

CONDITIONS SUMMARY

Application Number:	DA19/0499
Assessing Officer	Lucy Goldstein
Land to be developed (Address):	Lot 72 DP 505166 23 Lethbridge Street ST MARYS NSW 2760
Proposed Development:	4-Storey Affordable Housing Residential Flat Building Comprising 21x Apartments, with Basement Parking for 10x Cars and associated works

General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance with the following plans stamped approved by Council, the application form, BASIX Certificate No. No.1016632M, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing Reference	Prepared by	Dated
<i>Multi-Residential Flat Building at 23 25 Lethbridge St St Marys View and Schedule</i>	Sheet DA001 Revision Q	Morson Group	21 August 2020
SEPP 65 Compliance Summary	Sheet DA002 Revision Q	Morson Group	19 August 2020
Demolition & Cut/Fill Plan	Sheet DA003 Revision M	Morson Group	21 August 2020
Site Analysis Plan	Sheet DA004 Revision M	Morson Group	17 August 2020
Ground Floor Plan	Sheet DA005 Revision U	Morson Group	21 August 2020
Typical	Sheet DA006 Revision S	Morson Group	21 August 2020
Roof Floor Plan	Sheet DA007 Revision Q	Morson Group	21 August 2020
Basement	Sheet DA009 Revision R	Morson Group	19 August 2020
Sections	Sheets DA010 to DA012 Revision Q	Morson Group	19 August 2020
Elevations	Sheets DA013 to DA0016, Revision P	Morson Group	21 August 2020
Material Schedule	Sheet DA0017 Revision M	Morson Group	21 August 2020
Visualizations	Sheets DA019 to DA021 Revision M	Morson Group	21 August 2020
Shadow Diagram and Daylight Access	Sheet DA022 Revision M; Sheet DA023 Revision L	Morson Group	17 August 2020
Fire Hydrant Detail and Fence/Podium Detail	Sheets DA028 to DA029 Revision K	Morson Group	17 August 2020
Facade Section	Sheet DA018 Revision J	Morson Group	17 August 2020
Landscape Plan	Project No. 4503c, Revision C	RFA Landscape Architects	21 August 2020
Concept Stormwater Plans	C19081 Sheets SW00 to SW300, Revision D	CAM Consulting	20 May 2020

2 [A014 - Lot Consolidation](#)

The following lots are to be consolidated as one:

- Lot 71 DP 505166
- Lot 72 DP 505166

Written evidence that the request to consolidate the lots has been lodged with NSW Land Registry Services is to be submitted **prior to commencement of works**.

A copy of the registered plan of consolidation from NSW Land Registry Services is to be submitted to Penrith City Council **prior to completion of the development**.

3 [A019 - Occupation of Development](#)

The development is not to be occupied if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

4 [A038 - Lighting Locations](#)

Exterior lighting is to be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

5 [A039 - Graffiti](#)

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

6 [A047 - Mail Box Requirements for New Residential Flat Buildings](#)

Prior to the commencement of construction, compliance with AS4253-2019 is to be demonstrated including address of Appendix A – Positioning and Numbering of Mailboxes.

7 [A Special Access Report](#)

Prior to the commencement of the construction works, the design recommendations of the supporting Access Report, prepared by Vista Access Architects (Revision D, dated 17 August 2020) are to be incorporated into the construction plans. The works shall be certified accordingly by a suitably qualified access consultant prior to the occupation of the dwellings.

8 [A Special- Basix Certificate](#)

Prior to commencement of works, the accompanying BASIX Certificate is to be updated to reflect the stamped approved architectural plans.

9 [A Special Condition Detailed Site Specific Operation & Maintenance Manual](#)

Prior to the commencement of works, a Detailed Site-Specific Operation and Maintenance Manual is to be prepared for the stormwater treatment measures.

10 [A 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. 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.

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.
- 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 on the detailed Construction Plans.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all common entries to the buildings including the car park.
- Australian Standard 220 – door and window locks must be installed in all dwellings and balconies.
- The mail boxes should not provide a front flap lock that can be easily broken.

Graffiti/Vandalism

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, garage doors 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.

Landscaping

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

11 [A Special Design Verification Statement](#)

Prior to the commencement of works, a design verification statement from a qualified designer is to be submitted. The design verification statement shall verify that the construction plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

12 [A Special Mechanical Equipment](#)

All mechanical ventilation equipment, ducts, air conditioner services, excluding provision of air conditioning condensers on balconies, and the like shall be shown on the construction plans as being contained within the building. Gutters and down pipes shall be integrated into the architecture of the building. Any plant or unsightly structures installed on the rooftop must be screen from view.

13 [A Special Retaining Walls & Fencing](#)

All boundary retaining walls and fencing required by the development are to be constructed at the full cost of the developer. All retaining walls are to be of masonry construction and generally be no taller than 500mm as per Penrith Development Control Plan 2014.

Any fencing forward of the building line is to be a maximum height of 1.2m, or if taller be of see-through construction as per Penrith Development Control Plan 2014.

14 [A Special- Unit 003 Terrace Wall](#)

In relation to Unit 003, the terrace wall located on the western elevation is to be a maximum height of 1.8m for the full length of the wall so as to improve amenity of Unit 003. Detail of this is to be included on the construction plans.

Environmental Matters

15 D- Dust

Dust suppression techniques are to be employed during site preparation and construction works, to reduce any potential nuisances to surrounding properties.

16 D001 - Implement approved sediment& erosion control measures

Erosion and sediment control measures are to be installed prior to the commencement of works on site and shall be maintained throughout the construction phase of the development until all development works, including landscaping, have been completed. 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.

The erosion and sediment control measures are to be installed and maintained in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

17 D006 - No filling without prior approval

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

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

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

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

18 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.

19 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the construction of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Construction waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. 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.

20 **D013 - Approved noise level 1**

Noise levels shall not exceed the relevant noise criteria detailed in the Noise Impact Assessment Report (Report R190220R1 Rev 0) prepared by Rodney Stevens Acoustics and dated 26 May 2019. The recommendations provided in the Noise Impact Assessment (Report R190220R1 Rev 0) shall be implemented and incorporated into the design and construction of the development, and **shall be shown on detailed construction plans**.

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 prepared **prior to the occupation of the development**.

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

21 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.

22 **D Special Construction Noise Guideline**

Construction works are to be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009 and in accordance with the approved Noise Impact Assessment Report (Report R190220R1 Rev 0) prepared by Rodney Stevens Acoustics and dated 26 May 2019.

The recommendations of the approved Noise Impact Assessment Report are to be implemented and adhered to during the construction phase of the development.

Should complaint(s) be received by Council in regard to construction noise and vibration impacts, Council may require that a suitably qualified acoustic consultant be engaged by the applicant/owner to undertake a noise and vibration impact assessment of the construction works to address the concerns of the community.

23 **D Special Mechanical Plant Noise**

Prior to the commencement of works, further details on the type and location of all mechanical plant and equipment associated with the development, is to be provided to Council. Suitable data and information, assessed by a qualified acoustic consultant, is to be supplied to demonstrate that the operation of the mechanical ventilation equipment will comply with the internal noise criteria required for each of the individual units within the development, as well as complying with the provisions of the Protection of The Environment Operations Act 1997 that apply to the development, in terms of regulating offensive noise. In this regard, the operating noise level of all mechanical ventilation and air-conditioning systems associated with the development as a whole, shall not exceed 5dB(A) above the background noise level when measured at the boundaries between the development and adjoining premises not associated with the development.

Prior to the occupation of the development, a Compliance Certificate is to be obtained. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that all plant and equipment has been installed to comply with the above information and the established noise criteria as detailed in the Noise Impact Assessment Report (Report R190220R1 Rev 0) prepared by Rodney Stevens Acoustics and dated 26 May 2019.

Should the Compliance Certificate identify any non-compliance issues, the Certificate is to provide suitable recommendations for mitigation of those issues. Any mitigation works are to be undertaken within thirty (30) days from the date of notice from Council, unless otherwise specified. This Compliance Certificate for the mechanical plant and equipment may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the noise criteria established in the Noise Impact Assessment Report R190220R1 Rev 0.

24 **D Special 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, asbestos, odour and/or staining, works are to cease immediately and Council notified. Any such "unexpected finds" shall be addressed by an appropriately qualified person.

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, ecotoxicology, 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."

25 **D Special Waste Collection Service Agreement**

Prior to the occupation of the development the following is to occur:

- 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.
- Councils Waste and Resource Recovery Department to conduct a site inspection of the on-site infrastructure to permit a safe and efficient waste collection service.

26 **D Special Waste from Washing Bins**

Wastewater from the washing of garbage bins is to be directed to the sewer in accordance with Sydney Water requirements. Wastewater from the washing of garbage bins is not permitted to enter Council's stormwater system.

27 **D Special Waste Infrastructure**

Prior to the commencement of works it must be confirmed that:

- (a) All on-site waste collection infrastructure, doors and access points (Waste Collection Room, Bulky Goods Collection Room, Basement Roller door) are to be locked/accessed through Councils Abloy Key System. System specifications are outlined in section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document. Additional doors to the rear of the waste rooms is to be added for resident access and shall be fitted with a standard key lock.
- (b) All on-site waste collection infrastructure (Waste Collection Room and Bulky Goods Collection Room) 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.
- (c) The waste collection room to provide minimum unobstructed internal dimensions of 7.8m by 3.2m wide to accommodate the full bin allocation in accordance with the 'Residential Flat Building Waste Management Guideline' document.
- (c) The bulky goods collection room to be provided in accordance with section 3.5.3 of the 'Residential Flat Building Waste Management Guideline' document.
- (d) Swept path models of Councils 9.7m HR Waste Collection Vehicle to be provided in accordance with section 2.2.3 of the 'Residential Flat Building Waste Management Guideline' document.
- (e) 2m service clearances to be provided at the rear of the waste loading bay to permit loading of bins in accordance with section 2.2.4 of the 'Residential Flat Building Waste Management Guideline' document.
- (f) All on-site waste collection infrastructure (Waste Collection Room and Bulky Goods Collection Room) are to provide automatic lighting and mechanical ventilation.
- (h) All on-site waste collection infrastructure (Waste Collection Room and Bulky Goods Collection Room) to incorporate 180-degree, outwards opening, dual, self-closing, sealed doors.
- (g) A 1200mm access pathway is to be outlined on architectural plans showing unobstructed pedestrian movements from the central elevator core to the on-site waste collection infrastructure (waste collection and bulky goods collection rooms) located within basement 1.
- (h) The on-site waste collection infrastructure (Waste Collection Room and Bulky Goods Collection Room) to provide minimum unobstructed internal height clearances of 2600mm free from external services and utilities.

28 **D Special Waste Service**

Councils bin infrastructure and collection service will be provided/commenced for the development upon the completion of all on-site waste collection infrastructure and upon occupation of the development.

29 **D Special Waste Water**

No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council's stormwater system unless it has been treated to remove pollutants. Supporting documentation to demonstrate that water disposed of into the stormwater system was treated to the standard required by the guidelines 'Managing Urban Stormwater – Soils and Construction' 4th edition 2004; and the 'Australian and New Zealand Guidelines for Fresh & Marine Water Quality' must be retained in order to verify lawful disposal. These records are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to Council prior to the commencement of works.

BCA Issues

30 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.

Utility Services

31 G002 - Section 73

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.

32 G004 - Integral Energy

Prior to the commencement of works, 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.

33 G006 -

Prior to commencement of works, the person overseeing the construction works, 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 occupation of the development, 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 provided.

Construction

34 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, and any other Certificates to be relied upon are to 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 person/s overseeing the construction works, 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 upon the occupation of the development.

35 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 back filling 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.

36 **H032 - External Finishes**

All external finishes are to be of high quality to reflect the future desired character of the locality. **Prior to the commencement of construction**, detailed external finishes schedule is to be provided demonstrating high quality finishes.

37 **H033 – Clothes line**

Prior to the occupation of the development, clothes lines are to be provided per unit as shown on the stamped approved plans.

38 **H041 - Hours of work**

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

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

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

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

Engineering

39 **K101 - Works at no cost to Council**

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

40 **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**. 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.

Note: Contact Penrith City Council's City Works Department on 4732 7777 or visit Penrith City Council's website for more information.

41 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road**

Prior to the commencement of works, a Section 138 Roads Act applications, 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 pram ramps
- 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, waste 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.

Notes:

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

42 **K205 - S68 Local Government Act – Stormwater drainage works**

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.

Note: All works associated with the provision of the stormwater drainage line must be completed prior to the occupation of the development.

43 **K210 - Stormwater Management**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by CAM Consulting, reference number C19081 Sheets SW00 to SW300, revision D, dated 20.05.2020. The OSD must be redesigned to provide a maximum permissible site discharge of 15 L/s.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person.

Prior to the commencement of works, it must be confirmed 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.

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

Prior to the commencement of works, it must be confirmed 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).

45 [K222 - Access, Car Parking and Manoeuvring – General](#)

Prior to the commencement of works, it must be confirmed 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.

46 [K224 - Construction Traffic Management Plan](#)

Prior to the commencement of any works on-site, a Construction Traffic Management Plan (CTMP) is to be submitted to Council's City Assets Department. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS). The CTMP shall include details of any required road closures, work zones, loading zones and the like. Please contact Council's City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

47 [K225 - Performance Bond](#)

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for works within the Road Reserve.

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

Note:

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

48 [K226 – Basement Geotechnical Testing/ Dilapidation Report](#)

Prior to the commencement of works, a Geotechnical investigation report and strategy shall be prepared to ensure stability of adjacent 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.

49 [K405 - Turf to Verge](#)

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.

50 [K406 - Underground Services](#)

Prior to the occupation of the development, all existing (aerial) and proposed services relating to the subject development only (from the boundary into the site), including those across the frontage of the development, are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

51 [K501 - Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the occupation of the development, it must be confirmed that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.

52 [K503 - Stormwater Compliance](#)

Prior to the occupation of the development, it must be confirmed that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the construction drawings 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 been undertaken have been satisfactorily completed.

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

53 **K503 - Works as executed – General and Compliance Documentation**

Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management systems shall be in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage Specification 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.

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

Prior to the occupation of the development, a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design) is to be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F.

55 **K507 - Easements for Drainage and overland flow**

Prior to commencement of works, an easement for drainage and overland flow minimum 1.5m wide is to be provided on 23 Blair Avenue and 27 Little Chapel Street St Marys, and evidence of registration of the easement with Land and Registry Services (LRS) is to be submitted to Penrith City Council. Easement widths shall be in accordance with Penrith City Council's adopted Design Guidelines.

56 **K - Waterways - Stormwater Management system operation and maintenance**

The stormwater management systems shall continue to be operated and maintained in perpetuity in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s

57 **K Special - No subleasing of car parking spaces**

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

58 **K Special - Sight Lines to be maintained**

The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

59 **K Special Car Spaces**

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.

60 **K Special Vehicles to enter/exit in forward direction**

All vehicles are to enter/exit the site in a forward direction.

Landscaping

61 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved Landscape Plan, prepared by RFA Landscape Architects, Project No. 4503C, dated 21 August 2020 (Revision C), and Chapter C6 Landscape Design of Penrith DCP.

Landscaping shall be maintained:

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

For a maintenance period of 12 months after occupation of the development, 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.

Prior to the commencement of works, the following is to occur:

- the Landscape Plan is to be updated to reflect the planting pot sizes as marked in red on the stamped approved Landscape Plan;
- A qualified landscape professional is to confirm that the selected species proposed along the southern and western boundaries will thrive in shaded conditions.

62 **L002 - Landscape construction**

Prior to the occupation of the development, all landscaping works subject to this consent are to be completed. All landscaping works are to be carried out by a suitably qualified and experienced landscape professional.

63 **L003 - Report requirement**

Upon completion of the landscape works associated with the development and prior to its occupation, an Implementation Report must be prepared 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.

64 **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.

65 **L008 - Tree Preservation Order**

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.

66 **L Special- Restricted Access**

The side passage walkway located adjacent to the Communal Open Space (south elevation) is to be used for maintenance purpose only, and is not to be used by residents, so as to minimise amenity impacts on adjoining properties. Similarly, the landscaped area located along the western boundary is to be non-trafficable and act as a passive landscaped area, used for maintenance purposes only.

Prior to completion of works, the following is to be provided so as to minimise amenity impacts on adjoining properties:

- (a) A lockable gate at the entrance of the side walkway on the southern elevation, as marked in red on the stamped approved landscape plan;
- (b) Dense planting along the full length of the retaining wall to the south of the Communal Open Space, as marked in red on the stamped approved landscaped plan, so as to prevent residents climbing on top of the retaining wall and entering the *"raised mound planting"* area; and
- (b) A lockable gate located behind the substation kiosk, so as to restrict access to the stepping stone path that runs along the western boundary as marked in red on the stamped approved landscape plan.

67 **L Special Street Tree**

Prior to the occupation of the development, the street tree on Blair Avenue identified for removal (identified as 'Tree 5') is to be replaced with a like-for-like tree. The works are to be carried out in accordance with Penrith City Council's Engineering Works Development Control Plan, the Guidelines for Engineering Works for Subdivisions and Developments Part 1-Design and Part 2-Construction and Penrith City Council's Landscape Development Control Plan.

Before the street tree is 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.

Development Contributions

68 **N001a - Section 7.11 contribution - Cultural Facilities**

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, \$8,081.00 **is to be paid to Council prior construction of the 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 S7.11 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.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

69 **N001b - Section 7.11 contribution - District Open Space**

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, **\$72,030.00 is to be paid to Council prior to construction of the 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 S7.11 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.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

70 **N001c - Section 7.11 contribution - Local Open Space**

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, **\$26,063.00 is to be paid to Council prior to construction of the 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 S7.11 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.

Note: The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003 dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.