

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

JRPP Ref. No.:	2014SYW075
Application number:	DA14/0513
Description of development:	Demolition of Existing Structures and Construction of Four (4) x Eight (8) Storey Residential Flat Buildings (289 Units), Two (2) Level Basement Car Parking Area, Landscaping, Drainage Works and Earthworks
Classification of development:	Class 2 , Class 7a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1070784
Property address:	12 Carson Lane, ST MARYS NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Dickson Rothschild 9 Argyle Place MILLERS PLACE NSW 2000
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DECISION OF CONSENT AUTHORITY

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	10 September 2015
Date the consent expires	10 September 2017
Date of this decision	24 February 2016

POINT OF CONTACT

If you have any questions regarding this determination you should contact:

Assessing Officer:	Donna Clarke
Contact telephone number:	(02) 4732 7991

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

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

Plans / Documents	Prepared by	Dated
Letter	Dickson Rothschild	2 February 2015
Clause 4.6 Variation – Revision C	Dickson Rothschild	22 June 2015
Cover Page – Issue I	Dickson Rothschild	09/07/15
DA-001 - Project Summary – Issue H	Dickson Rothschild	19/06/15
DA-200 - Basement 2 Plan – Issue I	Dickson Rothschild	09/07/15
DA-201 - Basement 1 Plan – Issue J	Dickson Rothschild	09/07/15
DA-202 - Ground Floor Plan – Issue K	Dickson Rothschild	17/11/15
DA-203 - Level 01 Plan – Issue I	Dickson Rothschild	09/07/15
DA-204 -Level 02 Plan – Issue I	Dickson Rothschild	09/07/15
DA-205 - Level 03 Plan – Issue I	Dickson Rothschild	09/07/15
DA-206 - Levels 04-06 Plan– Issue I	Dickson Rothschild	09/07/15
DA-207 - Level 07 Plan – Issue I	Dickson Rothschild	09/07/15
DA-208 - Roof Plan – Issue I	Dickson Rothschild	09/07/15
Section A-A & D-D – Issue F	Dickson Rothschild	19/06/15
DA-302 - Section B-B & C-C & E & F – Issue I	Dickson Rothschild	19/06/15
DA-401 - Elevations East – Issue H	Dickson Rothschild	19/06/15
DA-402 - Elevations West – Issue H	Dickson Rothschild	19/06/15
DA-403 - Elevations North – Issue H	Dickson Rothschild	19/06/15
DA-404 - Elevations South – Issue H	Dickson Rothschild	19/06/15
GFA Calc. – Building A – Issue E	Dickson Rothschild	30/01/15
GFA Calc. – Building B – Issue E	Dickson Rothschild	30/01/15
GFA Calc. – Building C– Issue D	Dickson Rothschild	16/05/14
GFA Calc. – Building D – Issue D	Dickson Rothschild	16/05/14
Solar & Vent – Building A – Issue F	Dickson Rothschild	19/09/14
Solar & Vent – Building B – Issue G	Dickson Rothschild	30/01/15

Solar & Vent – Building C – Issue F	Dickson Rothschild	19/09/14
Solar & Vent – Building D – Issue F	Dickson Rothschild	19/09/14
DA-741 - Balcony Detail – Issue A	Dickson Rothschild	30/01/15
DA-901 - Materials & Finishes – Issue G	Dickson Rothschild	30/01/15
DA-916 - Photomontage E – Issue B	Dickson Rothschild	30/01/15
DA-917 - Photomontage F – Issue B	Dickson Rothschild	30/01/15
DA-921 - View Impact Study A – Issue E	Dickson Rothschild	30/01/15
DA-922 - View Impact Study B – Issue E	Dickson Rothschild	30/01/15
DA-923 - View Impact Study C – Issue E	Dickson Rothschild	30/01/15
DA-931 - Shadow Study A – Winter – Issue E	Dickson Rothschild	30/01/15
DA-932 - Shadow Study B – Equinox – Issue E	Dickson Rothschild	30/01/15
Final Access for People with a Disability / Adaptable Housing Report	BCA Assess	15 May 2014
C-0000 - Cover Sheet and Drawing index – Issue A	BG&E	17/9/14
C-0001 - General Notes - Revision A	BG&E	17/9/14
C-0020 - Stormwater Longitudinal Sheet 1 –Revision A	BG&E	29/1/15
C-0010 - General Arrangement Plan – Revision B	BG&E	29/1/15
Site Discharge Stormwater Drainage Information	AJ Whipps Consulting Group	2/6/15
Hydraulic Services Site Plan & Legend - HDA01/P5	Cundall	13/11/15
Hydraulic Services Basement 2 Plan - HDA02/P5	Cundall	13/11/15
Hydraulic Services Basement 1 Plan - HDA03/P5	Cundall	13/11/15
Hydraulic Services Ground Floor Plan - HDA04/P5	Cundall	13/11/15
Hydraulic Services Roof Plan - HDA05/P5	Cundall	13/11/15

Hydraulic Services Detail Sheet No. 1 - HDA06/P5	Cundall	13/11/15
Hydraulic Services Detail Sheet No. 2 - HDA07/P5	Cundall	13/11/15
Swept Path Analysis	Calibre Consulting Pty Ltd	9/7/15
Swept Paths (4 sheets) - Rev J	DR Design Pty Ltd	9/7/15
Preliminary Geotechnical Investigation and Phase One Environmental Assessment	Intrax Consulting Engineering Pty Ltd	22/12/14
Additional Environmental Investigation	Consulting Earth Sciences Pty Ltd	23/4/15
BCA Assessment Report	BCA Logic	15 May 2014
Landscape Concept Plans Issue J	Arcadia	05/02/2016
Landscape Master Plan - 101 - Issue J	Arcadia	05/02/2016
Landscape Plan - 301 - Issue J	Arcadia	05/02/2016
Landscape Plan - 302 - Issue J	Arcadia	05/02/2016
Landscape Plan - 303 - Issue J	Arcadia	05/02/2016
Landscape Plan - 304 - Issue J	Arcadia	05/02/2016
Landscape Plan - 305 - Issue J	Arcadia	05/02/2016
Landscape Plan - 306 - Issue J	Arcadia	05/02/2016
Landscape Plan - 307 - Issue J	Arcadia	05/02/2016
Landscape Details - 501 - Issue J	Arcadia	05/02/2016
Landscape Details - 502 - Issue J	Arcadia	05/02/2016
Waste Management Plan	Elephants Foot	July 2015
Cover Letter – Additional Information	Diddum	10 July 2015

- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 The use of the garbage loading bay and all other truck loading and unloading activities are restricted to between 7:00 am and 10:00 pm.
- 4 **Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
- 5 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 6 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 7 The basement carpark is required to provide communication devices such as: -
- Intercoms
 - Public address systems
 - Telephones
 - Emergency alarms
 - Signage
- 8 All surfaces in the car park are to be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.
- 9 The following Safer By Design measures are to be incorporated into the development:
- 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 (including lift lobbies, stairwells, garbage rooms and storage areas) must be well-lit, with consistent lighting to prevent shadowing or glare.
 - Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.
 - Signage is recommended to clearly delineate spaces intended for use by residents and those for use by visitors.
 - Dense, medium height vegetation with top to bottom foliage must be avoided in common landscaped areas. The use of low-level planting or high canopied vegetation will improve surveillance, provide clear lines of sight and avoid any potential concealment areas.
 - Security gates must be permeable (e.g. open/grill style) to enable surveillance opportunities into the development whilst controlling access. Gates must be kept in a locked position at all times and only accessible to residents and their authorised guests through individual swipe card/key access.
 - Entrances should be easily recognisable through design features and directional signage.
 - Street numbers should be made of durable materials preferably reflective or luminous, and should be unobstructed (e.g. by foliage).
 - Directional signage should be provided for this development. This will assist with wayfinding for visitors and clarify private versus public areas.
 - Unit numbers should be clearly provided on each level.
 - Each building entry should clearly state the unit numbers accessed from that entry.
- 10 The development is to be carried out in accordance with the requirements of the Roads and Maritime Service, as detailed within their letter dated 8 September 2014, as follows:

- (a) Off-street parking shall be in accordance with AS 2890.1-2004.
- (b) Car parking provision and all driveway widths to Council's satisfaction.
- (c) The swept path of the longest vehicle (including garbage trucks) entering and existing the subject site, as well as maneuverability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- (d) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

- 11 Prior to the issue of a Construction Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate 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 Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

Prior to the issue of an Occupation Certificate, a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

- 12 Once all site structures have been demolished, a soil sampling program is to be undertaken to assess the materials underneath the building and any other site structures and to further delineate and assess fill material from creek infilling and construction. This investigation is to consider the requirements of the relevant NSW Environment Protection Authority Guidelines and be prepared by a suitably qualified environmental consultant.

Prior to the issue of a Construction Certificate, the report of this investigation is to be provided to Penrith City Council for approval. If Council is not the certifying authority, then a copy of Council's approval is to be obtained and provided to the Private Certifying Authority. This report is to demonstrate that the site is suitable for the proposed residential use.

Should it be identified in the investigation that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works.

Demolition

- 13 All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". **Prior to demolition**, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

- 14 You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" **before any demolition works commence on the site.**

Prior to commencement of demolition works on site, 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 all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

- 15 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

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

- 17 Demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

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

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

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

Environmental Matters

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

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

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

- 20 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 21 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.

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

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

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

- 23 Noise levels from the premises shall not exceed the relevant noise criteria detailed in "Development Application Acoustic Assessment: Proposed Residential Development - 12 Carson Lane, St Marys" prepared by Rodney Stevens Acoustics Pty Ltd dated 7 November 2014 (Report 13660R1, Revision 2). The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and **shall be shown on plans accompanying the Construction Certificate application**. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. 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.

- 24 Any vehicle washing shall be carried out in a designated area that is connected to the sewer in accordance with Sydney Water's requirements. Wastewater from vehicle washing is not to enter the stormwater system.
- 25 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.

- 26 The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.
- 27 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation

Certificate shall:

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

An appropriately qualified person/s (as defined in Penrith Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

{[Note: Penrith 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, soils 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."}]}

- 28 **Prior to the issue of a Construction Certificate**, a Construction Noise Impact Assessment and Management Plan is to be prepared and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

- 29 All mechanical plant and equipment is to comply with the noise criteria outlined in "Development Application Acoustic Assessment: Proposed Residential Development - 12 Carson Lane, St Marys" prepared by Rodney Stevens Acoustics Pty Ltd dated 7 November 2014 (Report 13660R1, Revision 2).

Prior to the issue of a 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 on the noise impacts associated with this plant and equipment is

also to be supplied to demonstrate compliance with the established noise criteria.

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

31

a) Waste Loading Bay Signage

Prior to issue of an occupation certificate, appropriate signage must be mounted in a visible location and is to be maintained by the Body Corporate, indicating the waste loading bay is to be available and unimpeded at all times. This must also be referenced within the strata management statement.

b) Provision of Flexible Striker Bars

Prior to issue of a construction certificate, all areas shown in the manoeuvring plan for the waste collection vehicle are to have clear headroom of no less than 4.5m. All areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs to warn waste collection contractors of the low headroom area.

c) Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

d) Waste and Recycling Management

A caretaker must be engaged to move all bins to and from the waste storage and collection points on the allocated day(s) of collection as determined by Council. Residual waste is collected twice weekly and Recycling is collected once weekly.

e) Supply of Bin Tug or Towing Device

Prior to the issue of an Occupation Certificate, a mechanical bin tug or towing device suitable for transporting the bins allocated, must be supplied and permanently stored at the development. The nominated storage point must be in the basement in an enclosed room, with a lockable door. The door is only accessible through an abloy key held by the caretaker and the Council's contracting staff. The selected equipment must be able to tow full bins over all ramps and slopes between the waste chute storage rooms and the storage bay for collection.

f) Adherence to Bin Presentation Plan

The collection of waste and recyclables from the development is required to be undertaken in accordance with the bin presentation plan submitted to and approved by Council. A copy of the plan must be made available to all future residents to ensure they are informed of the waste collection arrangements.

32 **a) Internal Pavement Structural Design Certification**

Prior to a Construction Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

b) Management of Construction and Demolition Waste

Any waste generated as a result of construction and/or demolition for the development is to be reused and recycled where possible, and any residual waste is to be disposed of at a licensed waste facility. Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Receipts of all waste/recycling tipping must be kept onsite at all times and

produced in a legible form to any authorised officer of Penrith Council.

c) Surplus Excavated Material

The disposal of surplus excavated material, other than to a licensed waste facility, is not permitted without the formal approval of Council prior to works commencing onsite. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to penalties. Receipts of all waste/recycling tipping must be kept onsite at all times and presentable to Council upon request.

d) Contaminated Waste

The generation, storage, transport, treatment or disposal of hazardous, industrial or Group A liquid waste must be made in accordance with Protection of the Environment Operations Act 1997 and NSW Department of Environment and Climate Change and Water waste requirements. For information relating to guidelines and requirements, contact the environment line on 131 555.

e) Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety "How to Safely Remove Asbestos Code of Practice" document (ISBN 9780642333179). Failure to do so can incur large financial penalties. Should such demolition impede upon traffic and pedestrian activity on an adjoining road or reserve a separate application is required to be submitted to Council to allow the designated area to be fenced, inhibiting public access.

33 a) Final Inspection of Waste Storage Area(s)

Prior to an Occupation Certificate being issued, a final inspection of the waste storage area(s) and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Penrith Council. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for waste collection by Penrith Council. The time for the inspection must be arranged with Council at least 2 business days prior to the Principal Certifying Authority's suggested appointment time.

b) Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be provided to Penrith Council for approval and signed by both parties. This is to enable Council and its contractor to enter onto private property with its collection vehicles or staff to enable the collection of waste, recyclables and bulky waste items. Council will not be held responsible for any damage caused during collection and return of domestic waste bins from and to the site. Council requires indemnification of Penrith Council and its contractors or agents to enter the property for the purpose of waste collections.

c) Commencement of Domestic Waste Service

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than five days prior to occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on **(02) 4732 7615** for the commencement of waste services.

- 34** Any changes to the waste collection arrangements from approved will require separate consideration and approval by Council.

BCA Issues

35 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).

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

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

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

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

(a) deal with each essential fire safety measure in the building premises, and

(b) be given:

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

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

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

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

- (a) complying with the deemed to satisfy provisions, or
- (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

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

Health Matters and OSSM installations

- 40 The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

Utility Services

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

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

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

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

Construction

43 Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

44 Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.

45 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction. The following details are to be displayed in a maximum of 2 signs to be erected on the site:

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

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

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

All construction signage is to be removed on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

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

47 Clothes drying facilities are to be positioned and screened from public view.

48 The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

- 49 The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:
- roof catchment areas must be kept clear of overhanging vegetation,
 - gutters must have sufficient fall to downpipes to prevent pooling of water,
 - overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
 - for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
 - appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.
- 50 The rainwater tank supply must not be connected to drinking and bathing water tap outlets.
- 51 The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 52 Demolition and 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 works carried out inside a building/tenancy that do not involve the use of equipment that emits noise are not restricted to the hours stated above.
- The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Roads Act Requirements

- 53 Signage indicating the location of visitor parking is required at the driveway entrance, prior to the issue of the Occupation Certificate.
- 54 Subleasing of car parking spaces is not permitted by this consent.
- 55 Prior to the issue of an occupation certificate, appropriate signage is to be displayed to reinforce designated vehicle circulation and parking arrangements.
- 56 The required sight lines around the driveway entrances/exits are not to be compromised by landscaping, fencing or signage.
- 57 Prior to issue of an Occupation Certificate, "No Right Turn" (R2-6) signage shall be installed at the EXIT driveway(s).
- 58 All vehicles are to enter/exit the site in a forward direction.

- 59 Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided at convenient locations in accordance with AS 2890.3:1993 *Bicycle Parking Facilities*.

Engineering

- 60 All roadworks, stormwater works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 61 **Prior to the issue of a Construction Certificate**, a Section 138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
 - Road occupancy or road closures

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

Note:

1. Approvals may also be required from the Roads and Maritime Services for classified roads.

- 62 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

The bond is refundable once a final inspection has been carried out by Council's City Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit Council's website to obtain the form and request for final inspection.

- 63 The stormwater management system shall be provided generally in accordance with the concept plan/s approved under the deferred commencement conditions in association with the stormwater management and OSD system.

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 Policy and Water Sensitive Urban Design Policy.

64 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3:2003.

65 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the proposed development is compatible with the recommendations of the Overland Flow Study Addendum #2, prepared by BG&E Pty Ltd, project number S13219, dated 28 January 2015.

66 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

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

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

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

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

69 **Prior to commencement of works**, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

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

70 **Prior to the commencement of works**, a dilapidation report of all infrastructures fronting the development in Carson Lane and Lang Park is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 20m either side of the development.

71 A certificate by a registered surveyor verifying that all habitable floor levels are minimum 500mm above the 1% AEP flood levels identified in the Overland Flow Study Addendum #2, prepared by BG&E Pty Ltd, project number S13219, dated 28 January 2015, 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 Principal Certifying Authority.

72 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with the Section 138 Roads Act approval and Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

73 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 Policy.

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.

74 Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that the:

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

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

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

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

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

76 Prior to the issue of an Occupation Certificate, directional signage and linemarking shall be installed indicating the garbage truck waste collection area, drop-off area, directional movements and the location of visitor parking to the satisfaction of the Principal Certifying Authority.

77 Prior to the issue of an Occupation Certificate, a maintenance bond is to be lodged with Penrith City Council for the drainage re-diversion works and road works, including but not limited to:

- Road and drainage construction in Carson Lane (including the public car park), Carinya Avenue and Lang Park
- Decommissioning works of the existing Council drainage lines within Lot 1 DP 1070784
- Flood control works in public roads identified in the overland flow study addendum 2, prepared by BG&E Pty Ltd, project number S13219, dated 28 January 2015.
- Construction of vehicular crossings (including kerb reinstatement of redundant vehicular crossings) to accommodate the turning of a 12.5m long Heavy Rigid Vehicle (HRV) as shown on the submitted swept path diagrams
- Replacement of damaged concrete footpath for the Carson Lane and Lang Park frontage of the site
- Construction of concrete footpath for the Carson Lane frontage of the site where there is no existing concrete footpath

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

- 78 The stormwater management systems shall continue to be operated and maintained for the life of the development in accordance with the final operation and maintenance management plan.
- 79 The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.
- 80 All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of works.
- 81 **Prior to the issue of a Construction Certificate**, a Geotechnical and Hydrological report, detailing proposed measures to ensure there will be no adverse hydrological impacts, shall be submitted to Council to ensure the design and construction of belowground structures has been undertaken in accordance with relevant Australian Standards where applicable. In addition, the following requirements shall also be complied with:
 - (a) The basement car park structure shall be constructed to be fully waterproofed and "tanked".
 - (b) No groundwater shall be permitted to discharge into Council's stormwater system.
- 82 **Prior to the issue of a construction certificate**, all drainage re-diversion works associated with the Section 138 Roads Act approval and Section 68 Local Government Act approval shall be inspected and signed off by Penrith City Council. The following compliance documentation shall also be submitted to Council:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- d) Surveyor's Certificate certifying that all pipes and services are located wholly within the public roads and public land and that no services encroach boundaries.
- e) Documentation for all road pavement materials used demonstrating compliance with Council's Engineering Construction Specification for Civil Works.

83 Prior to the issue of a Construction Certificate, an Operation Management Plan for the garbage collection vehicle accessing the site shall be submitted to the Principal Certifying Authority and a copy shall be provided to Council.

The management plan shall include measures to ensure no vehicles are allowed to access the basement car parking ramp during the garbage collection vehicle accessing the site.

84 Prior to the issue of a construction certificate, a performance bond is to be lodged with Penrith City Council for the drainage re-diversion works and road works, including but not limited to:

- Road and drainage construction in Carson Lane (including the public car park), Carinya Avenue and Lang Park
- Decommissioning works of the existing Council drainage lines within Lot 1 DP 1070784
- Flood control works in public roads identified in the overland flow study addendum 2, prepared by BG&E Pty Ltd, project number S13219, dated 28 January 2015.
- Construction of vehicular crossings (including kerb reinstatement of redundant vehicular crossings) to accommodate the turning of a 12.5m long Heavy Rigid Vehicle (HRV) as shown on the submitted swept path diagrams
- Replacement of damaged concrete footpath for the Carson Lane and Lang Park frontage of the site
- Construction of concrete footpath for the Carson Lane frontage of the site where there is no existing concrete footpath

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: Contact Council's **Development Engineering Unit** on 4732 7777 for further information relating to bond requirements.

85 Prior to the issue of a construction certificate, a Section 138 Roads Act application and an application under Section 68 of the Local Government Act, including the payment of application and inspection fees, shall be lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the drainage re-diversion works and road works, including but not limited to:

- Road and drainage construction in Carson Lane (including the public car park), Carinya Avenue and Lang Park
- Decommissioning works of the existing Council drainage lines within Lot 1 DP 1070784
- Flood control works in public roads identified in the overland flow study addendum 2, prepared by BG&E Pty Ltd, project number S13219, dated 28 January 2015.
- Construction of vehicular crossings (including kerb reinstatement of redundant vehicular crossings) to accommodate the turning of a 12.5m long Heavy Rigid Vehicle (HRV) as shown on the submitted swept path diagrams
- Replacement of damaged concrete footpath for the Carson Lane and Lang Park frontage of the site
- Construction of concrete footpath for the Carson Lane frontage of the site where there is no existing concrete footpath

This may include additional flood control works / drainage works associated with the Section 138 Roads Act and Section 68 Local Government Act applications.

The drainage re-diversion works shall be consistent with the stamped approved concept plans prepared by BG&E Pty Ltd, project number S13219, drawing number C-0010, revision B, dated 29 January 2015 and drawing number C-0020, revision B, dated 29 January 2015.

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, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

Landscaping

86 All landscape works are to be constructed in accordance with the stamped approved plans and Penrith Development Control Plan.

Landscaping shall be maintained:

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

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

87 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional, suitable to design category 3 landscape works.

i. Implementation Report

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

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

ii. Maintenance Report

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

This report is to be prepared by a landscape professional suitable to design category 3 landscape works.

iii Final Site Arborist's Report

This report is to be submitted to Penrith City Council 2 years after the Occupation Certificate was issued. This report is to be prepared by a consulting arborist. At Council's discretion this period may be reduced under circumstances where the Site Arborist is able to guarantee the health and ongoing survival of the trees.

iv 3 Year Landscaping Report

3 years after an Occupation Certificate was issued for the development, a landscape professional suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

- (a) The landscaping on site has matured and is in accordance with the original landscape approval.
- (b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

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

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

89 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.

90 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Council's Development Control Plan.

91 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.

- 92 (a) Accessibility to all open spaces is to be demonstrated. Clarification is required regarding accessibility of connections between the common open space and private courtyards. Details of inclusive seating and accessibility to all common areas are required (e.g.. raised turf areas are accessible, seating with adjacent space for wheelchairs, with backs and armrests).
- (b) The play element is not indicated clearly. Details of the play elements are required.
- 93 A Tree Management Plan shall be provided prior to the issue of a construction certificate. Trees are to be retained and duly protected during the construction of the development. Tree protection measures shall:
- be installed before any works can commence on site including the clearing of site vegetation, and
 - comply with the standards prescribed by the Tree Management Plan, and
 - be certified by the author of the Tree Management Plan (TMP) before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".

Section 94

- 94 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$1,058,318.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 95 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$382,636.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 96 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$97,797.60 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 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

97 Prior to the commencement of any earthworks or construction works on site, the proponent is to:

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

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

Information to accompany the Notice of Commencement

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

SIGNATURE

Name:	Gavin Cherry Principal Planner
Signature:	

For the Development Services Manager