

- 2.1 The development must be implemented substantially in accordance with the following plans stamped approved by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions:

Architectural Plans

Description	Drawing No.	Rev	Drawn By	Date
Site Data (all Units)	A16800-DA Sheet 1	B	A & N Design	09/03/2012
Post Development Site Analysis	A16800-DA Sheet 2	B	A & N Design	09/03/2012
Master Plan	A16800-DA Sheet 3	B	A & N Design	09/03/2012
Staging Plan	A16800-DA Sheet 4	D	A & N Design	30/05/2012
Part Site Plans	A16800-DA Sheets 5-16	B	A & N Design	09/03/2012
Streetscapes	A16800-DA Sheets 17-21	B	A & N Design	09/03/2012
Community Buildings	A16800-DA Sheets 22-24	A	A & N Design	14/10/2011
Boundary Section	A16800-DA Sheet 32	B	A & N Design	09/03/2012
Colour Allocations Plan	A16800-DA Sheet 33	B	A & N Design	09/03/2012

Landscaping Plans

Description	Drawing No.	Rev	Drawn By	Date
Landscape Plans	1728 LP00 -LP07	B	John Lock & Associates	14/03/2012

Engineering Plans

Description	Drawing No.	Rev	Drawn By	Date
Engineering Plans	09S706C sheets DA101-DA128	D	Mott McDonald Hughes Trueman	21/03/2012
Civil Engineering Report		B	Mott McDonald Hughes Trueman	14/10/2011

Supporting Documents

Statement of Environmental Effects
Site Compatibility Certificate
Quantity Surveyors Report
Site Survey
Geotechnical Report
Phase 1 Contamination Assessment and Phase 2 Site Classification
Architectural Drawings
Tree Report
Landscape Plan
Traffic Report
Stage 2 Road Safety Audit

Facility Services Statement
BASIX Summary Certificates
Access Report
Acoustic Report
Engineering Drawings
Civil Engineering Report
Infrastructure Report – Water, Sewer and Gas
Infrastructure Report – Electrical Services
Construction Management Plan
Social Impact Assessment
CPTED Report
Waste Management Plan
BCA Report

2.2 The recommendations proposed by the NSW Fire and Rescue Division, Reference No NFB/12773 dated 29 February 2012 are to be implemented for the said development.

2.3 The recommendations proposed by the NSW Police, Reference No D/2012/14698, dated 2 February 2012 are to be implemented for the said development.

2.4 The 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 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as carport, garage, shed, rural shed, swimming pool and the like}.

2.5 Lot 1 in Deposit Plan 1145043 and Lot 1 in Deposit Plan 1130750 are to be consolidated as one lot. Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for stages 3b, 3c and 3d of the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

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

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

2.8 A separate **Construction Certificate** for each stage under Stages 3A, 3B, 3C and 3D as per the amended staging plan, drawing no. A16800-DA Sheet 4,

Rev D, dated 30/5/2012 shall be obtained prior to commencement of any building works under these stages.

2.9 A covenant prepared pursuant to Section 88E of the Conveyancing Act shall be placed on the title of the land occupied by the "Seniors Living" development to prohibit the occupation of the premises by residents other than:

- Persons over 55 years of age; or
- Persons of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affects their capacity to participate in everyday life or
- people who live within the same household with seniors or people who have a disability; or
- staff employed to assist in the administration of and provision of services to housing provided under this Policy.

The self-care dwellings shall be restricted to the housing of older people and / or people with a disability in accordance with the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. A restriction shall be placed on the 88B Instrument to this effect.

2.10 The recommendations of Community Safety and Crime Prevention through Environmental Design (CPTED) report prepared by Jo Manion and Associates, dated September 2011 are to be implemented for the said development. In addition the following conditions shall also be applied to further enhance the safety and security of all users and minimise the crime risk associated with this development.

- All blank walls (including retaining walls, sandstone walls and picket fences) proposed throughout the development must be coated with graffiti resistant materials where possible.
- Any proposed street furniture, seating, BBQ, children's play area, obelisks etc should be constructed of sturdy, vandal resistant materials to minimise opportunities for malicious damage, graffiti, vandalism and theft.
- Door and window locks shall be installed in all dwellings in addition to the recommended back to base security call systems.
- All proposed bin areas should be adequately lit, particularly as many of them are located away from high movement areas.
- All access points to the community centre, bowling green, swimming pool, gym areas are to be treated with dead locks and window locks to avoid vulnerable break and enter points. Back to base alarm systems shall be installed within these premises. All areas within these facilities where access to public is restricted (e.g. ARV health facilities or managers room) must be securely locked when not in use.
- Signage to assist the residents and visitors be located signage at entrances and near activity nodes Emergency exit signs will need to be well placed, easy to read and illuminated at night.

- Maps should also be provided showing connections and destinations, entry and exit points and the various facilities. These should be located at the Manning Street entry, Caddens Road entry and at the community centre building.

- 2.11 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 2.12 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

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

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

- 2.14 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 2.15 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.
- 2.16 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.

2.17 **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 certificate or 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 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."}

Add if EPA accredited auditor is needed

An EPA Accredited Site Auditor (as accredited under the Contaminated Land Management Act 1997) shall supervise the filling works. A Site Audit Statement and Site Audit Report must be submitted to Penrith City Council

and any Principal Certifying Authority on completion of the filling works. The site must be suitable for its intended landuse and shall not pose any unacceptable risk to human health or the environment.

The contact details of the EPA Accredited Site Auditor engaged for the works shall be provided with the Notice of Commencement.

- 2.18 Under the provisions of the Local Government Act Council must levy a charge for domestic waste management services for rateable land.

To facilitate the collection of waste the following details in relation to waste storage and collection are to be submitted to Penrith City Council prior to the issue of a Construction Certificate:-

- Circulation space of at least 1.2m shall be provided between rows of bins or between bins and walls of the bin enclosure.
- The internal roadways are to be designed to cater for the turning circles and paths of travel for heavy rigid vehicles in accordance with the relevant Australian Standards.
- The internal roadway is to be designed to withstand loads from 23 tonne garbage trucks.

In addition, the owner is to indemnify council and its waste collection contractors against any damage or injury that may arise through the course of providing waste collection services to the property.

In order to be exempt from these charges and the above requirements, the applicant shall apply to Council for exemption and submit a waste management plan to Council detailing how domestic waste will be collected and processed to achieve and maintain a waste to landfill diversion rate of 66% (Ongoing data will be required verifying collection tonnages and diversion rates) prior to the issue a Construction Certificate for Stage 3b, 3c and 3d of the development.

- 2.19 Construction works are not to commence in the 'Remediation Area' as marked in the approved "Remedial Action Plan: Proposed Retirement Village Development Part Lot 1 in DP1145043 Manning Street, Kingswood" prepared by Geotechnique Pty Ltd dated 3 February 2012 (Report No. 12561/3-AB), until such time as Council has approved the Validation Report.
- 2.20 Dust suppression techniques are to be employed during construction to reduce any potential nuisances to surrounding properties.
- 2.21 The Waste Management Plan and supplementary information contained in correspondence from Don Fox Planning (Ref: 7891A.14KM) dated 10 February 2012 is to be implemented and complied with during the construction and operational phases of the development.
- 2.22 Garbage bins are to be stored under cover within the loading dock of the residential aged care facility and be provided with appropriate visual screening. Provision for bin washdown is to be made undercover with the floor 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.

- 2.23 The "Construction Management Plan for Anglican Retirement Villages Kingswood Independent Living Units" dated October 2011 is to be implemented and complied with during the construction phase of the development.

- 2.24 Noise levels from the property shall not exceed the relevant noise criteria detailed in "ARV Kingswood: Stage 2 Traffic Noise Assessment" prepared by Wilkinson Murray Pty Limited dated 5 October 2011 (Project No. 11248) and the supplementary "Review of Noise Issues" prepared by Wilkinson Murray Pty Limited dated 9 February 2012. The recommendations made in these documents are to be implemented during the operations of the facility.

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

- 2.25 Construction noise levels from the property shall not exceed the relevant noise criteria detailed in the supplementary information "Review of Noise Issues" prepared by Wilkinson Murray Pty Limited dated 9 February 2012 (Ref: DH 090212 Noise BC.doc). The recommendations provided in the above-mentioned acoustic information are to be incorporated into the Construction Management Plan (October 2011) and are to be adopted on site during all construction works associated with the development.

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

- 2.26 All garbage stored in any external garbage rooms must be stored in accordance with the requirements of Food Safety Standard 3.2.3 and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours. Ground areas where garbage containers holding putrescible material and containers used for storage of putrescible recycling material shall be:

- a) provided with a hose tap connected to the water supply; p
- b) covered with impervious material; and p
- c) graded and drained to a waste disposal system in accordance with Sydney Water requirements. g
- d) covered to prevent rainwater entering the sewage system. c

- 2.27 The garbage stored in any internal garbage room area must be constructed and maintained in accordance with the requirements of AS4674-2004, Food Safety Standard 3.2.3 and the *Protection of the Environment Operations Act 1997*. Specifically, the garbage room floors are to be impervious, coved graded & drained. Walls are to be smooth impervious surfaces. The room is to be ventilated in accordance with the Building Code of Australia. Pest proofing and a hose tap must also be provided.

- 2.28 Bins, hoppers and other containers used for storing garbage or recyclable material shall be:
- a. constructed of impervious material such as metal or plastic; and
 - b. have tight fitting lids

- c. bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.
- 2.29 Detailed plans for the fit out of the café complaint with the Food Act 2003 and AS4674-2004 are required to be submitted to and approved by Penrith City Council prior to the issue of a Construction Certificate for the café.
- 2.30 Detailed plans for the fit out of the Hairdressing Salon complaint with the Local Government (General) Regulations 2005 are required to be submitted to and approved by Penrith City Council prior to the issue of a Construction Certificate for the Hairdressing Salon.
- 2.31 The operator of hairdressing / beauty salon shall ensure that the requirements of the Local Government Act 1993 and Regulations thereunder, the Public Health (Skin Penetration) Regulation 2000 and the NSW Health Department's "Skin Penetration Guidelines" 2000 are met at all times.
- 2.32 Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 "Design for Access and Mobility". Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.
- 2.33 The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:
- (a) deal with each essential fire safety measure in the building premises, and
 - (b) be given:
 - ☐ within 12 months after the last such statement was given, or
 - ☐ if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.
- As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:
- ☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
 - ☐ prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.
- 2.34 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - ☐ complies with the performance requirements, or
 - ☐ is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

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

- 2.35 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.

- 2.36 **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Integral 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 padmounted 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.

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

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

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

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

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

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

- 2.38 **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 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.

2.39 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.

2.40 All roadworks, drainage works and dedications, required to effect the

consented development shall be undertaken at no cost to Penrith City Council.

- 2.41 **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
- a) Opening the road reserve for the provision of services including stormwater.
 - b) Utility lead in works.
 - c) Provision of a heavy duty vehicular crossing in Caddens Bypass Road.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 2.42 On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Mott McDonald Hughes Trueman, reference 09S706C sheets DA101-DA128, revision D, dated 20/03/2012 and the 'Civil Engineering Report' by Mott McDonald Hughes Trueman, revisionB, dated 14/10/2011.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

- 2.43 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.
- 2.44 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater – Environmental Targets/ Treatment Techniques– October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 2.45 **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.

- 2.46 **Prior to the connection of private drainage to Council's drainage system**, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

- 2.47 All filling shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority/ Superintendent in consultation with the Principal Certifying Authority.

- 2.48 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.

- 2.49 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of 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.

- 2.50 Prior to the issue of select an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
 - b) Stormwater pre-treatment system/s
- 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.

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

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s

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 Design and Construction Guidelines and Construction Specification for Civil Works.

- 2.52 **Prior to the issue of an Occupation Certificate** directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 2.53 Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the existing drainage basin and water quality treatment system located near the Manning Street entrance has sufficient capacity to cater for the discharge from the northern catchment of the development site. Pre-developed flows are not to exceed post developed flows. Full engineering details are to be provided with the application of a Construction Certificate.
- 2.54 Prior to the issue of Construction Certificate for stages 3b 3c and 3d, the drainage easements shall be registered with the Land Titles Office over Lot 2 DP 1145043. The width of the drainage easements shall be in accordance with Penrith City Council's Engineering Works Development Control Plan 2006, Section 2.3 Engineering Works. A copy of the registered easement for drainage shall be submitted to the Certifying Authority and Penrith City Council, if Council is not the Certifying Authority.
- 2.55 All landscape works are to be constructed in accordance with the stamped-approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", 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.
- 2.56 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.
- 2.57 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.

2.58 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.

2.59 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

2.60 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$ 29,520.00 is to be paid to Council **prior to the release of a Construction Certificate** being issued for the relevant stages (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 will consider any written request for deferment of contributions in accordance with the requirements of clause 8.5 of the Penrith City Council's Section 94 Contributions Plan for Cultural Facilities Plan. Deferment of payment of contributions **prior to the release of an Occupation Certificate (Interim or Final)**, will require a suitable bank guarantee for the Section 94 payments to be lodged with Penrith City Council prior to the issue of the Construction Certificate for the relevant stage.

The amount of the bank guarantee is to be drawn in accordance with Clause 8.5 of the Penrith City Council Development Contributions Plan- Cultural Facilities.

The applicant is responsible for the payment of any fees and charges incurred with the lodgment of the bank guarantee with Penrith City Council.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.61 This condition is imposed in accordance with Penrith City District Open Space Facilities Development Contributions Plan. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$201,966.00 is to be paid to Council **prior to the release of a Construction Certificate** being issued for the relevant stages (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 will consider any written request for deferment of contributions in accordance with the requirements of clause 2.10 of the Penrith City District Open Space Facilities Development Contributions Plan. Deferment of payment of contributions **prior to the release of an Occupation Certificate (Interim or Final)**, will require a suitable bank guarantee for the Section 94 payments to be lodged with Penrith City Council prior to the issue of the Construction Certificate for the relevant stage.

The amount of the bank guarantee is to cover any future reviews of this amount in accordance with Clause 2.10 of the Penrith City District Open Space Facilities Development Contributions Plan.

The applicant is responsible for the payment of any fees and charges incurred with the lodgment of the bank guarantee with Penrith City Council.

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.

- 2.62 This condition is imposed in accordance with Penrith City Council's Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$2,077,968.00 is to be paid to Council **prior to the release of a Construction Certificate** being issued for the relevant stages (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 will consider any written request for deferment of contributions in accordance with the requirements of clause 2.12 of the Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008. Deferment of payment of contributions **prior to the release of an Occupation Certificate (Interim or Final)**, will require a suitable bank guarantee for the Section 94 payments to be lodged with Penrith City Council prior to the issue of the Construction Certificate for the relevant stage.

The amount of the bank guarantee is to cover any future reviews of this amount in accordance with Clause 2.12 of the Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008

The applicant is responsible for the payment of any fees and charges incurred with the lodgment of the bank guarantee with Penrith City Council.

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 Werrington Enterprise Living and Learning (WELL) Precinct Development Contributions Plan 2008 may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 2.63 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 2.64 **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.
- 2.65 **Prior to the commencement of any earthworks, construction or demolition 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.

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

Environmental Planning and Assessment Act and Regulation.