 - Street Naming**

Prior to the issue of a Subdivision Certificate, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for advice regarding the application process and applicable fees.
- b) Allow eight (8) weeks for notification, advertising and approval.

97 **K513 - Bond for final wearing course**

Prior to the issue of the Subdivision Certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

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

98 **K515 - Maintenance Bond**

Prior to the issue of any Occupation Certificate or a Subdivision Certificate (whichever occurs first), a Maintenance Bond is to be lodged with Penrith City Council for road and drainage works constructed as part of the new link road.

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

Note:

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

99 **K516 - Subdivision Compliance documentation**

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

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

100 **K601 - Stormwater Management system operation and maintenance**

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

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

Prior to the handover of the assets, Council requires all of the following conditions to be met:

- The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council
- The performance of the WSUD measure(s) has been validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure
- Where applicable, the build up of sediment has resulted in no more than a 10% reduction of operational volume
- Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council
- The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)
- Design drawings have been supplied in a format acceptable to Council
- Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council
- Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)
- Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied)
- The condition of the infrastructure associated with the land complies with the approved design specification
- Filter media infiltration rates are within 10% of the rates of the design parameters for the filtration system concerned
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following
 - i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
 - ii. Site access description
 - iii. Likely pollutant types, sources and estimated loads
 - iv. Locations, types and descriptions of measures proposed
 - v. Operation and maintenance responsibility
 - vi. Inspection methods (including inspection checklists)
 - vii. Maintenance methods (frequency, equipment and personnel requirements);
 - viii. Landscape and weed control requirements
 - ix. Operation and maintenance costs;
 - x. Waste management and disposal options; and
 - xi. Reporting.

102 **K - Waterways - Vegetated Stormwater Management systems - compliance prior to Council accepting works following maintenance period**

Handover of assets to Council will not occur until Council is satisfied that they are constructed in with the approved plans, conditions of approval and all certification requirements have been complied with:

1. Vegetated systems (e.g. bioretention measure/s) are required to remain 'on maintenance' for a minimum period of three (3) years or as otherwise approved and a performance-based inspection has been undertaken with Council.
2. The on-maintenance period for all vegetated systems can be considered as on-maintenance once 90% of dwellings are substantially completed within the development sub-catchment associated with the relevant treatment measure.
3. Certification is required to be provided for the installation of the filter media to demonstrate that the media complies with the approved specifications. At a minimum compliance is required with the "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration).
4. Photographs of the construction of the vegetated system are required as part of certification. A minimum of one labelled, date stamped photograph is required to be provided following each of the following construction phases:
 - i. Installation of the overflow pit and bulking out / trimming profiling
 - ii. Installation of under drainage
 - iii. Installation of cleanout points
 - iv. Installation of drainage layer
 - v. Installation of transition layer
 - vi. Installation of filtration media
 - vii. Laying of geofabric protection for build-out phase
 - viii. Laying of turf temporary protection layer
 - ix. Final planting

A licensed surveyor is required to undertake an 'as constructed' survey of the bioretention device elements. The survey data is to demonstrate that design grades and levels have been achieved to the required tolerances. A copy of the survey is required to be lodged as part of the certification.

103 **K Special (Allocation of car parking)**

- (i) All tandem car parking spaces are to be allocated to 3 bedroom apartments only.
- (ii) Each residential apartment is to be allocated a minimum of one car parking space within the development.
- (iv) All adaptable units are to be allocated with a minimum of one accessible car parking space within the development.

104 **K Special (BLANK)**

Subleasing of car parking spaces is not permitted by this Consent.

105 **K Special (BLANK)**

All car parking and manoeuvring must be in accordance with AS 2890.1-2004; AS 2890.6-2009. All residential car parking spaces are to be numbered with pavement surface markings, with visitor and accessible spaces clearly marked as such. All car spaces are to be sealed/line-marked and dedicated for the parking of vehicles only and not to be used for storage of materials/products/waste materials/etc.

106 **K Special (BLANK)**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that plans shall include an indented parking bay for the provision of three (3) set down/drop off parking spaces on the western side of the new road, south of Union Lane, as shown on stamped approved plan no. AR-1-1010, revision 52, dated 9 November 2018 (as may be amended by the endorsed public domain and approved civil plans), with the additional inclusion of one space being a 15-minute parking signposting for the length of one parking bay.

Plans to be provided to Council for approval by the Local Traffic Committee. Please be aware that approval through the Local Traffic Committee will take approximately 8 weeks from the time the above plans are submitted to Council.

107 **K Special (BLANK)**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the required future Traffic Control Signals footprint (as shown in PTC Traffic Consultants concept design - Drawing No: Int 11B, Project T2-2069, Revision 3, dated 8 August 2018) is not encroached upon by the development.

108 **K Special (BLANK)**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of approved RMS Type 1 pedestrian fencing at the following locations:

- Approximately 100m of continuous RMS Type 1 pedestrian fencing along the existing central median island on High Street to the immediate west of the existing roundabout linking High Street to the Civic Centre and to the proposed new link road.
- Approximately 160m of continuous RMS Type 1 pedestrian fencing along the existing central median island on High Street to the immediate east of the existing roundabout linking High Street to the Civic Centre and to the proposed new link road.
- On south-western corner of the existing roundabout (linking High Street to the Civic Centre and to the proposed new link road) continuously for no less than a distance of 85m commencing at the southern extremity at a point no less than 12m from the prolongation of the High Street kerb.
- On south-eastern corner of the existing roundabout (linking High Street to the Civic Centre and to the proposed new link road) continuously for no less than a distance of 45m commencing at the southern extremity at a point no less than 12m from the prolongation of the High Street kerb.
- Pedestrian kerb/pram ramps, on the proposed new link road adjacent to the intersection with High Street, are to be set back a minimum distance of 12m from the prolongation of the kerb line.

109 **K Special (BLANK)**

Final plans for signage and linemarking, as well as pedestrian fencing locations, are to be provided to Council for approval by the Local Traffic Committee. Please be aware that approval through the Local Traffic Committee will take approximately 8 weeks from the time the above plans are submitted to Council.

110 **K Special (BLANK)**

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

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

Note:

- Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

111 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the design of the new link road incorporates the following requirements:

- The minimum width of the new link road shall be 7m as measured from kerb face to kerb face.
- All paved verge areas located within the proposed road reserve of the new link road shall be a maximum of 2.5% crossfall.
- The kerb inlet pit at the south-west corner of the new link road shall be directly connected into the existing kerb inlet pit within Union Road.
- Drainage of the new link road is to be amended so as the northern section of the road (north of the crest) drains into the existing pit and pipe network in High Street located at the north-west corner of the Stage 1 site. The southern section of the road is to drain into the existing pit and pipe network in Union Road.

Full details are to be submitted with the application for a construction certificate.

Landscaping

112 **L001 - General**

Prior to the issue of a construction certificate, the Principal Certifying Authority is to be provided with a copy of the stamped approved landscape and architectural plans. The plans are to have been amended in accordance with the requirements of the Government Architects Office correspondence as referenced in this consent.

All landscape works are to be constructed in accordance with the stamped approved plans Appendix F5, Clause 2.9 of Penrith Council's Development Control Plan 2014.

Landscaping shall be maintained:

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

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

113 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape architect. Landscaping is to be installed and maintained in accordance with the stamped approved plans.

114 **L003 - Report requirement**

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 qualified landscape architect.

(a) Implementation Report

Upon completion of the landscape works associated with the development and **prior to the issue of any 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 shall 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 Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

(b) Plant Establishment and Maintenance Report

Six months after the issue of any Occupation Certificate, a Plant Establishment and Maintenance Report is to be submitted to Penrith City Council in consultation with the Landscape Architect Supervisor - Design and Projects at Penrith City Council, certifying that the landscape works remain in accordance with the development consent and the plant material is alive and thriving. The report is to be prepared by a qualified Horticulturalist and shall evaluate the success and failure of planter landscaping around the above-ground carpark levels and provide recommendations where necessary to allow the continued health and vitality of the landscaping.

(c) Landscaping Review

A review of the level 1, 2 and 3 landscaping is to be provided to the Manager of Development Services at Penrith City Council, **24 months after the issue of any Occupation Certificate**. The review is to be prepared by a qualified landscaping consultant and is to detail the health and status of all planting and is to provide recommendations if required with regard to the continued success and vitality of the carpark screen planting in particular.

Should the landscaping and planting proposed to screen level 1 and level 2 carpark fails or is unsuccessful such that the design and building façade planting, as approved is not achieved, an alternative landscape species selection or maintenance regime is to be adopted in consultation with Penrith City Council's Landscape Architect.

115 **L005 - Planting of plant**

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.

116 **L006 - Aust Standard**

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.

117 **L007 - Tree protection measures-no TMP with DA**

All street trees are required to be retained and protected throughout construction, in accordance with the minimum tree protection standards prescribed in Part F, Appendix F5 of Penrith Development Control Plan 2014.

118 [L012 - Existing landscaping \(for existing development\)](#)

The Principal Certifying Authority is to ensure all street trees adjacent the development which have been identified for retention and protection have been retained and are in good health **prior to the issue of any Occupation Certificate**. Where street trees have been damaged or destroyed by construction or site works, the street trees are to be replaced like-for like in consultation with Council, at no cost to Council.

Subdivision

119 [M010 - Land dedication](#)

Prior to the issue of any Occupation Certificate, the following land identified on stamped approved plan AR-1-1010 Revision 58 as New Road including 3.8m wide western verge and the eastern verge adjacent the eastern site boundary is to be dedicated free of cost, to Penrith City Council. Upon dedication, the land is vested in Council free of all trusts, obligations, estates, interests, contracts, charges and rates.

120 [M013 - Street trees](#)

Prior to the issue of any Occupation Certificate, the street trees identified on the stamped approved public domain, landscape and architectural plans are to be planted and are to be installed in accordance with Penrith City Council's Development Control Plan 2014 and the applicable provisions of Council's Public Domain Technical Manual.

Before the street trees are planted, approval of the plant species and location of the street trees are to be approved by Penrith City Council (as the relevant Roads Authority). In this regard, please contact Council's Development Services Unit on 4732 7777.

121 [M014 - 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.

Development Contributions

122 [N001 - Section 7.11 Contributions \(Civic Improvements Plan\)](#)

This condition is imposed in accordance with Penrith City Council's Civic Improvements (Contributions) Plan. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2,067,285.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

The above contribution may be offset in accordance with an endorsed Works in Kind agreement made pursuant to Penrith City Council's Works in Kind /Material Public Benefit Policy. In the case where the above amount is adjusted to accommodate an endorsed WIK agreement, the Principal Certifying Authority (PCA) is to be provided with a copy of the Council endorsed WIK agreement and adjusted Section 7.11 invoice. Any outstanding contributions as detailed on the Section 7.11 invoice are to be paid in full prior to the issue of a Construction Certificate.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The contributions invoice accompanying this consent should accompany the contribution payment. The Contributions Plan for Civic Improvements may be inspected at Council's Civic Centre, 601 High Street, Penrith and is available on Council's website.

123 **N001 - Section 7.11 Contributions (Cultural Facilities)**

This condition is imposed in accordance with Penrith City Council's Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$76,745.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions 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 contributions invoice accompanying this consent should accompany the contribution payment. The Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith and is available on Council's website.

124 **N001 - Section 7.11 Contributions (District Open Space)**

This condition is imposed in accordance with Penrith City Council's Contributions Plan for District open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$739,772.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted contributions 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 contributions invoice accompanying this consent should accompany the contribution payment. The Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith and is available on Council's website.

Certification

125 **Q008 - Subdivision Certificate**

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

126 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

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.

127 **Q05F - Occupation Certificate for Class10**

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the building.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

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