

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA14/1182
Description of development:	Two Residential Flat Buildings - Four (4) Storey Building & Seven (7) Storey Building with Associated Basement Car Parking & Landscaping
Classification of development:	Class 2 , Class 7a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1196 DP 1171491
Property address:	1196 Sydney Smith Drive, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Thornton North Penrith Pty Ltd C/- Urbis GPO Box 5278 SYDNEY NSW 2001
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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	11 February 2015
Date the consent expires	11 February 2017
Date of this decision	6 February 2015

POINT OF CONTACT

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

Assessing Officer:	Clare Aslanis
Contact telephone number:	(02) 4732 8195

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 tabled below and stamped approved by Council, the application form, the BASIX Certificate and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

Architectural Plans

Plan	Numbered	Issue	Drawn By	Dated
Site Analysis	DA02-1000	A	dKO Architecture	17 September 2014
Site Plan	DA02-1100	A	dKO Architecture	17 September 2014
Ground Floor Plan	DA02-2100	A	dKO Architecture	17 September 2014
First Floor Plan	DA02-2101	A	dKO Architecture	17 September 2014
Second Floor Plan	DA02-2102	A	dKO Architecture	17 September 2014
Third Floor Plan	DA02-2103	A	dKO Architecture	17 September 2014
Fourth Floor Plan	DA02-2104	A	dKO Architecture	17 September 2014
Fifth Floor Plan	DA02-2105	A	dKO Architecture	17 September 2014
Sixth Floor Plan	DA02-2106	A	dKO Architecture	17 September 2014
Seventh Floor Plan	DA02-2107	A	dKO Architecture	17 September 2014
Eighth Floor Plan	DA02-2108	A	dKO Architecture	17 September 2014
Roof Plan	DA02-2109	A	dKO Architecture	17 September 2014
Basement 1 Floor Plan	DA02-2110	A	dKO Architecture	17 September 2014
Elevations 1 Plan	DA02-3000	A	dKO Architecture	17 September 2014
Elevations 2 Plan	DA02-3001	A	dKO Architecture	17 September 2014
Elevations 3 Plan	DA02-3002	A	dKO Architecture	17 September 2014
Sections Plan	DA02-3100	A	dKO Architecture	17 September 2014
Perspectives Plan	DA02-5000	A	dKO Architecture	17 September 2014
Perspectives Plan	DA02-5001	A	dKO Architecture	17 September 2014
Perspectives Plan	DA02-5002	A	dKO Architecture	17 September 2014
External Finishes Schedule	DA02-5003	A	dKO Architecture	17 September 2014
External Finishes Schedule 2	DA02-5004	A	dKO Architecture	17 September 2014

Landscape Plans

Plan	Numbered	Issue	Drawn By	Dated
Master Plan	4 of 16	A	Urbis	15 September 2014
Design Statement	6-8 of 16	A	Urbis	15 September 2014
Site Analysis Plan	9 of 16	A	Urbis	15 September 2014
Landscape Plan	10 of 16	A	Urbis	15 September 2014
Typical Landscape Sections	11 of 16	A	Urbis	15 September 2014
Indicative Planting Strategy	12 of 16	A	Urbis	15 September 2014
Indicative Planting Palette	13 of 16	A	Urbis	15 September 2014
Indicative Planting Palette	14-15 of 16	A	Urbis	15 September 2014
Materials Strategy	16 of 16	A	Urbis	15 September 2014

BASIX Commitment Plans

Plan	Numbered	Issue	Drawn By	Dated
Ground Floor Plan	SK01-2100	C	dKO Architecture	12 September 2014

Level 1 Plan	SK01-2101	C	dKO Architecture	12 September 2014
Level 2 Plan	SK01-2102	C	dKO Architecture	12 September 2014
Level 3 Plan	SK01-2103	C	dKO Architecture	12 September 2014
Level 4 Plan	SK01-2104	C	dKO Architecture	12 September 2014
Level 5 Plan	SK01-2105	C	dKO Architecture	12 September 2014
Level 6 Plan	SK01-2106	C	dKO Architecture	12 September 2014
Level 7 Plan	SK01-2107	C	dKO Architecture	12 September 2014
Level 8 Plan	SK01-2108	C	dKO Architecture	12 September 2014
Roof Plan	SK01-2109	C	dKO Architecture	12 September 2014
Basement 1	SK01-2110	C	dKO Architecture	12 September 2014
Elevations Plan	SK01-3000	C	dKO Architecture	12 September 2014
Elevations Plan	SK01-3001	C	dKO Architecture	12 September 2014
Perspectives Plan	SK02-5000	C	dKO Architecture	12 September 2014
Perspectives Plan	SK02-5001	C	dKO Architecture	12 September 2014
Perspectives Plan	SK02-5002	C	dKO Architecture	12 September 2014
External Finishes Schedule	SK02-5003	C	dKO Architecture	12 September 2014
External Finishes Schedule	SK02-5004	C	dKO Architecture	12 September 2014

Stormwater Management Plans

Plan	Numbered	Issue	Drawn By	Dated
Drainage Ground Floor Plan	DA-STW-04	B	LP Consulting	18 September 2014
Drainage Basement 1 Plan	DA-STW-05	B	LP Consulting	18 September 2014

2 **The development shall not be used or occupied until an Occupation Certificate has been issued.**

3 A **Construction Certificate** shall be obtained prior to commencement of any building works.

4 **Prior to the issue of an Occupation Certificate**, the following Crime Prevention Through Environmental Design matters shall be satisfied:

(i). Lighting

a) All internal and external areas of the development must be lit in accordance with Australian Standard 1158. This includes internal foyers, corridors, basement car parks and building entry points. All pedestrian paths and any other areas throughout the development that are intended to be used at night shall be lit to allow appropriate levels of visibility.

(b) Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas.

(c) Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site being traversed.

(d) All lighting within the external areas of the development in particular must be vandal resistant.

(e) Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.

(ii). Fencing

(a) Fence design should maximise natural surveillance from the street to the building and from the building to the street, and minimise the opportunities for intruders to hide.

(b) Front fences should preferably be no higher than 1.2 metres. Where a higher fence is proposed, it shall be constructed of open materials (e.g. spaced pickets, wrought iron etc).

(iii). Basement Car Parking

(a) All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.

(b) Signage must be in place to clearly identify exit and access points, the location of lifts and stairwells.

(c) All surfaces in the car park should be painted in light coloured paint or finished in light coloured concrete to reflect as much light as possible.

(iv). Entrapment Spots & Blind Corners

(a) Pathways should be direct. All barriers along pathways should be permeable including landscaping and fencing.

(v). Communal/Public Areas

(a) All common areas, in particular the internal courtyard located in the middle of the development, should be easily seen and well lit, and free of any obstructions including landscaping that may impede an onlooker's view of the space from adjacent apartments.

(vi). Entrances

(a) Entrances to the apartment blocks as well as the communal spaces need to be clearly visible and legible to users through design features and signage.

(b) Each building entry should clearly state the unit numbers accessed from that entry.

(c) Signage must be clearly displayed at the entry to the development to define the development as private property.

(vii). Building Security & Access Control

(a) Access to all pedestrian, vehicle entry points and common areas designed to only be used by residents must be managed by a security system (swipe card, sensors, etc) to minimise opportunities for unauthorised access.

(b) Australian Standard compliant door and window locks should be installed in all dwellings, including doors onto balconies.

(c) Viewers should be installed on entry doors to apartments to allow residents to see who is at the door before it is opened.

(viii). Graffiti/Vandalism

(a) Graffiti resistant coatings must be used to external surfaces where possible, including signage, fencing, rendered surfaces at lower levels, furniture, retaining walls, etc.

(b) 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

- 5 Prior to the issue of a Construction Certificate, the land to which the development consent relates shall be registered at the Land and Property Information division of the Department of Lands.

Following registration of the subdivision the applicant is to demonstrate compliance with any restrictions on the use of the land arising from the 88B instrument that impact on the approved plans. The documentation shall be submitted to the Principal Certifying Authority for consideration and approval prior to the issue of a Construction Certificate.

- 6 **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.
- 7 **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.
- 8 The basement car park associated with DA14/1181 and DA14/1182 shall be built concurrently and completed prior to the issue of an Occupation Certificate for either development.
- 9 Each 2 and 3 bedroom unit shall be allocated a minimum of 1 car parking space.

- 10 All relevant works in DA14/1181 required to facilitate the approved development shall be satisfactorily completed prior to the issue of an Occupation Certificate.

Environmental Matters

- 11 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.
- 12 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.
- 13 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.

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

- 15 The Construction Certificate plans shall demonstrate compliance with the following waste management requirements:

- (a) The bin collection bay located on the ground floor shall be large enough to accommodate 77 x 240 litre bins.
- (b) The development shall provide a bulky waste storage area of 23m².
- (c) The recycling chute shall achieve adequate fire safety measures.

BCA Issues

- 16 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.

- 17 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.
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- 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.
- 18 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

- 19 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.
- 20 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

- 21 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.

22 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.

23 Garbage rooms within the 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.

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

25 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 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.
- 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.

26 The catchment area (for the rainwater tanks) 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.

27 The rainwater tanks supply must not be connected to drinking and bathing water tap outlets.

28 The rainwater tanks 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.

29 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

- 30 A total of 141 off-street parking spaces for DA14/1181 and DA14/1182 are to be provided, linemarked and maintained for the development. The parking space dimensions and manoeuvring areas are to comply with AS 2890.1, AS 2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 141 spaces, 14 parking spaces for persons with disabilities are to be provided in accordance with AS 1428.1 and are to be located close to all pedestrian accessways to the buildings.

- 31 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.

- 32 **Prior to the issue of a Construction Certificate**, a S138 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:

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

- 33 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by LP Consulting, reference number 0295000, revision B, dated 18.09.2014.

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

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

- 34 **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, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
- 35 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 36 All car parking and manoeuvring must be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements
- 37 At least one car wash bay is to be provided for each development DA01 and DA02. Details are to be provided as part of the Construction Certificates.
- 38 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage
- 39 *Secure bicycle parking in convenient location shall be provided in accordance with Australian Standard AS2890.3:1993 Bicycle Parking Facilities.*
- 40 Subleasing of car parking spaces is not permitted by this Consent
- 41 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)
- 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 been undertaken have been satisfactorily completed.
- Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings
- 42 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)
- 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
- 43
- Prior to the issue of Construction Certificate the Certifying Authority shall ensure the proposed development is compatible with the stormwater treatment recommendations of the North Penrith Stages 2B - 3B Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince, reference 9470Rpt1B dated 17 October 2012.

Details on the location and sizing of rainwater tanks for the proposed development, including harvested rainwater reuse information, is to be submitted to Council prior to Construction Certificate in line with the requirements of Council's Water Sensitive Urban Design Policy 2013

Landscaping

- 44 All landscape works are to be constructed in accordance with the stamped approved plans and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Council's Landscape 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.

- 45 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category [3] landscape works.
- 46 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 listed in Council's Approved Landscape Consultants Register as 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 listed in Council's Approved Landscape Consultants Register as 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 listed in Council's Approved Landscape Consultants Register as suitable to design category (3) landscape works.

iv 3 Year Landscaping Report (category 3 developments) 3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as 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 this 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.

- 47 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.
- 48 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.
- 49 Any raised lawn / turf areas that can be accessed for use, such as sitting or lying or play, shall also be accessible for people with a disability.

All seating areas shall be inclusive: in the communal courtyard areas, seating with backs and armrests shall be provided (a minimum of 40% of all potential seating is preferred); and spaces shall be provided adjacent to seats (not in front of seats) to accommodate people in wheelchairs.

50

Eucalypts and Acacias are not approved as street trees or trees within carparking areas. A minimum of 75L pot size is required to be planted for all trees.

Section 94

- 51 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, \$119,476.00 is to be paid to Council by Urban Growth NSW prior to a Construction Certificate being issued for DA14/1182 (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.

Payment of Fees

- 52 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 53 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

Certification

- 54 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the buildings. 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, or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

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

- 55 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:	Clare Aslanis
Signature:	

For the Development Services Manager