

SCHEDULE 1

GENERAL

- The development must be implemented substantially in accordance with the following plans and documents, stamped approved by Council- except as may be amended in red on the attached plans and by the following conditions.

Plan/Report	Reference	Dated	Prepared by
New Site Masterplan	DA03 Rev C	29-4-13	HUMEL Architects
Ground Floor Demolition Plan	DA07 Rev A	4-6-12	HUMEL Architects
Proposed RACF Sub-Ground Floor Plan	DA08 Rev C	29-4-13	HUMEL Architects
Proposed RACF Ground Floor Plan	DA09 Rev C	29-4-13	HUMEL Architects
RACF Typical Room Layouts	DA10 Rev C	29-4-13	HUMEL Architects
Proposed Roof Plan	DA11 Rev C	29-4-13	HUMEL Architects
Proposed Elevations	DA12 Rev C	29-4-13	HUMEL Architects
Sections A-A, B-B & C-C	DA13 Rev C	29-4-13	HUMEL Architects
Entry Memorial Details	DA14 Rev A	4-6-12	HUMEL Architects
Smoke Compartmentation Plan	DA15 Rev C	29-4-13	HUMEL Architects
Lower Ground Floor ILU Site Plan Parts A-B	DA16-DA17 Rev C	29-4-13	HUMEL Architects
Ground Floor ILU Site Plan Parts A-C	DA18-DA20 Rev C	29-4-13	HUMEL Architects
Site Roof Plan Parts A-C	DA21-DA23 Rev C	29-4-13	HUMEL Architects
Street Elevations	DA24 Rev C	29-4-13	HUMEL Architects
Site Sections D-D & E-E	DA25 Rev C	29-4-13	HUMEL Architects
ILU Floor Plans	DA26 & DA28 Rev B	June 2012	HUMEL Architects
ILU Elevations	DA27 & DA 29 Rev B	June 2012	HUMEL Architects
Community Building Floor Plan and Elevations	DA32 Rev C	29-4-13	HUMEL Architects
Solar Access Study	DA35-DA36 Rev C	29-4-13	HUMEL Architects
Entry Signage Details	DA38 Rev A	4-6-12	HUMEL Architects
Landscape Plans	Job No. 12-042S Dwg Nos LA01- LA05	2-5-13	Taylor Brammer Landscape Architects.
Stormwater Plans	Job No. 3619002 Dwg No. C01- C05 & C10-C12 Rev G	23-4-13	Warren Smith and Partners

Acoustic Impact Assessment	20120348.1/1505A/R2/TT	25-5-12	Acoustic Logic
Traffic Report	21/22246	April 2013	GHD
Arboricultural Impact Appraisal and Method Statement		30-4-13	Naturally Trees
BCA Assessment Report	120155	26-4-13	Blackett Maguire + Goldsmith
BASIX Assessment		26-4-13	Efficient Living
Accessibility Report		22-4-13	Morris Goding Accessibility Consulting
Statement of Environmental Effects	09-132B	May 2013	BBC Consulting Planners
Heritage Impact Statement	Job No. 11-083	May 2012	CityPlan Heritage
Contamination Report	Ref P1203580JR01V02	November 2012	Martens & Associates

2. Any kitchen areas shall be constructed in accordance with the requirements of AS4674-2004 "Design, Construction and Fitout of Food Premises," the Food Act 2003 and Food Regulation 2010.
3. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
4. The RACF additions and new independent living units and community building works under this application shall not be used or occupied until an Occupation Certificate has been issued.
5. A Construction Certificate shall be obtained prior to commencement of any building works.
- 5A Construction certificates and occupation certificates can be issued in stages with conditions of this consent to be complied with to the extent relevant to the works that are the subject of the construction certificate or occupation certificate

DEMOLITION

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

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be retained.

7. **Prior to commencement of demolition works on site:**
 - ☐ Measures are to be put in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and

- ☐ The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

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

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

8. Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
9. Mud and soil from vehicular movements to and from the site must not be deposited on the road.

HERITAGE/ARCHAEOLOGICAL RELICS

10. 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.

- 10A A Conservation Management Plan for the original buildings that comprise the Governor Phillip Nursing Home, 64 Glebe Place, Penrith - original 1895 brick hospital, 1904 operating theatre (now Chapel) and 1910 isolation ward and a Costed Long Term Maintenance Plan shall be prepared by a suitably qualified Heritage Consultant to provide for the ongoing retention and maintenance of the heritage item. These plans are to be prepared prior to the issue of the relevant Occupation Certificate for any works in the above original buildings. A copy of the Conservation Management Plan and Costed Long Term Maintenance Plan shall be provided to Council.

ENVIRONMENTAL MATTERS

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

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

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

12. All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.
13. No fill material, other than that identified generally in accordance with the approved plans, 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.
14. 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.
15. 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 prior to works commencing.

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.

16. All recommendations contained in the Acoustic Assessment (Report No. 10120348.1 Version 2 prepared by Acoustic Logic and dated 25/5/2012) are shall be implemented and incorporated into the design and construction of the development.

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

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

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 obtained. 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.
- ☐ 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.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

17A 1. Where building demolition is proposed, removal of asbestos material (building waste and existing material on ground) shall be undertaken and a clearance certificate issued in accordance with the National Code of Practice for safe removal of asbestos by a qualified occupational hygienist prior to commencement of new construction and issue of a Construction Certificate for new works. This remediation and validation may be staged according to staging of site redevelopment works. A copy of the clearance certificate is to be lodged with Council.

2. Where demolition for the independent living units including removal of slabs is proposed, investigation of soil / fill material beneath slabs is to be undertaken following slab removal and if any significant contamination is found, necessary remediation is to occur and a validation report prepared in accordance with NSW OEH (2011) be prepared. Where contaminated material is identified it is to be remediated and a copy of the validation report prepared by an OEH certified environmental auditor is to be provided to Council.

3. Prior to commencement of site redevelopment works located within 20 m of the indicated tank location in SK001 (Revision B) of Martens (2012) the removal and validation of the tank shall be carried out. These works shall include the removal of the tank and any identified contaminated fill or soil material adjacent and the preparation of a site validation report in accordance with NSW OEH (2011) guidelines by a an OEH certified environmental auditor. A copy of the validation report is to be provided to Council.

BCA ISSUES

18. All recommendations contained within the Access Review prepared by Morris Goding Accessibility Consulting are to be implemented as part of the development and shown on the Construction Certificate drawings. Certification that the drawings comply with relevant requirements contained within the aforementioned report is to be prepared by a qualified access consultant and provided to the PCA with the application for a Construction Certificate.
19. All aspects of the building design for the works to which this consent relates 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).
20. 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.

CONSTRUCTION

22. All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's (2009) "Interim Construction Noise Guideline":
 - o Mondays to Fridays, 7am to 6pm

o Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm

o No work is permitted on Sundays and Public Holidays.

Other construction works that are carried out inside a building that do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

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

23. 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 relevant construction signage is to be removed **when the relevant Occupation Certificate has been issued for the relevant stage of development.**

24. No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site. The Traffic Control Plan shall be implemented during the construction phase of the development and a copy of the plan shall be available on site at all times.

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council **2 days before any work is to commence on site.**

ENGINEERING

25. On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Warren Smith & Partners Pty Ltd, reference number 3619002, revision C, dated 25/5/12.

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 where relevant.

Prior to the issue of the relevant 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.

26. **Prior to the issue of the relevant Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the development the subject of the relevant Construction Certificate are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
27. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that the new works within the road reserve have been inspected and approved by Penrith City Council.
28. 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 relevant Occupation Certificate where Council is not the Principal Certifying Authority.

29. Prior to the issue of the relevant Occupation Certificate the Principal Certifying Authority shall ensure that, to the extent relevant, the:
 - a) On-site detention 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.

30. Prior to the issue of the relevant Occupation Certificate a restriction as to user and positive covenant relating to the:
 - a) On-site detention 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.

31. Prior to the issue of the relevant Occupation Certificate for the independent living units a 3m splay corner at the intersection of King Street and Gascoigne Street and at the intersection of King Street and Glebe Place is to be dedicated as road to Penrith City Council on a plan of subdivision registered with the Land & Property Information Division of the Land & Property Management Authority. The dedication of road and subsequent registration shall be at no cost to Council.
32. Prior to the issue of the relevant Construction Certificate the Certifying Authority shall ensure that the driveway widths to access the independent dwellings at the property boundary have been designed to cater for the reverse manoeuvring of a B85 vehicle.
33. Prior to the issue of the relevant Construction Certificate the Principal Certifying Authority and/or Certifying Authority shall ensure that a Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the following works.
 - a) Provision of vehicular crossings
 - b) Provision of private drainage connection(s) to Council's road drainage system
 - c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter
 - d) Opening the road reserve for the provision of services including Stormwater
 - e) Provision of a 1.2m wide accessible path paving for the frontage immediately fronting the RACF on Glebe PI, and a 1.5m wide accessible path paving for the length of the Gascoigne Street frontage of the site. The accessible path paving is to be certified by a suitably qualified accessibility consultant.
 - f) The provision of a new DDA compliant bus shelter at the existing bus stop at the corner of King Street and Glebe Place, on the western side, with the DDA compliant bus shelter to be designed and certified by a suitably qualified accessibility consultant.
 - g) The provision of a DDA compliant concrete pad and tactiles at the existing bus stop near the corner of Glebe Place and King Street- on the eastern side.

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Note: Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 to ascertain applicable fees.

- 33A. The operator shall provide a private bus service for the exclusive use of the occupants of the RACF and the ILUs.

34. Prior to the issue of the relevant Construction Certificate the Certifying Authority shall ensure that the proposed stormwater system does not increase stormwater drainage flows for all storms and durations up to the 100 year event at both the connection to the King Street and Gascoigne Street road drainage networks to ensure that there is no impact on the respective downstream catchments.
35. All car parking and manoeuvring must be in accordance with AS 2890.1-2004.

LANDSCAPING

36. All landscape works are to be constructed in accordance with the stamped-approved plans referred to in Condition 1 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.

37. The following series of reports relating to landscaping are to be submitted to the Principal Certifying 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 2 landscape works.

- i. Implementation Report

- Upon completion of the landscape works associated with the development and prior to the issue of the relevant 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 2 landscape works.
- The relevant 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 relevant Occupation Certificate for the development.

- ii. Maintenance Report

- On the first anniversary of the date of the relevant 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 2 landscape works.

38. The trees identified for retention in the Arboricultural Impact Appraisal dated, prepared by Naturally Trees, and dated 30 April 2013 shall be retained and duly protected during construction of the development.

Prior to the commencement of any works on site, including clearing of site vegetation, tree protection measures shall be:

- installed in accordance with the standards prescribed by the aforementioned report, and
- certified by the author of the aforementioned report before any works can commence on site. The certification is to be a written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works.

UTILITY SERVICES

39. 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 the relevant Occupation Certificate.

40. **Prior to the issue of the relevant Construction Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the relevant 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.

SECTION 94

41. This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for:

- ☐ Cultural Facilities;
- ☐ Footpaths;
- ☐ District Open Space; and
- ☐ Local Open Space.

These plans can be inspected at Council’s Civic Centre, 601 High Street, Penrith. Based on the current rates detailed in the accompanying schedule attached to this Notice, pay a development contribution of \$179,124.00.

This amount is to be paid to Council prior to the issue of 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 94 Plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

CERTIFICATION

42. 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.

The following documentation shall accompany the "Notice of Commencement" to be submitted to Penrith City Council:

- Certification that the sediment and erosion control measures has been installed;
- A copy of the Traffic Control Plan for the development/site;
- Details of the qualified environmental consultant employed to supervise the development.
- Certificate or other documentation certifying that the tree protection measures have been installed.