

# CONDITIONS SUMMARY

<b>Application Number:</b>	DA20/0041
<b>Assessing Officer</b>	Jane Hetherington
<b>Land to be developed (Address):</b>	Lot 32 DP 35970 14 Phillip Street ST MARYS NSW 2760
<b>Proposed Development:</b>	Demolition of Existing Structures and Construction of a Residential Flat Building Development Containing 44 x Affordable and Social Housing Units, Basement Parking and Associated Works

## General

## 1 A001 - Approved plans table

The development must be consistent with the following plans and stamped approved by Council, the application form, the BASIX Certificate No. 1054090M and any supporting information received with the application and by the following conditions.

Drawing Title	Drawing Reference	Prepared By	Dated
Demolition Plan	DA.00.05 Rev B	McGregor Westlake Architecture	26/05/2020
Basement Plan	DA.01.01 Rev C	McGregor Westlake Architecture	18/06/2020
Ground Floor Plan	DA.01.02 Rev C	McGregor Westlake Architecture	18/06/2020
Level 1 Plan	DA.01.03 Rev C	McGregor Westlake Architecture	18/06/2020
Level 2 & 3 Plan	DA.01.04 Rev C	McGregor Westlake Architecture	18/06/2020
Level 4 Plan	DA.01.05 Rev C	McGregor Westlake Architecture	18/06/2020
Roof Plan	DA.01.06 Rev C	McGregor Westlake Architecture	18/06/2020
North Elevation	DA.02.01 Rev B	McGregor Westlake Architecture	26/05/2020
West Elevation	DA.02.02 Rev C	McGregor Westlake Architecture	18/06/2020
South Elevation	DA.02.03 Rev C	McGregor Westlake Architecture	18/06/2020
East Elevation	DA.02.04 Rev B	McGregor Westlake Architecture	26/05/2020
Section A	DA.03.01 Rev B	McGregor Westlake Architecture	26/05/2020
Section B	DA.03.02 Rev B	McGregor Westlake Architecture	26/05/2020
Section C	DA.03.03 Rev B	McGregor Westlake Architecture	26/05/2020
External materials and finishes	DA.05.01 Rev A	McGregor Westlake Architecture	09/12/2019
External materials and finishes - 2	DA.05.02 Rev A	McGregor Westlake Architecture	20/05/2020
External materials and finishes - 3	DA.05.03 Rev A	McGregor Westlake Architecture	20/05/2020
Stormwater Concept Plans	SY192-068 DAC011-015 Rev C/D/E	van der Meer Consulting	27/05/2020
Landscape Plans	LA01 - LA08 Rev J	Sydney Design Collective	25/05/2020
Construction and Demolition Waste Management Plan	Rev B	Elephants Foot	10/12/2019
Operational Waste Management Plan	Rev D	Elephants Foot	10/12/2019

## 2 A014 - LOT CONSOLIDATION

Lots 32, 33 & 34 in Deposited Plan 35970 are to be consolidated as one lot. 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 **A038 - LIGHTING LOCATIONS**

Exterior lighting shall be provided for the development and is to 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).

4 **A039 - Graffiti**

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

5 **A Special (BLANK)**

Prior to the commencement of the construction works, the design recommendations of the Access Report, prepared by Vista Access Architects dated 12 December 2019 (reference number 19257), shall 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.

6 **A Special (BLANK)**

**Prior to the commencement of construction works**, a design verification statement from a qualified designer shall 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.

7 **A Special (BLANK)**

**Prior to occupation of the development**, 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 construction plans and specifications, 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.

8 **A Special (BLANK)**

To ensure a high quality finish internal and external of the development site, any retaining walls shall be of solid masonry construction. The surface shall be either rendered to match the external colour schedule or constructed in a face brick finish.

9 **A Special (BLANK)**

All fencing required by the development shall be constructed at full cost to the property owner or developer of the site.

10 **A Special (BLANK)**

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.

11 **A Special (BLANK)**

**Prior to construction works**, detailed elevations showing the proposed external building materials and colours are to be submitted to and approved by Council.

## 12 [A Special CPTED Requirements](#)

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

### **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.

### **Building Security & Access Control**

- Intercom, code or card locks must be installed for all common entries to the building.
- Australian Standard 220 – door and window locks must be installed in all dwellings and to all balcony/terrace doors.
- The seating provided at the rear of the apartment complex, adjacent to some of the rear terraces, must not enable ease of access into the terraces.

### **Graffiti/Vandalism**

- Graffiti resistant coatings must be used to external surfaces where possible, including signage, furniture, retaining walls etc.
- Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities.

### **Landscaping**

- All vegetation must be regularly pruned to ensure that sight lines are maintained and that trees should not provide access to second story balconies.

## **Demolition**

### 13 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All demolition works are to be conducted in accordance with the provisions of AS 2601-2011 "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.

### 14 [B003 - ASBESTOS](#)

**Prior to commencement of demolition works on site**, a portaloo with appropriate washing facilities shall be located on the site and the 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", Work Health and Safety Act 2011, the Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Waste) Regulation 2014, and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current SafeWork 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 SafeWork 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 [B004 - Dust](#)

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

### 16 [B005 - Mud/Soil](#)

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

17 **B006 - Hours of work**

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

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

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

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

## **Environmental Matters**

18 **D001 - Implement approved sediment& erosion control measures**

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

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

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.

19 **D002 - Spraygrass**

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

20 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

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 Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- 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 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.

21 **D009 - Covering of waste storage area**

All construction waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall 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 **D010 – Appropriate disposal of excavated or other waste**

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

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

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 **D014 - Plant and equipment noise**

The operating noise level of plant and equipment used on-site during construction shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. Approved noise generating plant will be located in the basement and no air conditioning condensers to be provided. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

24 **D Special (BLANK)**

Occupational noise levels within the premises shall not exceed the relevant noise criteria detailed in 'Noise Impact Assessment. Proposed Residential Development. 14-18 Phillips Street, St Marys' prepared by Rodney Stevens Acoustics Pty Ltd dated 9 December 2019 (Ref. R190480R1 Revision 2).

The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development.

A certificate is to be obtained from a qualified acoustic consultant certifying that the development has been constructed to meet the noise criteria in accordance with the approved acoustic report.

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

25 **D Special BLANK**

Prior to the occupation of the development it must be confirmed that:

- The traffic control system and roller door to access the basement are to be locked/accessed through Councils Abloy Key System. Relevant system specifications are outlined in section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document. During the ordering of the relevant barrels (compatible to Councils Abloy key system) for the traffic control and roller door system, a single copy of the Abloy key (Lock system number 5OL092) to be ordered from Olympic Locksmiths and supplied to Land and Housing Corporation, at the applicant's cost. This will enable compatibility with Land and Housing Corporation's Master Keying system to be delivered as part of the development.
- All on-site waste collection infrastructure (Waste Collection Room, Bulky Goods Collection Room and Loading bay) are provided with wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
- The developer has entered 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 has conducted a site inspection of the on-site infrastructure to permit a safe and efficient waste collection service.

26 **D Special BLANK**

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

27 **D Special Clearance certificate**

After the demolition of the dwelling at 16 Phillip Street, St Marys and prior to construction works, a Clearance Certificate must be provided. The Clearance Certificate shall capture the entire development site.

28 **D Special Unexpected finds protocol**

**Prior to Construction works**, an Unexpected Finds Protocol shall be prepared and implemented during construction works. The Unexpected Finds Protocol shall be prepared by a suitably qualified and experienced person and include a procedure for asbestos containing materials.

## BCA Issues

29 **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

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

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

31 **G004 - Integral Energy**

Prior to 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.

32 **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

### 33 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 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 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 when the work has been completed.

### 34 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

### 35 H033 – Clothes line

Communal clothes drying facilities are to be provided for the development, positioned and screened in a location not visible by the public.



36 **H041 - Hours of work (other devt)**

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

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

Other construction works carried out inside a building/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

37 **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.

38 **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.

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

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

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

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

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

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

Note:

- All works associated with the Roads Act approval must be completed prior to occupation of the development.

40 **K210 - Stormwater Management**

The stormwater management system shall be consistent with plans lodged for development approval, prepared by Van Der Meer Consulting, Project No. SY192-068, listed in the following schedule:

Reference No.	Revision	Date
DAC011	D	27/05/2020
DAC012	E	27/05/2020
DAC013	E	27/05/2020
DAC014	C	27/05/2020
DAC015	D	27/05/2020

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.

41 **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 AS 3500.3 Plumbing and Drainage – Stormwater Drainage.

42 **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, AS 2890.6 and AS 2890.2. Variations to AS 2890.2 are acceptable (inclusive of height requirements and grade transitions), where Councils "Low Entry Heavy Rigid Waste Collection Vehicle" within the Residential Flat Building Waste Management Guideline is the largest vehicle anticipated to enter and exit the basement car park.

Note: Design specifications of Council's "Low Entry Heavy Rigid Waste Collection Vehicle" are provided within Penrith City Council's Residential Flat Building Waste Management Guidelines.

43 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works), a Construction Traffic Management Plan (CTMP) shall 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.

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

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

45 **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.

46 **K406 - Underground Services**

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

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

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

48 **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.

49 **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:

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

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

50 **K601 - Stormwater management system operation and maintenance**

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

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

51 **K Special (BLANK)**

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.

52 **K Special (BLANK)**

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

53 **K Special (BLANK)**

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

54 **K Special (BLANK)**

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

## **Landscaping**

55 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved Landscape Concept Plan, prepared by Sydney Design Collective and dated 25/5/20 and Penrith Council's 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 within 12 months.

56 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a suitably qualified and experienced landscape professional.

57 **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.

58 **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.

59 **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.

60 **L Special (BLANK)**

The Trees No. 1, 18 & 19 must be retained and protected in accordance with the recommendations of the Arboricultural Impact Assessment Report, prepared by Jacksons Nature Works and dated 9 December 2019. Trees 2 and 6 shall be replaced in accordance with Architectural Plans, prepared by McGregor Westlake Architecture dated 18 June 2020 and Landscape Plan prepared by Sydney Design Collective dated 25 May 2020.

## **Development Contributions**

61 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$17,388 is to be paid to Council prior to Construction (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.

62 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

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, \$159,289 is to be paid to Council prior to construction (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.

63 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

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, \$57,609 is to be paid to Council prior to construction (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.

## **Certification**

64 [Q01F - Notice of Commencement & Appointment of PCA2 \(use for Fast Light only\)](#)

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

- (a) employ a person to oversee that the said works carried out on the site are in accordance with the development consent 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.

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.