

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0335
Description of development:	Demolition of Existing Structures, Construction of Five (5) Storey Residential Flat Building Containing 30 Apartments & Two (2) Levels of Basement Car Parking & Land Remediation Works
Classification of development:	Class 2 , Class 7a

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot A DP 355720 Lot 1 DP 510281 Lot A DP 324069
Property address:	28 Evan Street, PENRITH NSW 2750 30 Evan Street, PENRITH NSW 2750 32 Evan Street, PENRITH NSW 2750

### DETAILS OF THE APPLICANT

Name & Address:	Morson Group Pty Ltd PO Box 170 POTTS POINT NSW 1335
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### DECISION OF CONSENT AUTHORITY

In accordance with Section 2.17 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation in attachment 1.

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

Date from which consent operates	10 July 2020
Date the consent expires	10 July 2025
Date of this decision	24 June 2020

## POINT OF CONTACT

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

Assessing Officer:	Paul Anzellotti
Contact telephone number:	+612 4732 8606

## NOTES

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### **Reasons**

The conditions in the attached schedule have been imposed in accordance with Section 4.17 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 Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

### **Appeals in the Land and Environment Court**

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

### **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 56 days after the date of this notice.

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 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### **Sydney Western City Planning Panels**

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 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 plans and documents, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and documents and by the following conditions.

Doc No.	Issue	Title	Prepared By	Date
<b>Architectural Plans</b>				
DA03	A	Demo Plan	Morson Group	12 May, 2019
DA04	D	Site Plan	Morson Group	20 May, 2020
DA05	E	Ground Level	Morson Group	20 May, 2020
DA06	D	Level 1	Morson Group	20 May, 2020
DA07	D	Level 2	Morson Group	20 May, 2020
DA08	D	Level 3	Morson Group	20 May, 2020
DA09	E	Level 4	Morson Group	26 May, 2020
DA11	D	Roof	Morson Group	20 May, 2020
DA12	C	Basement 1	Morson Group	4 May, 2020
DA13	C	Basement 2	Morson Group	4 May, 2020
DA14	D	Section 1 - Cross Section	Morson Group	20 May, 2020
DA15	E	Section 2 - Long Section- Waste Bay	Morson Group	20 May, 2020
DA16	D	Section 3 - Common Open Space	Morson Group	20 May, 2020
DA17	E	Section 4 - Long Section 2	Morson Group	20 May, 2020
DA18	E	Section 5 - Parking Ramp	Morson Group	20 May, 2020
DA19	E	Section 6 - Waste Room Section	Morson Group	20 May, 2020
DA20	G	West Elevation	Morson Group	3 June, 2020
DA21	G	East Elevation	Morson Group	3 June, 2020
DA22	F	North Elevation	Morson Group	3 June, 2020
DA23	F	South Elevation	Morson Group	3 June, 2020
DA28	B	Detailed Section	Morson Group	30 October, 2019
DA36	B	Fence Details	Morson Group	4 May, 2020
<b>Stormwater Plans all Job No. 180276</b>				
D00	C	Cover Sheet, Legend & Drawing Schedule	LAM Consulting Engineers	10 September, 2019
D01	C	Basement 2 Stormwater Drainage Plan	LAM Consulting Engineers	17 April, 2019
D02	C	Basement 1 Stormwater Drainage Plan	LAM Consulting Engineers	1 October, 2019
D03	F	Ground Floor Stormwater Drainage Plan	LAM Consulting Engineers	16 October, 2019
D09	D	Catchment Plan and MUSIC Model Results	LAM Consulting Engineers	10 September, 2019
D10	D	Stormwater Drainage Sections & Details Sheet 1	LAM Consulting Engineers	10 September, 2019
D11	F	Stormwater Drainage Sections & Details Sheet 2	LAM Consulting Engineers	16 October, 2019

D12	C	Stormwater Drainage Sections & Details Sheet 3	LAM Consulting Engineers	1 October, 2019
D13	A	Stormwater Longitudinal Section	LAM Consulting Engineers	10 September, 2019
D15	A	Erosion Control and Sediment Plan Sheet 1	LAM Consulting Engineers	26 February, 2019
D16	A	Erosion Control and Sediment Plan Sheet 2	LAM Consulting Engineers	26 February, 2019
<b>Landscape Plans all Reference No. LPDA 19 - 134</b>				
1	J	Landscape Plan	Conzept Landscape Architects	9 December, 2019
2	I	Hardscape Plan	Conzept Landscape Architects	18 October, 2018
3	A	Tree Root Section & Tree Planting Standard	Conzept Landscape Architects	18 October, 2019
4	I	Specification & Detail	Conzept Landscape Architects	18 October, 2019

- Remediation Action Plan prepared by SESL Australia, Reference No. J002300, Revision No. 1.1, Document Version 1.1 Final, dated 18 December, 2019;
- Traffic Noise Assessment prepared by Rodney Stevens Acoustics, Reference No. R190405R3, Revision 2, dated 5 December, 2019;
- Construction Noise and Vibration Management Plan prepared by Rodney Stevens Acoustics, Reference No. R190405R3, Revision 1, dated 5 December, 2019;
- Geotechnical Investigation Report prepared by Morrow Geotechnics Pty Ltd, Reference No. P1738\_01, dated 9 September, 2019;
- Access Report prepared by Vista Access Architects, Project Reference No. 19024, Issue A, dated 10 April, 2019 as amended by Condition **21** of this Consent;
- Stormwater Quality Report prepared by LAM Consulting Engineers, Reference No. 180276.R4, Revision 4, dated 1 October, 2019;
- Flood Risk Management Report prepared by LAM Consulting Engineers, Reference No. 180276.R1, Revision 1, dated 2 May, 2019;
- Basix Certificate No. 889228M\_02, dated 13 May, 2019 as amended by Condition **16** of this Consent; and
- Waste Management Plan accompanying the application.

2 Lot A in Deposited Plan 324069, Lot A in Deposited Plan 355720 and Lot 1 in Deposited Plan 510281 are to be consolidated as one lot.

**Prior to the issue of an Occupation Certificate** for the development, a copy of the registered plan of consolidation from Land Registry Services is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council (if Council is not the PCA).

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

**4 Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting must be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting must be the minimum level of illumination necessary for safe operation and comply with AS 4282 "Control of the obtrusive effects of

outdoor lighting" (1997).

- 5 A **Construction Certificate** must be obtained prior to commencement of any building works.
- 6 **Prior to the issue of an Occupation Certificate**, a security roller shutter door is to be provided to the car parking entry and garbage truck/loading bay from Evan Street.
- 7 Construction and demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
  - Mondays to Fridays, 7am to 6pm
  - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
  - No construction work is permitted on Sundays and Public Holidays.

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

- 8 Prior to the erection of any crane or any temporary construction structure at a height greater than the roof of the subject development, written notice shall be provided to Council and the Nepean Blue Mountains Local Health District at least 21 days prior to the erection, indicating at least the following:
  - Name of responsible company and relevant contact details.
  - Dimensions (height, length, etc.).
  - Position and orientation of boom/jib and counterboom/jib.
  - Length of time that such a crane or structure will be erected on site.
  - The management plan and measures that will ensure that the crane or structure will be of least possible impact on flight operations for Ambulance NSW.

Any crane or any temporary construction structure erected at a height greater than the roof of the subject development shall comply with the following:

- A medium intensity, steady red lighting positioned at the highest point and both ends of the boom/jib and counterboom/jib, so that such lighting will provide an indication of the height of the crane and the radius of the crane boom/jib. Such lighting, which should be displayed at night, should be positioned so that when displayed it is visible from all directions.
  - When a crane is unattended for an extended period of time ensure the crane's boom is retracted and lowered as far as possible.
  - No part of the crane or structure shall extend beyond the boundaries of the development site unless approved by Penrith City Council in consultation with the Nepean Blue Mountains Local Health District. Any encroachment beyond the boundaries of the subject site shall be the minimum amount required to facilitate construction and access all parts of the construction site.
- 9 The external walls of the building (including any 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 (both as proposed and as built).

- 10 In the event that a hydrant booster is necessary to service the approved development, the booster shall be integrated into the design of the development. **Prior to the issue of a Construction Certificate**, Council shall be consulted regarding the proposed location of the booster, (as the location of the booster may impact on other services and buildings, driveway or landscape design). Confirmation will also be required with regard to any heat shield or other such structures required to be installed with the booster.
- 11 **Prior to the issue of a Construction Certificate**, plans and details of all required boundary fencing, courtyard fencing and retaining walls shall be submitted to the Development Services Manager of Penrith City Council for approval. The fencing type(s) shall be consistent with the controls for fencing for residential flat buildings as outlined in Penrith Development Control Plan 2014. Timber retaining walls are not permitted.
- 12 **Prior to the issue of an Occupation Certificate**, all required boundary fencing, courtyard fencing and retaining walls shall be constructed (at full cost to the applicant/developer).
- 13 **Prior to the issue of a Construction Certificate**, a design verification statement must be obtained from a qualified designer shall be submitted to the PCA. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the approved development, having regard to the design quality principles set out in Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 14 **Prior to the issue of an Occupation Certificate**, a design verification statement from a qualified designer shall be submitted to the PCA. The design verification statement is to 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 Schedule 1 of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.
- 15 **Prior to the issue of a Construction Certificate**, the design recommendations of the 'DA Access Report', prepared by Vista Access Architects, Project Reference No. 19024, Issue A, dated 10 April, 2019 shall be incorporated into the Construction Certificate plans.
- 16 **Prior to the issue of a Construction Certificate**, a revised BASIX Certificate reflecting the final approved plans is to be submitted to the nominated Certifying Authority.
- 17 All mechanical ventilation equipment, including ducts, air conditioner services and the like must be shown on the Construction Certificate documentation as being contained within the approved buildings. Any gutters and down pipes shall be integrated into the architecture of the buildings. Any plant or unsightly structures installed on the rooftop must be screened from view.
- 18 A minimum of four (4) apartments shall be constructed as adaptable apartments to meet the requirements for persons with a disability and in accordance with the stamped approved plans. The adaptable units shall each be allocated an accessible car parking space compliant with AS 2890.6.

**The Construction Certificate application must be accompanied by certification** from a person suitably qualified by the Association of Consultants in Access Australia confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299-2009). A Compliance Certificate in this regard, shall be provided **prior to the issue of an Occupation Certificate**.

- 19 This building work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the *Home Building Act*.
- 20 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority is to be provided with written confirmation from the NSW Department of Primary Industry confirming that works approved under this consent do not require their advice or a Controlled Activity Approval (CAA).

Advisory note:

In the case where site conditions vary from that identified within the Geotechnical Report, as a result of further investigations or during the construction works, the advice of the Department of Primary Industries is to be sought as to whether a CAA is required and if so, the necessary approvals are obtained and complied with throughout the works.

- 21 **Prior to the issue of a Construction Certificate**, the Access Report prepared by Vista Access Architects, Project Reference No. 19024, Issue A, dated 10 April, 2019 provided as part of Condition 1 is to be amended so as to identify a minimum of six (6) apartments being capable of providing compliance with the features of Silver level of Livable Housing Guidelines as required by Objective 4Q-1 of the Apartment Design Guide.
- 22 **Prior to the issue of an Occupation Certificate**, a passenger traffic signal system in conjunction with the movement of any garbage waste collection vehicle is to be provided for to Basement Level 1 as identified by Drawing No. DA12 'Basement 1' prepared by Morson Group, Issue C, dated 4 May, 2020.
- 23 **Prior to the issue of an Occupation Certificate**, an additional 300mm high screening is to be provided along the northern boundary alongside the entire length of the paved communal outdoor bbq area. The additional screening is to be provided in a material as per the boundary fencing.
- 24 **Prior to the issue of an Occupation Certificate**, the bottom half of all glazed full length openings (being the fixed glass panel to a height of 1.3m) for all units and to the lobby area on each level along the southern elevation is to be provided in obscured glazing.
- 25 **Prior to the issue of a Construction Certificate**, details of the pergola provided along the northern boundary of the communal open area over the bbq and seating area are to be provided to the Certifying Authority. The pergola is to be constructed in a light weight timber material.
- 26 **Prior to the issue of an Occupation Certificate**, all street trees are to be provided as identified on the landscape plan forming part of Condition 1 of this consent.
- 27 The following community safety and crime prevention through environmental design (CPTED) requirements are required to be implemented:

**Lighting**

- All outdoor/public spaces including all entry and exit points, throughout the approved development must be lit so as to comply with the minimum Australian Standard of AS 1158. Lighting must be consistent in order to reduce the contrast between shadows and illuminated areas and must comply with AS 4282 - Control of the obtrusive effects of outdoor lighting.

**Basement Car Parking**

- A security system must be installed on any pedestrian and vehicle entry/exit points to the car park, including the lift and stairwell, so as to minimise opportunities for unauthorised access.
- All areas of the car park must be well-lit, with consistent lighting to prevent shadowing or glare.
- Car park surfaces including walls and ceilings are to be light coloured with details included with the **Construction Certificate** application.



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

- Intercom, code or card locks or similar must be installed for all building entries including the car park.
- In order to comply with Australian Standard 220 – door and window locks must be installed in all dwellings and to all courtyard gates which are accessible from the ground floor.
- Lockable gates must be provided on side access points.
- CCTV is to be provided to survey any communal public space areas. Any CCTV footage 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.
- All pedestrian access points into the approved development from Evan Street must be restricted to residents only, by way of security gates with intercom. code or card locks.
- All user/sensor electronic security system, with intercom or swipe card access or alternate access control measures, must be installed to any vehicle entry or exit points to the basement car park as well to lifts, stair wells and garbage and storage areas, to limit unauthorised access to these areas.
- All barriers along pathways throughout the development (including fencing, landscaping, etc) must be permeable to eliminate any entrapment spots and blind corners.
- Entrances to the approved development must be easily recognisable through design features and directional signage and be clearly visible and legible to users.
- Letter boxes are to be provided in accordance with that shown on the plans.

### **Graffiti/Vandalism**

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

### **Landscaping**

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

## **Demolition**

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

Any material from the demolition and excavated works must 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**.

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

29 **Prior to commencement of demolition works on site**, a Portaloo with appropriate washing facilities must be located on the site. The Principal Certifying Authority is also 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 must only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

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

30 Dust suppression techniques are to be employed during the carrying out of any demolition works, site excavation and construction activities so as to reduce any potential nuisances to surrounding properties.

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

## Environmental Matters

32 **Prior to the commencement of works on site**, any erosion and sediment control measures must be installed (including the approved clearing of any 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 the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the approved development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that the leaving of mud and soil from vehicular movements to and from the site does not occur during the demolition and construction associated with the construction of the approved development.

33 Site remediation works shall be carried out generally in accordance with the approved Remediation Action Plan 28-32 Evan Street, Penrith NSW prepared by SESL Australia, Ref:J002300, Revision No. 1.1, Document Version 1.1 Final, dated 18 December 2019 as well as the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM 2013) and applicable NSW Environment Protection Authority Guidelines.

An appropriately qualified person/s (as defined below) shall:

- Supervise the remediation works.
- Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
- Address off site impacts and proposed management strategies where relevant.
- Certify by way of a Validation Report that remediation works have been carried out 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 Validation Report to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

On completion of the site remediation works, the following documentation is to be submitted to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted **within 30 days that the said works have been completed.**
- A Validation Report, prepared by an appropriately qualified person as defined below, is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remediation Action Plan, the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM 2013) and relevant NSW Environment Protection Authority requirements.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement.**

{Note: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

34 No fill material shall be imported to the site until such time as a Validation Certificate (which includes a copy of any report forming the basis for the validation) for the fill material has been submitted to Council and the Principal Certifying Authority. The Validation Certificate must:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined below) 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) confirm 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 Development Control Plan 2014) shall:

- Supervise all filling works,
- (On completion of filling works) carry out an independent review of all documents relating to the filling of the site, and submit a "review findings" report to Council and any Principal Certifying Authority,
- Provide a Compliance Certificate or other written documentation to certify that any fill materials have been placed on the site in compliance 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 must 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 to be carried out. In those circumstances the works shall be carried out prior to any further approved works.

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, 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."

- 35 Any 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 2 waste bays or bins (to permit the separation of wastes), and are to be fully enclosed when the site is unattended.
- 36 Any excavated material and other wastes generated by the approved development are to be re-used, recycled or disposed of in compliance with the approved waste management plan.

Any waste materials not specified in the waste management plan are to be disposed of at a lawful waste management facility. Where the disposal locations or waste materials have not been identified in the waste management plan, details of such waste must 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 upon request.

- 37 Noise levels from the premises must not exceed the relevant noise criteria detailed in the Traffic Noise Assessment prepared by Rodney Stevens Acoustics, Report Reference No. 190405R3, Revision 2 and dated 5 December 2019.

The recommendations provided in the above-mentioned acoustic report must be implemented and incorporated into the design and construction of the development, and be **shown on plans accompanying the Construction Certificate application.**

A certificate is to be obtained from a qualified acoustic consultant certifying that the development (including plant and equipment) 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.

- 38 The operating noise levels of any plan and equipment must not exceed 5dB(A) above the background noise level when measured at the sites boundaries. The provision of the Protection of the Environment Operations Act 1997 apply to the development to regulate offensive noise.
- 39 Should any "unexpected finds" occur during site excavation and earthworks, (including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining), works are to cease immediately and Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 55 - Remediation of Land. Should any contamination be found during the construction of the approved development, and if any remediation is required, prior to the commencement of any remediation works, the applicant is to seek development consent for those works from the Council.

- 40 Demolition and construction works are to be carried out in accordance with the Construction Noise & Vibration Management Plan prepared by Rodney Stevens, Report Reference R190405R3, Revision 1, dated 5 December 2019.
- 41 **Prior to the issue of the Construction Certificate**, further details on the type and location of all mechanical plant and equipment associated with the approved development is to be provided to Council for its consideration and approval. Suitable data and information on any noise impacts associated with the use of the plant and equipment, assessed by a qualified acoustic consultant, is to be supplied to demonstrate that the operation of the mechanical ventilation/air-conditioning equipment will comply with the noise criteria established in the Traffic Noise Assessment, prepared by Rodney Stevens, Report R190405R3, Revision 2, dated 5 December 2019.
- 42 **Prior to the issue of the Occupation Certificate**, a Compliance Certificate is to be submitted to the Principal Certifying Authority. The Compliance Certificate is to be prepared by an appropriately qualified acoustic consultant and is to certify that all plant and equipment has been installed to comply with the above information and the noise criteria established in the Traffic Noise Assessment, prepared by Rodney Stevens Acoustics, Report Reference: R190405R3, Revision 2, dated 5 December 2019. This Compliance Certificate for the mechanical plant and equipment may be included in the Compliance Certificate that is required for the development as a whole with respect to certifying that the building has been constructed to meet the noise criteria established in the before mentioned Traffic Noise Assessment.
- 43 No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council's stormwater system. All waste water from the site is to be removed by a licensed transporter and disposed of at an EPA licensed waste facility. All receipts and supporting documentation must be retained in order to verify lawful disposal of waste water and are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to both Council and the Certifying Authority prior to the commencement of works.

- 44 The following waste management requirements must be complied with and details of such compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- All on-site waste collection infrastructure, doors and access points (Waste Chute Room, Waste Collection

Room, Bulky Goods Collection Room) are to be locked through Council's Abloy Key System. System specifications are outlined in Section 3.5.5 of the 'Residential Flat Building Waste Management Guideline' document.

- Operational specification requirements of the proposed traffic control system are to be submitted for review with information outlining how this system will integrate with Council's Abloy key system at points of ingress and egress manoeuvres by Council's heavy rigid waste collection contractors.
- All on-site waste collection infrastructure (Waste Chute Room, Waste Collection Room, Bulky Goods Collection Room) are to provide wash facilities through the use of a centralised mixing valve and hose cock. Respective drainage and water proofing to be installed to support the use of hose facilities.
- Amended swept path models are to be submitted for review in accordance with Section 2.2.3 of the 'Residential Flat Building Waste Management Guideline' document. On-street parking is to be provided for within this modelling.
- The waste collection room is to include 180 degree outwards opening dual doors.
- The waste collection room is to include a 1.8m unobstructed clearance zone between stored bin and the entrance to permit access and manoeuvrability in accordance with Section 3.5.2 of the 'Residential Flat Building Waste Management Guideline' document.
- All on-site infrastructure is to be designed to accommodate the specification of Council's 9.7m heavy rigid waste collection vehicle outlined in Section 2.3.1 of the 'Residential Flat Building Waste Management Guideline' document.

**45 Prior to the issue of an Occupation Certificate**, the following is to be submitted to and approved by Penrith City Council:

- The developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's Waste Collection Service. Under such agreement, the developer is to indemnify the Council against claims for loss and damage. Under the agreement between the Council and the developer for waste collection, any waste collection measures will be required to comply with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. Council's waste collection service will not commence until the agreement between the developer and Council is formalised.
- Council's Waste and Resource Recovery Department are to conduct a site inspection to ensure all on-site infrastructure has been provided to permit a safe and efficient waste collection service.

## BCA Issues

46 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.

47 All aspects of the building design must 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

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](http://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 confirming 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 as identified on the approved architectural and landscape plans), Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate is issued for the development (as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council). Confirmation is to be provided as to whether a blast wall or other protective structure is required.

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 approved development, 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 approved 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 must be obtained from (and submitted to the Principal Certifying Authority) all relevant service providers to confirm that the telecommunications infrastructure is installed in accordance with the requirements of this condition and the relevant legislation in force at the time of construction.



## Construction

51 Stamped plans, specifications, a copy of this development consent, the Construction Certificate and any other Certificates to be relied upon in carrying out the approved development, 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 approved development.

52 Prior to the commencement of construction works:

(a) Toilet facilities on 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 Clothes drying facilities are to be positioned so they are screened from public view.

## Engineering

54 All roadworks, stormwater drainage works, associated civil works and any land dedications, required to be carried out to effect the approved development must be undertaken at no cost to Penrith City Council.

- 55 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around or on or within Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to **prior to the issue of any Construction Certificate**. 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.

- 56 **Prior to the issue of any Construction Certificate**, an application is to be made to Council under Section 138 Roads Act for any works required to be carried out in a public road. Such application is to include payment of any application and inspection fees. 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 granted by Council, 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 or Subdivision Certificate** as applicable.

- 57 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by LAM Consulting Engineers Pty Ltd, Job Number 180276, Sheet D00, Issue C, dated 10 September, 2019, Sheet D01, Issue C, dated 17 April, 2019, Sheet D02, Issue C, dated 1 October, 2019, Sheet D03, Issue F, dated 16 October, 2019, Sheets D09 and D10, both Issue D, both dated 10 September, 2019, Sheet D11, Issue F, dated 16 October, 2019, Sheet D12, Issue C, dated 1 October, 2019, Sheet D13, Issue A, dated 10 September, 2019 and Sheets D15 and D16, both Issue A, both dated 26 February, 2019.

A maintenance manual for the stormwater treatment measures shall be prepared.

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. The rainwater tanks shall be connected for reuse as required by the BASIX 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 Policies.

- 58 **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 with the requirements for pumped systems in AS 3500.3 (or as amended) (Plumbing and Drainage – Stormwater Drainage).
- 59 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan 2014.
- 60 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require approval of the Local Traffic Committee. The CTMP must include, but not be limited to the following:

Vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers.

The CTMP shall be certified by an appropriately accredited person or a Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the approved development and not severely impacted by the construction of this development.

The CTMP must be supported by a traffic control plan, designed to comply with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads.'

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

- 61 **Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for extension of the road drainage system in Evan Street, Penrith.

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

Note:

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

- 62 **Prior to the issue of a Construction Certificate**, the Certifying Authority must ensure that a geotechnical investigation, report and strategy has been carried out to ensure stability of any Council infrastructure and surrounding developments in the immediate vicinity of the site. The geotechnical investigation, report and strategy shall comply with the recommendations contained in the technical direction GTD 2012/001 prepared by the Road and Maritime Services (as amended).

A dilapidation report must be undertaken for all surrounding buildings and any Council owned infrastructure to ensure that no damage occurs as a result of the excavations associated with the approved development. If Council is not the Certifying Authority the dilapidation report must be submitted to Council **prior to Construction Certificate**. The dilapidation report must then be updated and submitted to the Certifying Authority and to Council if it is not the Certifying Authority (to confirm that no damage has occurred) **prior to**

**the issue of any Occupation Certificate.**

- 63 Prior to commencement of any works associated with the approved development, all sediment and erosion control measures shall be installed to comply in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and the 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.

- 64 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf must extend from the back of kerb to the Site's boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

- 65 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.

- 66 **Prior to the issue of an Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation must 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.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 67 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- 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, and
- Any remedial works required to be undertaken have been satisfactorily completed.

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

- 68 **Prior to the issue of an Occupation Certificate**, a restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design measures) must be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development.

- 69 **Prior to the issue of any Occupation Certificate**, a Maintenance Bond is to be lodged with Penrith City Council for extension of the road drainage system in Evan Street, Penrith. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note:

Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information

relating to bond requirements.

- 70 The approved stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development and in compliance with the final operation and maintenance management plan approved under this consent.

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

- 71 **Prior to the issue of an Occupation Certificate**, all residential apartment car parking spaces within the basement levels are to be marked to specific apartments provided for within the approved development. Parking spaces are to be allocated a minimum of one (1) space per each one or two bedroom apartment and two (2) spaces per each three bedroom apartment.
- 72 All car spaces and loading areas are to be sealed or line marked and dedicated for the parking of vehicles only and not to be used for storage of materials, products, waste materials and the like.
- 73 The subleasing of any car parking spaces is not authorised under this consent.
- 74 All vehicles are to enter and exit the site in a forward direction.
- 75 All car parking and manoeuvring must be in accordance with AS 2890.1, AS 2890.2, AS 2890.3, AS 2890.5, AS 2890.6 and Council requirements. This shall include:
- Column location requirements in accordance with AS 2890.1, Section 5.2 – Column Location and Spacing for columns beside car parking spaces.
  - Sight distance requirements in accordance with AS 2890.1 and/or AS 2890.2, Figure 3.2 at access driveways and Figure 3.3 Minimum sight lines for pedestrian safety.
- 76 The Certifying Authority must ensure that as much public parking as possible is to be maintained on Evan Street during construction works. All construction activities associated with the proposed development are to be contained on site. Any temporary construction zones will only be considered on Evan Street on application in exceptional circumstances. Any temporary construction zones required during construction will be the subject to a separate application to the Council and payment of the appropriate fees.
- 77 **Prior to the issue of an Occupation Certificate**, a management plan for waste collection is to be prepared by a suitably qualified traffic engineering consultant to ensure that the procedures for waste collection are carried out when waste collection vehicles service the site.
- 78 Waste service vehicles accessing the site shall be limited to a maximum length of 9.7 metres and a maximum height of 3.006 metres.

## Landscaping

79 All landscape works are to be constructed in accordance with the stamped approved plans as amended by the applicable conditions of this Development Consent and Sections C2 'Vegetation Management' and C6 'Landscape Design' of Penrith Development Control Plan 2014.

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.

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

All plant material associated with the construction of approved landscaping is to be planted in compliance with the Tree Planting Specification prescribed in Penrith Development Control Plan 2014.

81 A Landscape Implementation Report is to be submitted to the nominated consent authority at the appropriate time periods as listed below. This report must be prepared by a suitably qualified and experienced landscape professional.

Upon completion of the landscape works associated with the approved development and **prior to the issue of an Occupation Certificate** for the development, the Landscape 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 Landscape Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Landscape Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

82 All plant material associated with the construction of approved landscaping is to comply with the Tree Planting Specifications prescribed in Penrith Development Control Plan 2014.

83 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.

84 All trees that are approved to be retained are to be protected in compliance with the minimum tree protection standards prescribed in Section C6 'Landscape Design' of Penrith Development Control Plan 2014.

85 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.

86 All trees and landscaping must be maintained in perpetuity to enable them to reach their full maturity potential in healthy growing conditions. This includes mature height, spread and form, consistent with the tree species. Pruning must not alter the natural form and height of trees.

## **Section 94**

87 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$11,340.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contribution Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

88 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$102,617.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

89 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$37,113.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 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 Section 7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

## **Payment of Fees**

90 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.



91 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure must be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## Certification

92 An Occupation Certificate must be obtained from the Principal Certifying Authority upon completion of all works and prior to the occupation of the approved building and the commencement of the approved use. The Occupation Certificate must not be issued if any conditions of this consent, (but not the conditions relating to the operation of the development), have not been complied with, or 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 approved development, any 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.

93 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, comply with this 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 two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation)

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.

## SIGNATURE

Name:	Paul Anzellotti
Signature:	

For the Development Services Manager