

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA17/1340
Description of development:	Second Storey Addition to Existing Neighbourhood Shop Complex for Use as Boarding House containing 23 Boarding Rooms & Associated Ground Level & Basement Car Parking
Classification of development:	Class 3

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 152 DP 26030 Lot 153A DP 26030 Lot 153 DP 26030 Lot 151A DP 26030 Lot 152A DP 26030 Lot 139 DP 26030
Property address:	30 Day Street, COLYTON NSW 2760

DETAILS OF THE APPLICANT

Name & Address:	Redan Constructions 54 Murray Street MERRYLANDS NSW 2160
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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	19 September 2018
Date the consent expires	19 September 2020
Date of this decision	15 August 2018

POINT OF CONTACT

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

Assessing Officer:	Lauren Van Etten
Contact telephone number:	+612 4732 8222

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 Sydney West 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.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and 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 following stamped approved plans issued by Council, BASIX Certificate No. 869001M_02, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Plan	Drawing No.	Issue	Prepared by	Dated
Basement Floor Plan	DA02C	C	Millennium Design Consultants	17/05/18
Ground Floor Plan	DA03C	C	Millennium Design Consultants	24/07/18
First Floor Plan	DA04C	C	Millennium Design Consultants	25/07/18
East & West Elevations	DA05A	B	Millennium Design Consultants	06/04/18
North & South Elevations	DA06A	B	Millennium Design Consultants	06/04/18
Clearstory Windows Plan	DA07C	C	Millennium Design Consultants	25/07/18
Section	DA09C	C	Millennium Design Consultants	25/07/18
Landscape Plan	L-01	B	Ray Fuggle Associates	15/03/18
Construction Notes, Calculations & Details	16450 – C1	B	Inhouse Consulting Engineers	09/04/18
Basement Stormwater Drainage Plan	16450 – C2	A	Inhouse Consulting Engineers	05/04/2018
Site Stormwater Drainage Plan	16450 - C3	D	Inhouse Consulting Engineers	24/07/18
Roof Stormwater Drainage Plan	16450 – C4	A	Inhouse Consulting Engineers	05/04/18
Erosion & Sedimentation Control Plan	16450 – C5	B	Inhouse Consulting Engineers	09/04/18
Erosion & Sedimentation Details	16450 – C6	-	Inhouse Consulting Engineers	December 2017
Schedule of Finishes	DA11	-	Millennium Design Consultants	21/12/17

- 2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 3 Use of the designated loading bay for delivery and service vehicles associated with the commercial tenancies is between 7am and 6pm, Monday to Friday.
- 4 The finishes of all structures are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
- 5 A **Construction Certificate** shall be obtained prior to commencement of any works.
- 6 The boarding house is permitted to accommodate a maximum of twenty two (22) lodgers and one (1) caretaker at any one time. Each (single) room is to be limited to one resident.
- 7 Prior to the issue of an Occupation Certificate, the existing right of carriageway shall be released

- 8 The hours of operation of the outdoor communal open space area are restricted to between 8:00am to 10:00pm daily.
- 9 All required retaining walls and boundary fencing shall be at the full cost of the property owner/developer. All retaining walls shall be of masonry (or similar) construction (not timber). The materials and colours of any retaining walls and fencing shall match or complement the external materials of the approved development house.
- 10 No garbage waste, dumped goods or bulky waste such as disused or broken furnishings are to stored at the site (unless temporarily placed within the approved bulky waste area for a booked Council collection). All car parking spaces shall be maintained for ongoing use at all times and are not to be used for the storage of goods or unregistered/disused vehicles and the like.
- 11 The owner/manager of the boarding house is to ensure that the surrounds of the building and street front verge are neat, tidy and free from litter at all times.
- 12 Louvres shall be provided to the skylight within the common area **prior to the issue of a Construction Certificate.**
- 13 In order to prevent overlooking to the adjoining properties to the east, louvres shall be provided to windows along the first floor of the eastern façade and screening be provided to the balconies of the first floor along the eastern façade. Details shall be shown on the Construction Certificate Plans.
- 14 Boarding house management shall be available at a mutually convenient time, at the invitation of Penrith City Council and/or the NSW Police, to discuss and action agreed community safety, security or other issues in conjunction with other local stakeholders in the area should the need arise.
- 15 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented prior to the issue of an Occupation Certificate and/or in perpetuity:

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. Specifically:
 - The rear at-grade car park, and all entry/exit points into the building and the amenities accessible from this car park, must be well lit.
 - There must be sufficient under awning lighting provided at the pedestrian entry point off Day Street. Relying on light spill from the surrounding street light poles is not sufficient.

Car Parking

- A security system must be installed on any pedestrian and vehicle entry/exit points to the basement car park, including the lift and stairwell, to minimise opportunities for unauthorised access.
- All areas of the car parks (both basement and at-grade) must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured..
- 'Alcohol free' signage shall be provided within the carpark areas.

Building Security & Access Control

- Intercom, code or card locks or similar must be installed for all entries to the building including to the basement car park, to the amenities located in the rear at-grade car park and to the waste storage

rooms.

- Australian Standard 220 – door and window locks must be installed in all boarding rooms.
- CCTV is to be provided to cover communal public space areas in the building and the car park. Cameras must be of sufficient standard to be useful for police in the event of criminal investigations. Lighting must be provided to support cameras at night (alternatively infra-red cameras are recommended). Signage must be displayed to indicate that CCTV cameras are in use.
- A monitored alarm system must be provided to the common areas of the building.

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 building, fencing and common areas. This includes reporting incidents to police and/or relevant authorities.

Entrances

- The main entry into the building off Day Street must be clearly visible and legible to users. It must be well lit and must allow users to see into the building prior to entering.

- 16 **Prior to the issue of an Occupation Certificate**, access cards/key locks installed on all access points including the lift must be programmed to ensure access for residential and retail staff is suitably controlled to prevent retail staff from accessing residential areas.

Demolition

- 17 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**.

- 18 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 portaloos 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 Environment Protection Authority to receive asbestos wastes.

- 19 Dust suppression techniques are to be employed during demolition works to reduce any potential nuisances

to surrounding properties.

- 20 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 21 All demolition works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:
 - 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.

In the event that the construction works relates to work inside the building and does not involve external walls or the roof, and do not involve the use of equipment that emits noise, then the 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

- 22 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.
- 23 Cut and fill operations on the property are only permitted in conjunction with the building works as detailed on the approved plans and specifications, and shall not extend more than 2 metres past the defined building footprint.

Before any fill material is imported to site, a validation certificate issued by an appropriately qualified person is to be provided to the Principal Certifying Authority. The validation certificate must demonstrate that the fill material is free from contaminants and weeds, that it is suitable for its intended purpose and land use, and that it will not pose an unacceptable risk to human health or the environment.

If Penrith City Council is not the Principal Certifying Authority, a copy of the validation certificate is to be submitted to Council for their reference.

{Note: Penrith Development Control Plan 2014 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, soilscience, 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."}

- 24 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.
- 25 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.

- 26 Noise levels from the premises shall not exceed the relevant noise criteria detailed in the document titled '*Proposed Boarding House: 30 Day Street, Colyton*', prepared by Wilkinson Murray (reference: 17290 v. A, dated: 22 November 2017). 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.

- 27 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 28 The recommendations and proposed construction management practises detailed in the approved Construction Noise and Vibration Management Plan prepared by Wilkinson Murray dated: 11 April 2018, reference: 17290R2 version A are to be implemented and adhered to at all times during the excavation and construction phases of the development.
- 29 Where an intruder alarm is installed on the premises, it shall be fitted with a timing device in accordance with the requirements of the *Protection of the Environment Operations Act 1997*.
- 30 In the event of Council receiving complaints in regard to excessive noise, the person in control of the premises shall at their own cost arrange for an acoustic report (prepared by a suitably qualified person) and submit a report to Council specifying the proposed methods for control of noise emanating from the premises.
- 31 The following waste management requirements must be complied with and details of compliance demonstrated **prior to the issue of a Construction Certificate**:

a) The Commercial Waste Area is to have internal dimensions of 4.2m long by 3.3m wide and incorporate 1.8m wide outwards opening dual doors (remove roller door).

Prior to the issue of an Occupation Certificate, the following requirements shall be satisfied:

- a) The Waste Collection Area, Bulky Household Goods Area and Commercial Waste Area are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing is to be installed to support the use of hose facilities.
- b) The Waste Collection Area, Bulky Household Goods Area and Commercial Waste Area are to implement

a combination or similar lock system to restrict non-resident/commercial access to the respective waste areas.

c) The Waste Collection Area and Bulky Household Goods Area lock systems are to incorporate an abloy key override to allow Council's Waste Collection Contractors to access the respective areas for collection. The lock system number is 5OL092 and can be arranged through Olympic Lock Smiths (Unit 28/56 Buffalo Rd, Gladesville NSW 2111 - Phone: 1300 303 045).

32 **Prior to the issue of an Occupation Certificate** the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. This is to include Council being provided with indemnity against claims for loss 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 Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

BCA Issues

33 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.

34 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

- 35 The rainwater tanks must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.
- 36 The boarding house is to be operated in accordance with the requirements set out under the *Local Government (General) Regulation 2005, Clause 83 and Schedule 2 - Standards Enforceable by Orders, Part 1 – Standards for Places of Shared Accommodation*.
- 37 The boarding house is to be operated in accordance with the requirements set out under the Public Health Regulation 2012.
- 38 The boarding house is to be operated in accordance with the requirements set out under the Boarding House Act 2012 and Regulation.
- 39 The boarding house proprietor is required to register the boarding house, as a “general” boarding house on the register administered by the NSW Department of Fair Trading within 28 days from commencement of operation of the boarding house.
- 40 Council must be contacted within 12 months of the boarding house being registered to arrange an initial compliance investigation. A fee may apply. The purpose of the investigation is to check compliance with planning, building and fire safety regulations and shared accommodation standards under the *Environmental Planning and Assessment Act 1979, Local Government Act 1993* and the *Public Health Act 1991*.

Prior to the issue of an Occupation Certificate, Council must be advised in writing of the business name, address, owner or company name, 24 hour contact details for the site caretaker and the maximum number of occupants for the premises. The caretaker must be contactable 24 hours per day.

- 41 A sharps container must be provided on the premises that complies with AS 4031-1992.
- 42 A cleaner's room must be provided that includes a cleaner's sink with hot and cold running water, an area for the safe storage of chemicals, and room for the storage of cleaning equipment. Residents must have available for their use cleaning equipment such as vacuums, mops and brooms to maintain their rooms in a clean and hygienic condition.
- 43 Each room must be provided with an appropriate and operating washing machine and clothes dryer. The boarding house or business owner must repair or replace equipment as required.
- 44 The premises must be used as a boarding house as defined in Section 516(1A) of the *Local Government Act 1993*, being a building wholly or partly let as lodgings in which each letting provides the tariff-paying occupant with a principal place of residence.

Should a land tax exemption be awarded, each tariff charged must not exceed the maximum tariff for each room in the boarding house for the period being determined by the Minister by order published in the Government Gazette. Information concerning the current maximum tariffs is available from the NSW Government Office of State Revenue.

- 45 In accordance with the provisions of Clause 52 of *State Environmental Planning Policy (Affordable Rental Housing) 2009* and *Penrith Development Control Plan 2014*, the boarding house cannot be strata subdivided.

- 46 No approval is granted by the consent for the sub-leasing of car parking spaces.
- 47 The Plan of Management prepared by Millennium Design Consultants Pty Ltd (April 2017) shall be amended and submitted to Penrith City Council for approval prior to the issue of an Occupation Certificate. The amended Plan of Management shall address the following matters:
- a) Waste minimisation, recycling and collection arrangements, including the servicing of 'sharps' and sanitary napkin receptacles.
 - b) A pest management program including: frequency of pest service, maintenance and cleaning, area of service, time of service, sighting of pests and a response plan, reporting, methods of treatment and approved products and chemicals. Specific consideration in the plan needs to be given to bed bugs particularly in regard to monitoring and a response plan should they be identified. The plan shall clearly indicate how, and in what timeframe, pests should be eradicated and what measures will be put in place to prevent the further harbourage of pests.
 - c) The Plan of Management should include a minimum room furnishing list and include detail on the condition of furnishings and the process for replacing furnishings when required, such as how and when a resident can have a mattress replaced. The list might include such things as: bed and bed size, wardrobe, mirror, table and chair, night light, waste container, curtains or blinds, phone line, microwave, washing machine and dryer, refrigerator etc.
 - d) A cleaning and sanitation program should be developed and included in the Plan of Management that includes written cleaning schedules and cleaning procedures.

The schedule and procedures shall cover all areas external to occupied resident's rooms but should include the room clean when a room is vacated.

The following shall also be addressed in the procedures: how cleaning and sanitising is conducted, frequency of cleaning and sanitising, use of chemicals, cleaning chemical and sanitising solution strengths, record keeping of cleaning and sanitising and signing off on cleaning and sanitising.

- e) The Plan of Management shall also state that boarding house residents will be provided with information on how to address maintenance issues relating to the common areas of the property. The information shall be provided when a resident moves in and when the managing agent changes. The information shall include the managing agent's contact details.

Utility Services

- 48 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.

- 49 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.

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

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

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

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

Construction

- 51 Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

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

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

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

All construction signage is to be removed when the Occupation Certificate has been issued for the development.

52 Prior to the commencement of construction works:

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

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

53 **Prior to the issue of the Construction Certificate**, an amended Construction Waste Management Plan is to be submitted to Council for approval.

This Plan is to address all waste materials generated during the demolition and construction phases of the development, including details of the proposed waste volumes, proposed material reuse during construction works, on site storage and management, designated waste contractors and waste facilities.

The Construction Waste management Plan is to demonstrate compliance with the provisions outlined in Section C5.1 of the Penrith DCP 2014 with regard to the reuse of materials onsite. Any waste materials that are unsuitable for onsite reuse or recycling are to be lawfully disposed of at a suitably licensed waste management facility.

The approved Construction Waste Management Plan must be implemented and adhered to on site, with supporting documentation / receipts retained in order to verify the disposal of materials in accordance with the approved Plan.

54 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.

55 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.

56 The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

57 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.

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

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

Other construction works carried out inside a building/tenancy that 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.

59 The Construction Certificate must be accompanied by certification from an accredited Access Consultant confirming that the adaptable rooms are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009).

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

- (a) Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the relevant requirements of the NCC; and
- (b) Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC as proposed and as built.

Engineering

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

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

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

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

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

- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)

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

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

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

Note:

- a) Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- b) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

- 64 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Roger E. Dohnt, job number 16450, revision C, dated 17/05/2018.

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments Policy.

- 65 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater drainage system for the basement car park has been designed in accordance with the requirements for pumped systems in AS 3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).
- 66 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring and 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 the commencement of any works on-site (including demolition works) and/or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.
- 68 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that a geotechnical investigation, report and strategy has been conducted to ensure the stability of the Council infrastructure and

surrounding developments. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Roads and Maritime Services, as amended. The applicant shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority, the dilapidation report shall be submitted to Council prior to Construction Certificate issue and then updated and submitted prior to any Occupation Certificate issue confirming no damage has occurred.

- 69 Prior to commencement of any works associated with the development, 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 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

- 70 All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.
- 71 Prior to the issue of any Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 72 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 Penrith City Council is not the Principal Certifying Authority.

- 73 Prior to the issue of any Occupation Certificate, directional signage and linemarking shall be installed indicating required directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 74 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.

Landscaping

75 All landscape works are to be constructed in accordance with the stamped approved plans.

Landscaping shall be maintained:

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

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

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

77 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 suitably qualified and experienced landscape professional.

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.

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.

78 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 2014.

79 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.

80 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 Penrith Development Control Plan 2014.

81 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.

Certification

82 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

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

83 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:	Lauren Van Etten
Signature:	

For the Development Services Manager