

## General

1. The approved development must be implemented substantially in accordance with the following plans and documents as stamped approved by Council, the application form, and any supporting information received with the application, except as varies by any conditions within this consent.

Drawing No.	Title	Prepared by	Revision	Dated
DA-004	Demolition Plan	Urban Link	C	9 February 2022
DA-005	Tree Plan	Urban Link	C	9 February 2022
DA-006	Tree Protection Zones	Urban Link	C	9 February 2022
DA-102	Ground Floor Plan	Urban Link	D	12 April 2022
DA-103	Levels 1 -3 Floor Plans	Urban Link	C	9 February 2022
DA-104	Level 4 Floor Plans	Urban Link	C	9 February 2022
DA-105	Level 5 Floor Plans	Urban Link	C	9 February 2022
DA-106	Roof Plan	Urban Link	C	9 February 2022
DA-107	Upper Basement Level Plans	Urban Link	C	9 February 2022
DA-108	Lower Basement Level Plans	Urban Link	C	9 February 2022
DA-201	Building A – North & South Elevations	Urban Link	C	9 February 2022
DA-202	Building A – East & West Elevations	Urban Link	C	9 February 2022
DA-203	Building B – East & West Elevations	Urban Link	C	9 February 2022
DA-204	Building B – North & South Elevations	Urban Link	C	9 February 2022
DA-205	Lethbridge Street Elevations	Urban Link	C	9 February 2022
DA-206	Evans Street Elevations	Urban Link	C	9 February 2022
DA-301	Sections (AA)	Urban Link	C	9 February 2022
DA-302	Sections (BB)	Urban Link	C	9 February 2022
DA-303	Sections (CC)	Urban Link	C	9 February 2022
DA-304	Sections (DD)	Urban Link	C	9 February 2022
DA-305	Sections (EE)	Urban Link	C	9 February 2022
DA-306	Sections (FF)	Urban Link	C	9 February 2022
DA-307	Ground Interface Sections	Urban Link	C	9 February 2022
DA-308	Ramp Details / Sections	Urban Link	C	9 February 2022
DA-309	Ramp Details / Sections	Urban Link	C	9 February 2022
DA-310	Ramp Details / Sections	Urban Link	C	9 February 2022
DA-311	Detailed Sections	Urban Link	C	9 February 2022
DA-312	Detailed Sections	Urban Link	C	9 February 2022
DA-313	Detailed Sections	Urban Link	C	9 February 2022
DA-316	Sections (GG)	Urban Link	A	12 April 2022
DA-317	Sections (Bin Tunnel & Stormwater Culvert)	Urban Link	A	12 April 2022
DA-901	External Finishes	Urban Link	C	9 February 2022
DA-904	Louvre Details	Urban Link	A	12 April 2022
DA-1418	Path Details	Urban Link	B	12 April 2022
DA-1422	Edge Treatment	Urban Link	A	9 February 2022
DA-1431	Wayfinding Details	Urban Link	A	12 April 2022
LDA-01	Ground Level Planting Plan (01)	NBRS	04	14 April 2022
LDA-02	Ground Level Planting Plan (02)	NBRS	04	14 April 2022
LDA-03	Ground Level Planting Plan (03)	NBRS	04	14 April 2022
LDA-04	Ground Level Planting Schedule	NBRS	04	14 April 2022
LDA-031	Level 4 Planting Plan (Zone 1)	NBRS	03	9 February 2022
LDA-032	Level 4 Planting Plan (Zone 2)	NBRS	03	9 February 2022
LDA-033	Level 4 Planting Plan (Zone 2)	NBRS	03	9 February 2022
LDA-034	Level 4 Planting Schedule	NBRS	03	9 February 2022
LDA-035	Level 5 Planting Plan (Zone 1)	NBRS	03	9 February 2022
LDA-036	Level 5 Planting Plan (Zone 2)	NBRS	03	9 February 2022

LDA-037	Level 5 Planting Schedule	NBRS	03	9 February 2022
LDA-041	Landscaping Details	NBRS	03	9 February 2022

2. Prior to the issue of a Construction Certificate, amended Plans are to be submitted to the Principal Certifying Authority, where the raised walkway / deck area is condensed in the area towards the eastern site boundary, so such does not extend within 6m of the site boundary.
3. A Construction Certificate must be obtained prior to commencement of any building works.
4. 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.

5. The development shall not be used or occupied until an Occupation Certificate has been issued.
6. A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in must be obtained prior to works commencing.

Please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) (plumbing, building & developing - Sydney Water Tap in), or telephone 13 20 92.

7. Prior to the issue of a Construction Certificate, compliance with AS 4253-2019 is to be demonstrated including address of Appendix A – Positioning and Numbering of Mailboxes.
8. Prior to the issue of a Construction Certificate, evidence of compliance with the Design and Building Practitioners - Particulars for Regulated Designs Order 2021 is to be provided to the satisfaction of the Certifying Authority, for any excavation, shoring and anchoring works that traverse a property boundary. This includes evidence of a registered easement over a neighbouring property granting the right to install such works as required.
9. For the purposes of Section 4.17(11) of the Act, it is a prescribed condition of this development consent that if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of this development consent must, at the person's own expense:
  - (a) protect and support the building, structure or work from possible damage from the excavation, and
  - (b) where necessary, underpin the building, structure or work to prevent any such damage.
10. A minimum of 12 apartments, are to be constructed as adaptable apartments, to meet the requirements for persons with a disability and in accordance with the stamped approved plans. The adaptable apartments shall each be allocated an accessible car parking space compliant with AS 2890.6, in accordance with the approved plans.

The Construction Certificate application must be accompanied by certification from a suitably qualified and experienced professional, confirming that the adaptable apartments are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299 2009).

A Compliance Certificate in relation to the above, shall be provided prior to the issue of an Occupation Certificate.

11. A minimum of 25 apartments, are to be constructed as livable apartments, to incorporate the Livable Housing Guideline's silver level universal design features.

The Construction Certificate application must be accompanied by certification from a suitably qualified and experienced professional, confirming that the livable apartments incorporate the Livable Housing Guideline's silver level universal design features.

A Compliance Certificate in relation to the above, shall be provided prior to the issue of an Occupation Certificate.

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

- (a) Lighting
  - All outdoor spaces throughout the development must be lit to the minimum Australian Standard of AS 1158.

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

(b) 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.
- Permeable sliding gates are to be installed on the ramps into the basement car parking areas, to prevent unauthorised pedestrian access beyond this alignment.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the Construction Certificate application.

(c) Building Security & Access Control

- At the entry to each building, the apartment numbers accessible from that entry, are to be clearly displayed.
- Each apartment is to be clearly numbered.
- Apartment numbers should be clearly provided on each level.
- Intercom, code or card locks or similar must be installed for all entries to the building.
- Main entry doors for apartment buildings should be affixed with a sign requesting residents not to leave doors wedged open.
- Door and window locks must be installed in all apartments.
- CCTV is to be provided to cover communal public space areas, including rear loading dock. 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.
- Letterboxes must be positioned to be opened from within private open space only.
- Storage cages in the basement car park must be sturdy and vandal resistant.
- 1.5m high permeable fencing (and associated gates), is to be erected across the side setback areas, behind the building line, to prevent unauthorised pedestrian access.

(d) Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- 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.

(e) Landscaping

- All vegetation must be regularly pruned to ensure that sight lines are maintained.

13. Illumination is to be arranged in accordance with the requirements of Australian Standard 4282 - Control of the obtrusive effects of outdoor lighting, so as not to impact upon the amenity of the occupants of adjoining and nearby residential premises.

14. The external walls of the building including attachments must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate and Occupation Certificate, the Certifying Authority / Principal Certifying Authority must:

(a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and cladding such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and

(b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

15. Prior to the issue of an Occupation Certificate, a hose and tap is to be provided on all balconies.

16. Any air conditioning units installed on individual apartment balconies are to be set back from the outer edge of the balcony and are not to be mounted on the wall above the balustrade level. All roof mounted plant, ducting or services infrastructure shall be setback so as to be screened from view. No approval is granted for the installation of ducting, conduit, stormwater drainage, plant machinery or services infrastructure on the external facades of the building.

All car parking spaces are to be used for vehicle parking at all times, and are not to be used for the storage of goods or unregistered / disused vehicles or the like.

17. The following waste management requirements must be complied with and details of compliance demonstrated to Council prior to the issue of a Construction Certificate:

- All on-site waste collection infrastructure, doors and access points (Waste Collection Room, Bulky Goods Collection Room, basement pedestrian corridor) are to be locked/accessed through Council's Abloy Key System. System specifications are outlined in Section 3.5.5 of Council's 'Residential Flat Building Waste Management Guideline' document.
- All on-site waste collection infrastructure (Waste Collection Room, Bulky Goods and commercial waste) are

to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.

- The chute inlets on each residential level are to be located in cupboards (maximum depth of 150mm) and include, dual self-closing sealed doors, ventilation, waterproofing and provide accessible resident access.
- All on-site waste collection infrastructure (Waste Collection Room, Bulky Goods Collection Room) is to provide, automatic lighting and mechanical ventilation, 180° Outwards opening doors which latch open, and unobstructed internal height clearances of 2.6m free from external services and utilities
- A 1.2m wide unobstructed access pathway is required from the on-site collection infrastructure (waste collection and bulky goods collection rooms) to the rear of Councils standard waste collection vehicle.
- The waste collection room to have a minimum size of 31m<sup>3</sup> providing unobstructed internal dimensions of 7.4m x 4.21m. The room to be line marked to showing the location of the proposed bin allocation with respective clearances.
- The Bulky Goods Collection Room to have a minimum size of 20m<sup>3</sup> with 180° outward opening doors with latch open function a minimum of 1.8m wide.
- Tunnel corridor between Buildings A and B to have a maximum grate of 1:24 and to be secured so as to not allow unauthorised access to enter the tunnel corridor.
- Chute rooms A1 and A2 are to accommodate 2 x 1,100L bins on the linear track systems. These require frequent rotation of bins OR a larger linear track system to accommodate 3 x 1,100L bins.
- Building Management have responsibility for movement of bins on and off linear track systems and access is restricted to only permit building management staff.
- Plan of Management to include how building management staff transport bulky waste from 'Building A' to the Bulky Waste Collection Room in 'Building B'.

### Heritage/Archaeological relics

18. 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. 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 development shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted prior to any Occupation Certificate confirming no damage has occurred.
19. If any archaeological relics are uncovered during the course of the works, no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

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

20. Any common boundary fencing adjacent to the heritage item located at No. 163 Derby Street, is to be a painted hardwood capped and lapped fence.

### Demolition

21. All existing structures located on the site, are to be demolished, in accordance with the approved plans.
22. All demolition works are to be conducted in accordance with AS/NZS 2601-2001 The Demolition of Structures, including the completion of a Hazardous Building Materials Assessment. Prior to commencement of demolition works, a Hazardous Building Materials Assessment is to be completed with investigations carried out to assess the location, extent and condition of Hazardous Building Materials including but not limited to the following:
  - Asbestos
  - Synthetic mineral fibres (SMF)
  - Polychlorinated Biphenyls (PCBs)
  - Lead-containing paint
  - Ozone depleting substances
  - Lead dust in ceiling cavities

The Assessment is to provide general recommendations for the removal of the hazardous materials, including the preparation of safe work method statements and risk assessments to appropriately address health and safety issues. During demolition works, the Hazardous Building Materials Assessment must be complied with at all times.

23. Regulatory obligations (including licensing and notification requirements) for the management, control and removal of asbestos are prescribed in the:
  - Work Health and Safety Act 2011
  - Work Health and Safety Regulation 2017
  - SafeWork NSW Code of Practice How to Manage and Control Asbestos in the Workplace August 2019
  - SafeWork NSW Code of Practice How to Safely Remove Asbestos August 2019
  - Australian Standard AS2601

Compliance with the above legislation is required and reference should be made to SafeWork NSW and to the Asbestos Policy Penrith City Council 2014.

24. Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
25. Mud and soil from vehicular movements to and from the site must not be deposited on the road.
26. Demolition works 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 demolition work is permitted on Sundays and Public Holidays.

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

27. Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.
28. Prior to the commencement of demolition works, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:
  - Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
  - The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste must be disposed of at a facility licensed by the NSW Environment Protection Authority to receive asbestos waste

## **Environmental Matters**

29. 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 installed and 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.

The erosion and sediment control measures are to be maintained throughout the demolition and construction phase of the development until the development is fully completed (including all landscaping, hardstand areas, driveway and on-site parking areas).

These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

30. No fill material shall be imported to the site until such time as a certificate demonstrating that the material is suitable has been submitted to, considered and approved by Council. This certificate may be in the form of a validation certificate, waste classification, or appropriate resource recovery order / exemption. A copy of a report forming the basis for the validation is also to be provided.

The certificate shall:

- be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
- clearly state the legal property description of the fill material source site and the total amount of fill tested,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

{Note: An appropriately qualified person is defined 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"}

31. Cut and fill operations on the Site are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2m past the approved building footprint.
32. All demolition and construction 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 be fully enclosed when the site is unattended.

Waste materials 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.

33. Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Acoustic Report prepared by Acoustic Works and dated 5 May 2021 (Reference 1020173 R01B).

The recommendations provided in Section 9 of the Acoustic Report shall be implemented and incorporated into the design and construction of the development (including glazing, acoustic barrier fencing and balustrade design and construction, and mechanical plant and equipment recommendations), and shall be shown on plans accompanying the Construction Certificate application.

A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

34. Prior to the issue of the Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information (prepared by a suitably qualified acoustic consultant) on the noise impacts associated with this plant and equipment is to be supplied to demonstrate compliance with the noise criteria established in the Acoustic Report prepared by Acoustic Works and dated 5 May 2021 (Reference 1020173 R01B).

Prior to the issue of the Occupation Certificate, a Compliance Certificate is to be obtained from a qualified acoustic consultant certifying that the building, including glazing, acoustic fencing and balustrade construction, and mechanical plant and equipment, has been constructed and installed to meet the noise criteria in accordance with the Acoustic Report prepared by Acoustic Works and dated 5 May 2021 (Reference 1020173 R01B).

This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

35. All vehicle washing and steam cleaning shall be conducted in a wash bay approved, installed and connected to the sewer in accordance with Sydney Water's requirements.

Details of the vehicle wash bay including the Section 73 Certificate issued by Sydney Water for the discharge of trade waste from the site shall be submitted to the Principal Certifying Authority before the wash bay can be installed.

36. 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.

37. The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.
38. The recommendations in the Noise Management Plan prepared by Acoustic Works and dated 3 May 2021 (Reference: 1020173) are to be implemented during the demolition and construction phases of the development. Vibration monitoring is to be carried out as required during demolition and construction works to ensure the noise and vibration criteria established in the Noise Management Plan is complied with.
39. Detailed plans and specifications of the acoustic barrier fences to be located at ground level and the acoustic barrier balustrades to be located along the communal open space areas on levels 4 and 5 are to be submitted to and approved by Council prior to the issue of a Construction Certificate.

Acoustic barrier fences and balustrades are to be designed and constructed as described in the Acoustic Report prepared by Acoustic Works and dated 5 May 2021 (Reference 1020173 R01B).

40. Should any "unexpected finds" occur during site demolition and earthworks, including but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental person/consultant.

All remediation works within the Penrith Local Government Area are 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.

{Note: for the purpose of this condition an appropriately qualified person is defined 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".}

41. In the event of substantiated, ongoing noise complaints relating to the development being received by Council, the owner and/or management body of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment on the development to address the concerns of the community.

The noise impact assessment report is to be prepared and provided to Council for approval within 45 days of being requested. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified.

42. The operational controls recommended in Section 9 of the Acoustic Report prepared by Acoustic Works and dated 5 May 2021 (Reference 1020173 R01B) are to be implemented during the ongoing occupation of the development. This includes (but is not limited to):

- Use of all communal open space areas is limited to the hours of 7am-10pm Mondays to Saturdays and 8am-10pm Sundays. Use of the communal open space areas outside of these hours is not permitted.
- Dogs are not permitted in the outdoor communal areas between the hours 6pm-7am Mondays to Saturdays and 6pm to 8am Sundays.

43. Prior to the issue of an Occupation Certificate the following is to be submitted to and approved by Penrith City Council:

- The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Councils Waste Collection Service. This is to include Council being provided with indemnity against claims for loss and damage.

Note: By entering into an agreement with Council for Waste Collection, the development will be required to operate in full compliance with Penrith City Councils Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Councils waste collection service will not commence until formalisation of the agreement. The document can be downloaded from the following link:

[https://www.penrithcity.nsw.gov.au/images/documents/forms/Agreement\\_Onsite\\_Waste\\_Collection\\_Form.pdf](https://www.penrithcity.nsw.gov.au/images/documents/forms/Agreement_Onsite_Waste_Collection_Form.pdf)

- Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure with Councils collection contractors. The inspection to review the on-site waste collection infrastructure for the provision of a safe and efficient waste collection service in accordance with the stamped plans and Councils policy provisions.
- The assigned strata manager for the development and direct contact details to be provided to Councils Waste and Resource Recovery Department prior to the issue of an Occupation Certificate.

## Utility Services

44. 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](http://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.

45. Prior to the issue of a Construction Certificate, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

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

46. The provision of all electricity related infrastructure for the development is to be placed underground.
47. 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.

48. In the event that a pad mounted substation is necessary to service the approved development, Penrith City Council must be consulted about and must approve 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 to Penrith City Council that a blast wall or similar structure is not required.
49. Prior to the issue of a Construction Certificate, Penrith City Council must be consulted about and must approve the proposed location of the hydrant booster. Details must be provided to Penrith City Council to confirm the material and design dimensions of any heat shield required.
50. Prior to the issue of a Construction Certificate, arrangements shall be made with the relevant electricity service authority to ensure that there will be no conflict between the approved development and any existing overhead power lines or poles. Written evidence shall be submitted with the Construction Certificate application confirming that the requirements of the relevant utility service authority have been satisfied or remain unimpeded in this regard.

## Construction

51. Stamped plans, specifications, a copy of this development consent, the Construction Certificate and any other Certificates that are 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 details required by this condition 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.

52. 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 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 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.

53. The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the

Principal Certifying Authority immediately prior to the positioning of wall panels / bricks or block work.

Additionally, a Survey Certificate of the location of the building upon completion shall be undertaken and submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate. The Survey Certificate is to show the boundaries of the allotment and the distances of the building from the boundaries, and is to certify that the building has been positioned in accordance with the approved plans.

54. Construction works or subdivision works that are carried out in accordance with this consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause noise or vibration impacts 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 and which do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

55. Dust suppression techniques are to be employed during demolition and construction activities to reduce any potential nuisances to surrounding properties.
56. In accordance with Clause 97A (2) of the Environmental Planning & Assessment Regulation 2000, all commitments listed in the BASIX Certificate supporting the application (No. 1158135M, dated 3 December 2020), are to be fulfilled.

## Engineering

57. All roadworks, stormwater drainage works, associated civil works and dedications, required to give effect to the approved development shall be undertaken at no cost to Penrith City Council.
58. 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 or Subdivision Works 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 Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

59. Prior to the issue of any Construction Certificate or Subdivision Works Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with 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:
- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
  - Concrete footpaths and or cycleways
  - Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
  - Road occupancy or road closures (including temporary construction work zones and tower crane operation)
  - The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
  - Temporary construction access
  - Temporary ground anchors (for basement construction)

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.

All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

### Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate or Subdivision Works Certificate.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising 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.

60. Prior to the issue of any Construction Certificate, the Certifier shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been lodged with and approved by Penrith City Council for provision of drainage connections, construction of waste bin tunnel underneath and construction of walkways over Council's Trunk drainage.

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: All works associated with the Section 68 Local Government Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

61. The stormwater management system shall be provided generally in accordance with the concept plans lodged with the Development Application, prepared by SGC Engineering Value, Reference No. 20200222, Revision B, dated 3 September 2020.

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.

62. The stormwater management system shall be consistent with plans lodged with the Development Application, prepared by SGC Engineering Value, Reference No. 20200222, Revision B, dated 3 September 2020.

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

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

63. Prior to the issue of any Construction Certificate, the Certifier 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 Plumbing and Drainage – Stormwater Drainage.

64. Prior to the issue of any Construction Certificate, the Certifier shall ensure that the foundations of proposed structures adjoining the drainage and/or services easement have been designed clear of the zone of influence. This may require an adjust of the supporting structures of parts of the raised walkways.

65. Prior to the issue of any Construction Certificate, a revised flood model and Flood Report are to be submitted and approved by the Senior Engineer (Major Developments), Penrith City Council, addressing the following:

- The consultant must use Council adopted flood study "Penrith CBD Floodplain Risk Management Study and Plan 2020" to assess the flood and risk impact of the proposed development.
- iRevised flood modelling is to be based on TUFLOW classic and 2m grid cell (for Penrith CBD FPRMS&P 2020) and 1m grid cell (for Penrith CBD Flood Study 2015). Hence, these two flood models are different and have different computation algorithms. For any proposed alternative flood model, the Consultant should validate the model parameters and results against Council adopted flood model for the 20%, 5%, 1% and 0.5% AEP together with the PMF design storm events. A 2m grid should be used for this purpose. The flood and risk impact assessment should be undertaken for the full range of design flood events as per the requirements of State Government Floodplain Development Manual. The design flood events should include 20%, 5%, 1% and 0.5% AEP with the PMF design storm events.
- Modelling must use a roughness value of 1 is more practical to represent a complete blockage caused by the proposed buildings and the buildings pads should be modelled as complete blockage (hard wall) in the model.
- The revised Flood Report must provide details on the proposed flood mitigation measures and how these measures have been modelled to reduce the flood impact.
- Ensure no filling is in floodway or high hazard areas. Any proposed filling or structure along the floodway is not supported. Safe overland flow paths to be provided for events greater than the 1% AEP event, up to the PMF.
- The flood impact assessment report and hydraulic modelling assessment should produce the flood information for both the pre and post development scenarios. The results should include the maps for the flood level, depth, velocity and hazard for both scenarios for all the design flood events. No adverse flood impact on surrounding properties, with a maximum allowable increase in 1%AEP flood level outside of the proposed development site is 20mm.

66. Prior to the issue of any Construction Certificate or Subdivision Works Certificate, the Certifier shall ensure that the proposed development is compatible with the recommendations of the revised approved Flood Report.
67. Prior to the issue of any Construction Certificate, the Certifier shall ensure that all habitable floor levels are in accordance with the stamped approved plans with a minimum floor level of RL 36.00m AHD (adopted flood level + 0.5m freeboard).
68. Prior to the issue of any Construction Certificate, the Certifier shall ensure that the structure/s located within the overland flow path as detailed in the Overland Flood Study by SGC Consulting Engineers, have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.
69. Prior to the issue of any Construction Certificate or Subdivision Works Certificate, the Certifier shall ensure that the structure/s can withstand the forces of floodwater, including debris and buoyancy, up to the (\_\_\_\_)% Annual Exceedance Probability event in accordance with the requirements of the Building Code of Australia (BCA).
70. Prior to the issue of any Construction Certificate, the Certifier shall ensure that all electrical services associated with the proposed building works are adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the adopted flood level of RL 36.00m AHD.
71. Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.
72. Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate or Subdivision Works Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.
73. The developer shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development then the dilapidation report shall be submitted to Council prior to the issue of any Construction Certificate or Subdivision Works Certificate and then updated and submitted prior to the issue of any Occupation Certificate confirming no damage has occurred.
74. A certificate by a registered surveyor verifying that all habitable floor levels are at or above RL 36.00m AHD (adopted flood level + 0.5m freeboard) shall be submitted upon completion of the building to that level. No further construction of the building is to be carried out until approval to proceed is issued by the Certifier.
75. Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
76. 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.
77. All earthworks shall be carried out to comply with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The nature of any required geotechnical testing shall be determined by the Geotechnical Testing Authority or Superintendent in consultation with the Principal Certifying Authority.

78. Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that all works associated with a Section 138 Roads Act approval and Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.
79. 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.

80. Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that the stormwater

management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

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

81. Prior to the issue of any Construction Certificate, the Certifier shall ensure that Palisade style fencing has been proposed along the Eastern Boundary, located across Council's Open Truck Drainage Channel. The length of fencing must cover the width of the channel and extend 1m either side.
82. Prior to the issue of any Occupation Certificate, the Certifier shall ensure that Palisade style fencing has been correctly installed along the Eastern Boundary, located across Council's Open Truck Drainage Channel. Ensuring the length of fencing covers the width of the channel and extends 1m either side.
83. Prior to the issue of any Occupation Certificate, Works as Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management system shall be submitted to the Principal Certifier in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, Stormwater Drainage Specification for Building Developments and WSUD Technical Guidelines.

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 Penrith City Council is not the Principal Certifier.

84. Prior to the issue of any Occupation Certificate, the Principal Certifier shall ensure that the:
- a) Stormwater management systems (including on-site detention and water sensitive urban design).
  - b) Overland flowpath works.
  - c) Flood control works.
- have been satisfactorily completed in accordance with the approved Construction Certificate or Subdivision Works Certificate and the requirements of this consent;
  - have met the design intent with regard to any construction variations to the approved design, and;
  - 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.

85. Prior to the issue of any Occupation Certificate, a restriction on the use of land and positive covenant relating to the:
- a) Stormwater management systems (including on-site detention and water sensitive urban design)
  - b) Overland flowpath works
  - c) Flood control works

shall be registered on the title of the property. The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

86. The stormwater management system 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.

87. All vehicles (other than waste collection vehicles) are to be physically excluded from accessing the basement car park ramp for the duration of waste collection vehicles traversing the ramp (ingress and egress) to undertake basement garbage collection.
88. Prior to the issue of a Construction Certificate, a Traffic Management Plan is to be prepared and is to be submitted for approval to the Manager of Development Services at Penrith City Council. The Plan shall include details for the installation and management of a priority traffic signal system at the basement car park ramp for activation to facilitate waste truck ingress and egress. The Plan shall include, but is not limited to, the provision of:
- The product and its specifications (including signage and signal lantern dimensions and clearances, with any associated details of loop detectors, signal output controllers, etc.).
  - Details of swipe card/security/activation/trigger/trip/manual activation mechanisms and/or positional sensors and their operation (whether inground or surface-mounted for vehicle detection).
  - Signal programming details with regard to "revert to" and "dwell" for green and red signals (for ingressing and egressing vehicles).
  - Nominated system wait times and pre-set clearance timing.
  - Installation and maintenance details from the installer (including a copy of the user operation manual), and;

- Contingencies in the event of a system failure.
89. Prior to the issue of any Occupation Certificate, a waste vehicle priority traffic control signal system is to be installed in the basement car park and atop the proposed car park access ramp. The system must be designed to, but is not limited to, incorporating the following:
- Mounted red and green traffic signal lanterns, positioned for optimal viewing and adequate clearance to manoeuvring vehicles, at the top and bottom of the proposed waste collection vehicle access ramp.
  - Linemarking (including any hold-lines at the top of the ramp and in the basement, centreline at the holding position at the top and bottom of the ramp, as well as any additional directional linemarking and/or vehicle waiting bays if required).
  - "Stop Here On Red Signal" signage.
  - Following installation of the system, a commissioning certificate shall be provided to the certifying authority by a suitably qualified Traffic Engineer prior to the issue of any Occupation Certificate.
  - A copy of the relevant Traffic Management Plan (for the basement traffic signal system) is to be provided to certifying authority (in the instance that Council is not the certifying authority) for the purpose of assessment in providing a commissioning certificate prior to the issue of any Occupation Certificate.
  - A copy of the relevant Traffic Management Plan (for the basement traffic signal system) is to be provided to the Strata Manager, including details on actions to be taken in the event of a system failure.
90. All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements. The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
91. Prior to the issue of any Occupation Certificate, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
92. All car spaces are to be sealed/line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.
93. All vehicles are to enter/exit the site in a forward direction.

## Landscaping

94. Prior to the issue of a Construction Certificate a qualified Arboricultural Consultant with a minimum AQF (Australian Qualification Framework) Level 5 qualification is to prepare a site-specific Tree Protection Plan (Specification) & Drawing in accordance with the conditions of this consent and Section 5 of AS4970 – 2009, Protection of trees on development sites.

The Tree Protection Plan (Specification) & Drawing shall also specifically address (but not be limited to) the following points:

- All stages of the demolition/construction process;
- Specific tree protection requirements, especially when intrusion into the Tree Protection Zone (TPZ) or when trunk and branch protection is required;
- A requirement/specification stating that all underground services to be installed within the designated TPZ of a tree to be retained must be installed using directional drilling/thrust boring techniques;
- An individual Tree Protection Plan (Specification) & Drawing for each stage of the development where changes within the Tree Protection Zone (TPZ) are required (i.e. prior to commencement, demolition, during construction, post construction and landscaping).

In addition, the Consulting arborist is to identify key stages where monitoring and certification will be required as outlined in AS 4970–2009, Section 5.

The completed Tree Protection Plan (Specification) & Drawing is to be provided to the Manager of Development Services, Penrith City Council, for final approval prior to the issue of a Construction Certificate.

The approved Tree Protection Plan (Specification) & Drawing shall be retained and implemented on site at all times.

95. Trees are to be retained and protected as per the approved Tree Protection Plan (Specification) & Drawing and the conditions below. Failure to comply with these conditions is an offence and may incur a fine or lead to prosecution.

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- (a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- (b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- (c) A 1.8m high chain link wire tree protection fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected around the above trees as prescribed in the protection

measures detailed above. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works.

- (d) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
  - The Development Consent number
  - The name and contact number of the nominated consultant arborist or site manager;
  - Indication that access into the Tree Protection zone is not permitted.
- (e) The above notice is to be in place prior to commencement of demolition or construction.
- (f) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained.
- (g) The TPZ shall be maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering & weed control.
- (h) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- (i) All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- (j) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- (k) Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
- (l) If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.

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

97. A qualified Arboricultural Consultant with a minimum AQF (Australian Qualification Framework) Level 5 qualification shall be retained for the duration of the demolition and construction of the development. The consultant shall be engaged to ensure that tree protection measures on the site are imposed as per the conditions contained in any approved consent and/or approved Tree Protection Plan (Specification) & Drawing.

The appointed Project Arborist shall ensure that the appropriate Tree protection measures are imposed on the site.

- Undertake inspections not less than monthly and at the critical checkpoints listed in the Tree Protection Plan (Specification) & Drawing
- Ensure all TPZs are maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering & weed control.
- Keep a written record (e.g. field notes and photos) to provide evidence of compliance with the approved Tree Protection Plan (Specification) & Drawing at times when they are present on site and when inspection at critical checkpoints is required.
- Forward the written record of inspection to the Principal Certifying Authority within 1 week of that inspection occurring.
- Where there is a breach of the Tree Protection Plan (Specification) & Drawing, the project arborist must specify any remedial works and the timeframe in which these works must be completed.
- If an inspection reveals that there has been a significant breach of the Tree Protection Plan (Specification) & Drawing, inspections from then on must be carried out weekly.

The Project Arborist shall also be required to be present on site to supervise when:

- There are works undertaken within an area designated by a Tree Protection Fence
- Where root pruning is required, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialized root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques. All root pruning must be done in accordance with Section 9 of AS 4373-2007 Pruning of Amenity Trees.
- Any in ground work within a TPZ is to be undertaken (fenced or unfenced)
- There is a requirement for a change the alignment of tree protection fences, and
- At any other times that the approved Tree Protection Plan (Specification) & Drawing prescribes.

98. Prior to issue of an Occupation Certificate a report prepared by a qualified Ecologist is to be submitted to the Principal Certifying Authority (PCA) and to Penrith City Council (if Council is not the PCA) certifying the following measures have been complied with during the removal of vegetation within the construction footprint.

To mitigate and ameliorate the impacts associated with the development on resident fauna the following requirements must be complied with:

- (a) Tree and vegetation Removal: During any tree (vegetation) removal, a qualified (Tertiary in a relevant field)/ licenced Ecologist with a minimum of five (5) years field experience is to be present to re-locate any displaced fauna that may be disturbed during this activity. The following is to be undertaken to mitigate the impacts on resident fauna.
  - Prior to clearing habitat trees all non-habitat vegetation should be cleared first to allow appropriate space for the felling of habitat trees and retrieval of any fauna that may be present within the habitat trees.
  - Trees with hollows shall be lopped in a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the 'grab' attachment of a machine or a crane.
  - Where it is safe and feasible disturbed fauna should be left alone to relocate naturally into retained / adjacent trees. The supervising Ecologist is to provide guidance on whether works need to
  - Any injured fauna is to be placed in the hands of a wildlife carer (only appropriately trained and vaccinated personnel are to handle bats). Any fauna that is injured due to vegetation removal must be reported to Penrith Council.
  - Any injured fauna is to be appropriately cared for and released on site when rehabilitated.
- (b) Salvage of habitat features: Where possible hollows should be sectionally dismantled from felled hollow-bearing trees and attached to a retained tree within the site that will not compromise the health and safety of the host tree. This is to be done by a qualified and experienced climbing Arborist under the direction of the Ecologist.
- (c) Additional measures: Where additional measures are identified by the Ecologist these should be implemented, documented and included in the reporting.

99. All landscape works are to be installed by a suitably qualified and experienced landscape professional, in accordance with the stamped approved plans. Landscaping shall thereafter be maintained in accordance with the approved plans, in a healthy state, and in perpetuity. 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. Any such replacement planting must occur within 6 months of the former vegetation dying or being removed, or within the next relevant seasonal cycle.

100. Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified and experienced landscape professional. An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

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

102. 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.

## **Development Contributions**

103. This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$58,148, 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 Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

104. This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open

Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$498,971, 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 Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

105. This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$180,284, 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 Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

### **Certification**

106. 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 Environmental Planning and Assessment 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 6.6 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 of site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.