

## CONDITIONS

### Schedule 1 - Deferred Commencement Conditions

1. A separate development application is to be submitted to Council approval for the remediation of land. The application for remediation must be accompanied by a Remedial Action Plan and be consistent with the Contaminated Land Planning Guidelines and Policies, including but not limited to SREP No. 20, SEPP 55, the Contaminated Land Management Act and all relevant NSW Environment Protection Authority Guidelines. All works associated with any remediation are required to be completed and validated to the satisfaction of Council.
2. A Validation Report, prepared by an appropriately qualified person as defined in the Penrith Development Control Plan 2010, is to be submitted to Council for approval. The report shall certify that the remediation works have been carried out in accordance with an approved Remedial Action Plan, relevant NSW Environment Protection Authority requirements and the Penrith Development Control Plan 2010. The Report is to confirm that the site is suitable for the proposed use. {Note: Penrith 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 relevant areas. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}
3. Deleted.
4. Submission of a detailed landscape plan to Council for consideration and approval. The landscape plan shall show how screening of burial areas from the neighbouring properties will be achieved. The landscape plan is to be prepared by category 3 Landscape Consultant who is registered with Penrith City Council. All landscape works are to be constructed in accordance with the Council's stamped-approved plan and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

### Schedule 2 - General Conditions

1. The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council and other plans or documents approved in respect to Schedule 1 by Council or an accredited Certifier, except as may be amended in red on the attached plans and by the following conditions.
2. A copy of the General Terms of Approval issued by the Office of Water under the Water Management Act 2000 dated 13 March 2013 shall be submitted to the Principal Certifying Authority, **before any Construction Certificate can**

**be issued** for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

### 3. **Perpetual Maintenance**

#### Long Term Maintenance Program :

A long term maintenance program to ensure the long term maintenance of the cemetery grounds is to be created which provides for sufficient funds from the licence of burial rights and cremation services to be set aside in a fund. The Long Term Maintenance Program and fund documentation is to be submitted and approved by Council prior to the issue of an occupation certificate.

#### Positive Covenant:

Prior to the issue of an occupation certificate a Positive Covenant is to be created on the property title under the provision of the Conveyancing Act 1919 to ensure that the required Long Term Maintenance Program will be adequately maintained.

4. All civil engineering construction works shall be carried out in accordance with Penrith City Council's Engineering Works Development Control Plan and accompanying Guidelines for Engineering Works for Subdivisions and Developments Part 2-Construction.
5. **The development shall not be used or occupied until a Final Occupation Certificate has been issued.**
6. A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan-Advertising Signs.
7. All materials and goods associated with the use shall be contained within the building at all times.
8. A baby care room shall be provided and maintained in accordance with Penrith City Council's Baby Care Rooms Development Control Plan 2002. Details are to be submitted to Penrith City Council as part of the Construction Certificate application.
9. **Prior to the issue of the Occupation Certificate** referred to in condition 5, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding landuses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

10. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.
11. A **Construction Certificate** shall be obtained prior to commencement of any building works.
12. A detailed Waste Management Plan shall be prepared and submitted to Council for consideration and approval **prior to the release of any Construction Certificate relating to the development (in whole or in part)**.
13. An emergency evacuation plan shall be prepared, maintained and implemented for any building (other than a temporary structure) used for the assembly of people. This emergency evacuation plan is to be submitted to Council **with the Construction Certificate** for consideration and approval and is to include the following:
  - (a) the location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,
  - (b) the number of any fire safety officers that are to be present during any services or gatherings,
  - (c) how the persons present are to be evacuated from the building in the event of a fire or other emergency.

Any fire safety officers appointed to be present during services or gatherings must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.
14. The use and operation of the premises shall comply with the requirements of Schedule 2 (Part 4 - Standards for Mortuaries) of the Local Government (General) Regulation 2005, under the Local Government Act 1993 & the Public Health (Disposal of Bodies) Regulation 2012 under the Public Health Act 1991.
15. Independent compliance audit: one year after the date of this consent and every two years thereafter, the applicant shall commission and pay the full cost of an independent compliance audit of the development. The applicant must notify the Council, in writing, forthwith upon commissioning each audit required by this condition. Each audit must be completed within three (3) months of the date on which the auditor is engaged by the applicant. The audit must:
  - a) be undertaken by a suitably qualified, experienced and independent person whose appointment has been approved by Council's Director of Planning (or equivalent);
  - b) be consistent with *ISO 19011:2002 Guidelines for Quality and/or Environmental Systems Auditing*, or updated versions of this guideline;

- c) assess whether the development is complying with the conditions of development consent and other applicable approval conditions; and
- d) identify any areas of non-compliance that require rectification.

Within three months of commissioning each such audit, the applicant is to submit a copy of the draft audit report to Council's Director of Planning. The Director may then request any reasonable supplementary work to ensure the final audit report complies with the above terms of reference and any such request is to be made by the Director within two weeks of the date of receipt of the draft audit report.

## DEMOLITION

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

All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of demolition**.

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

**Prior to commencement of demolition works on site**, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- ☐ Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- ☐ The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

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

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

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

- 20 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 demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition 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 demolition 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.

## HERITAGE/ARCHAEOLOGICAL RELICS

- 21 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.

## ENVIRONMENTAL MATTERS

- 22 Erosion and sediment control measures must 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 Housing NSW "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Urban Growth NSW 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.

- 23 All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.
- 24 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.
- 25 All waste materials stored on-site must 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.
- 26 All excavated material and other wastes generated as a result of the development must re-used, recycled or disposed of in accordance with the approved waste management plan.
- Waste materials not specified in the approved waste management plan must 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.
- 27 The operating noise level of the plant and equipment that will be used on this property (including the cremator unit and all associated equipment) must not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 28 Waste oil must be stored in a covered and bunded area and regularly removed to a waste oil recycle operation.
- 29 Noise levels from the premises shall not exceed the relevant noise criteria detailed in "Proposed Cemetery at 2207-2223 Elizabeth Drive, Luddenham - Noise Assessment" prepared by Renzo Tonin & Associates (NSW) Pty Ltd dated 23 May 2011 (TF005-02F01 NOISE ASSESSMENT (REV 1)). The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 30 Any chemical or pesticides applied on the property shall be applied in accordance with the requirements of the Protection of the Environment

Operations Act 1997, Pesticides Act 1999, Department of Conservation and Climate Change (EPA) and WorkCover NSW.

- 31 The premises shall not at any time cause “water pollution” or “pollution of waters” as defined in the POEO Act. In particular the breach is stipulated in Part 5.3, Section 120 of the POEO Act.
- 32 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change’s (2009) “Interim Construction Noise Guideline”.
- 33 All demolition and 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 demolition and 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 hours stated above.

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

- 34 **Prior to the issue of any Construction Certificate** in respect of the development, a Hydraulic Report is to be submitted to Council that demonstrates how the wastewater generated across the site will be transferred to the approved treatment system, and how that wastewater will be distributed evenly across the approved Effluent Disposal Area using subsurface irrigation. This Report is to include an amended Site Plan showing the location of all pipework, any pump stations and all other associated infrastructure required. The Hydraulic Report must be approved by Council before any work commences on the site.
- 35 All wastewater generated on the site is to be diverted to a suitable AWTS system such as an Econocycle ENC 10-1 or an Envirocycle 10NR (to be confirmed following the Hydraulic Report required by Condition 34) and be disposed of by way of subsurface irrigation in the approved Effluent Disposal Area of **628.5m<sup>2</sup>**. Confirmation of the system type installed and the associated system specifications are to be submitted **prior to the issue of the Construction Certificate**.
- 36 The on-site sewerage management system shall be installed and implemented in accordance with the “Geotechnical, Wastewater and Salinity Assessment - Proposed Cemetery, 2207-2223 Elizabeth Drive, Luddenham, NSW” prepared

by Martens & Associates Pty Ltd dated February 2013 (Ref. P1203651 JR01V01) and the stamped plans and conditions of this consent. An operation licence for the system must be issued by Penrith City Council **before**:

- (a) **The on-site management system can be used; and,**
- (b) **any Occupation Certificate is issued for any part of the development.**

- 37 The effluent disposal area is to be located in accordance with the stamped approved "Wastewater Management Plan" prepared by Martens & Associates Pty Ltd dated 15 February 2013 (Drawing ID. SK001) JD 05 V01 Rev A and have a minimum effluent disposal area of 628.5m<sup>2</sup> subsurface irrigation with 350m<sup>2</sup> designated reserve area. Treated effluent is to be distributed evenly over the entire disposal area and it shall be prepared in accordance with the "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households", AS1547:2012 and "Geotechnical, Wastewater and Salinity Assessment - Proposed Cemetery, 2207-2223 Elizabeth Drive, Luddenham, NSW" prepared by Martens & Associates Pty Ltd dated February 2013 (Ref. P1203651 JR01V01).

- 38 **Prior to the issue of any Occupation Certificate in respect of the development and the issue of an operational licence for the OSSM system by Penrith City Council**, the effluent disposal area shall be:
- o prepared/ landscaped in accordance with the stamped-approved plans
  - o sited so as not to contaminate the natural watercourses that traverse the subject property.

The system, effluent disposal area and reserve area are to be installed and managed in accordance with the:

- o "Environmental and Health Protection Guidelines On Site Sewage Management for Single Households"
- o Australian Standards AS1547:2012,
- o Council's Onsite Sewage Management and Greywater Reuse Policy,
- o the "Geotechnical, Wastewater and Salinity Assessment - Proposed Cemetery, 2207-2223 Elizabeth Drive, Luddenham, NSW" prepared by Martens & Associates Pty Ltd dated February 2013 (Ref. P1203651 JR01V01),
- o the "Wastewater Management Plan" prepared by Martens & Associates Pty Ltd dated 15 February 2013 (Drawing ID. SK001 JD 05 V01 Rev A), and
- o the approved Hydraulic Report.

- 39 **Prior to the issue of any Occupation Certificate in respect of the development**, an Operational Wastewater Management Plan (OWMP) for the system is to be provided to Penrith City Council for consideration and approval. The OWMP shall be prepared by a suitable qualified consultant in consultation with Council and other relevant agencies, and must be amended to include any requirements nominated by the Council and other agencies. The OWMP is to address:



- o All environmental aspects of the operation of the on-site sewage management system
- o All systems and controls that are to be implemented to minimise the potential for any adverse environmental impacts
- o A program for ongoing monitoring and review to ensure that the OWMP operates in compliance with relevant environmental standards that are in force and effect from time to time. Council must be consulted prior to any amendments of the OWMP. Council may at any time request a review of the OWMP or of the amendments of the OWMP to ensure that it complies with the then current environmental standards.

The OWMP must include but is not limited to the following:

- o System information (including specifications and site plans)
- o Monitoring and testing
- o Maintenance and servicing program (treatment system and irrigation system)
- o System performance
- o System failure contingency
- o Odour management
- o Landscape and disposal area management
- o Health and safety

The on-site sewage management system is to be operated in accordance with the requirements of this Plan.

- 40 The owner or operator of the development must provide to the Council an Annual Environmental Performance Report detailing the performance of the system including but not limited to the following information:
- o Details and records of maintenance checks of disposal areas.
  - o Copies of maintenance report sheets.
  - o Results of effluent output testing.

The first Annual Environmental Performance Report is to be provided to Council 12 months after the system is commissioned.

- ☐ Testing of effluent output is to occur for the following parameters:
  - o Total Nitrogen
  - o Total Phosphorus
  - o Faecal Coliforms
  - o Biochemical Oxygen Demand
  - o Total Suspended Solids

Effluent is to be sampled by a suitably qualified person and tested at a NATA accredited laboratory. The test results are to be provided to Council within 21 days of their receipt by the owner/operator. Testing is to occur at the stage of commissioning the system and thereafter at 6 monthly intervals from the date of commissioning.

- 41 Orchards, vegetable gardens or any other plant species that can be used for the purposes of human consumption are not to be planted within the effluent disposal area or the designated reserve area.
- 42 No concreting, vehicles or any other structure is to be located over any portion of the effluent disposal area or the designated reserve area.
- 43 The wastewater treatment system shall be located at least 1.5m from any building.
- 44 The design of the subsurface irrigation system for the disposal area must be such that:
- o **The distribution line is to be buried from the tank to the designated disposal area.**
  - o The subsurface irrigation cannot exceed the designated boundaries of the disposal area.
  - o The treated wastewater can be evenly irrigated across the entire designated disposal area.

A minimum of two signs shall be erected within the effluent disposal irrigation area in accordance with the following specifications:

- o signage is to be in green background,
  - o 20mm high series 'C' lettering in black or white, and
  - o The words of the sign are "RECLAIMED EFFLUENT - NOT FOR DRINKING - AVOID CONTACT".
  - o The signage shall be maintained for the term of the development.
- 45 All sewer and plumbing work must be carried out in accordance with Sydney Water's requirements or the Local Government (Water, Sewerage and Drainage) Regulation 1993.
- 46 Penrith City Council is both the consent authority and certifying authority for the installation of the On Site Sewage Management System (OSSM), otherwise known as an AWTS system. **It is the responsibility of the operator of the system to contact Council's Development Services Department to organise all inspections required for the installation of the system.** In this regard, the following will require inspection:
- o All drainage lines and AWTS tanks before they are backfilled.
  - o On completion of the system's installation and prior to its commissioning, ensuring compliance with those conditions specific to the installation of the system.

A copy of the satisfactory inspection reports carried out by Council shall be submitted to the Principal Certifying Authority if Council is not the Principal Certifying Authority.

- 47 The AWTS tank, drainage lines and effluent disposal area must not be altered without the prior approval of Council. In addition, AWTS must not be buried or covered.

- 48 There shall be no effluent runoff from the subject property to adjoining premises, public places or reserves.
- 49 There shall be available all year round, adequate water supply that is available to the property
- 50 All irrigation pipework and fittings shall comply with AS2698 "Plastic Pipes and Fittings for Irrigation and Rural Applications". In this regard:
- o the irrigation system is not to be connected to and/not be capable of connection to the mains water supply,
  - o standard household fittings, soaker hoses, garden sprinklers and standard water hose fittings are not to be used,
  - o Sub-surface drip irrigation lines are to be installed in accordance with AS1547:2000 and is to evenly distribute treated effluent over the designated disposal area.
- 51 The operator of the system shall enter into an annual service contract with the manufacturer, distributor or other person authorised (in writing) by Penrith City Council to service the AWTs tank(s) every three (3) months from the date of commissioning in the following manner:
- i. There must be a three monthly service shall include a check on all mechanical, electrical and functioning parts of the aerated system including:
    - the chlorinator,
    - replenishment of the disinfectant,
    - all pumps,
    - the air blower, fan or air venturi,
    - the alarm system,
    - the effluent disposal area and irrigation spray outlets,
    - the slime growth on the filter media, and
    - the operation of the sludge returns system.
  - ii. On the yearly anniversary date of the commissioning of the system, an annual service of the system shall also be carried out which includes a check on the sludge accumulation in the AWTs tanks (primary treatment tank) and the clarifier, where appropriate.
  - iii. The following field tests are to be carried out at every service:
    - free residual chlorine using DPD colorimetric or photometric method,
    - pH from a sample taken from the irrigation chamber,
    - dissolved oxygen from a sample taken from the final aeration or stilling chamber (although recommended) is optional.
  - iv. For systems which utilise the sewage treatment principle of activated sludge or contact aeration, a sludge bulking test, known as a SV30 Test, shall also be conducted on an annual basis. This test is to determine whether the accumulated sludge is bulking, indicating that the aeration compartment(s) will require desludging.
  - v. On completion of each service, a service report sheet is to specify all service items and test results, the amount of chlorine compound

provided, the date the service was conducted and the technician's name. A copy of the service report is to be:

- given to the property owner and another to the applicant (if not the same), and
- forwarded to Penrith City Council.

Each service agent shall provide a registered business office which, if unattended during business hours, is provided with a telephone answering device or service. A means of reporting a malfunction or breakdown outside normal business hours shall be available. In the event of a breakdown or malfunction, the service agent shall, within 24 hours of the breakdown or malfunction, ensure that temporary repairs are carried out to the aerated system to ensure continued operation of the system. This may necessitate provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

- 52 The contents of the existing septic tank / collection well shall be removed by a suitable licensed waste contractor and deposited to an approved waste facility. The disconnected tank shall be removed, demolished or filled with clean soil and garden lime. Documentation of the collection and disposal of waste are to be retained and provided to Council upon request.
- 53 **Prior to the issue of any Occupation Certificate**, in respect of the development, the "Luddenham Memorial Park - 2207-2233 Elizabeth Drive, Luddenham - Plan of Management" dated February 2013 (Ref. 104710381/v1) must be amended, submitted to and approved by Council. The Council approved plan must be provided to the Certifying Authority as part of any Occupation Certificate application.

The Plan of Management must be amended to include an Environmental Management Plan (EMP). The EMP is to be prepared by a suitably qualified consultant in consultation with Council and other relevant agencies. It is to give consideration to the Australian Cemeteries & Crematoria Association "Environmental Guidelines for Crematoria and Cremators" (Revised edition June 2009), and other relevant guideline documents. The EMP is to:

- o Address all environmental aspects of the development's operational phases,
- o Recommend any system/s controls to be implemented to minimise the potential for any adverse environmental impacts that could be caused by the conduct of the development, and
- o Incorporate a program for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- Soil and water management including groundwater
- Dust suppression
- Litter control
- Noise control

- Air quality management
- Waste management
- Bio-security matters that may impact on nearby poultry and free range farms
- Emergence and transportation of harmful pathogens/bacteria that may impact on nearby poultry farms, free range farms and other farms
- Outbreak of disease
- Dangerous/hazardous goods storage
- Unexpected finds protocol
- Monitoring of effluent to ensure that there is no effluent runoff from the subject property to adjoining premises, and
- Monitoring of wastewater, to ensure that there is no effluent runoff from the subject property to adjoining premises.

The development is to be operated in accordance with the requirements of this amended and Council approved Plan of Management.

If the monitoring conducted in accordance with this condition 53 confirms, at any time, that the emissions from the cremator flue exhaust are exceeding the emission limits nominated then the operator of the development must, at the earliest possible time, shut down the cremator unit. The cremator unit is not to be reactivated and used for the cremation of human remains until the cremator unit is inspected and tested and any adjustments required to the cremator unit are made to ensure that it will, when reactivated to dispose of human remains, comply with the emission limits.

- 54 No amplified music is to be used on the site.
- 55 The hours of operation of the facility are:
- o Main Gates - 9am to 5pm Monday to Friday
  - o Administration building and florist - 9am to 5pm Monday to Friday
  - o Chapel - 9am to 5pm Monday to Friday, 9am to 12 midday Saturday
  - o Crematorium - 9am to 5pm Monday to Friday, 9am to 12 midday Saturday
- 56 All mechanical repairs shall be conducted within the workshop area which shall be provided with suitable pollution control devices that removes grease, oil, petroleum products and grime prior to discharge.
- 57 The following details are to be submitted to and approved by Penrith City Council **prior to the issue of any Construction Certificate in respect of the development:**
- o The specifications and maintenance program of the proposed pollution control devices.

A copy of Council's approval of the information submitted for the above matters must be provided to the Certifying Authority as part of the Construction Certificate application.

- 58 No washing of vehicles is to be carried out. The installation of a wash bay will require a separate development consent from Penrith City Council.
- 59 All works and storage areas where spillages may occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater.

## BCA ISSUES

- 60 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 ***and the Disability (Access to Premises) Standards 2010***. Details of compliance are to be provided in the relevant plans and specifications accompanying the any Construction Certificate application in respect of the development.
- 61 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
  - (b) formulating an alternative solution which:
    - ☐ complies with the performance requirements, or
    - ☐ is shown to be at least equivalent to the deemed to satisfy provision, or
  - (c) a combination of (a) and (b).

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

## UTILITY SERVICES

- 62 Services (electricity, telephone and gas) , including any required provision of service conduits and stub mains, are to be installed before final inspection of the engineering works.

**Prior to the issue of any Construction Certificate**, the following service authority clearances shall be obtained:

- ☐ a letter from Endeavour Energy stating that satisfactory arrangements have been made for electricity supply, including any necessary easements; and
- ☐ a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone

services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

- 63 **Prior to the issue of any Construction Certificate in respect of the development**, 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.

- 64 A completed *Permit Application - for Plumbing and Drainage Work* is to be submitted to Sydney Water **at least two working days before the rainwater tank is installed and associated plumbing work is started on the site.**

## CONSTRUCTION

- 65 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 an Occupation Certificate has been issued for the development.**

- 66 **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.

67 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.**



68 The rainwater tank(s) is to be:

- ☐ erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- ☐ structurally sound and constructed in accordance with AS/NZS 3500 1.2-1998: *National Plumbing and Drainage - Water Supply - Acceptable Solutions*,
- ☐ fully enclosed and all openings sealed to prevent access by mosquitoes,
- ☐ fitted with a first flush device,
- ☐ provided with an air gap, and
- ☐ installed by a licensed plumber in accordance with Sydney Water's "*Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003*" and the *NSW Code of Practice: Plumbing and Drainage*.

Additionally, the following are to be provided:

- ☐ The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- ☐ The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- ☐ Suitable treatment system installed and connected to rainwater tanks and certified that provides potable water to the site
- ☐ the manufacturer's specifications, and
- ☐ Sydney Water and NSW Health requirements
- ☐ This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted **prior to the issue of the Occupation Certificate**.

69 The catchment area (for the rainwater tank) includes the parts of the roof from which water is collected and includes gutters. To ensure a safe supply of water:

- ☐ roof catchment areas must be kept clear of overhanging vegetation,
- ☐ gutters must have sufficient fall to downpipes to prevent pooling of water,
- ☐ overflow, discharge from bleed off pipes from roof mounted appliances such as air conditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- ☐ for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- ☐ gutter guard must be installed in roof gutters to prevent foreign materials from contaminating the water which enters the rainwater tank.

70 Deleted.

71 The rain water and any other pump used on site must not operate with a noise level exceeding 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

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

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

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

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

## ENGINEERING

72 All land required for vehicular access within the site is to be stabilised.

73 A total of 113 off-street parking spaces are to be provided, linemarked and maintained for the development, generally in accordance with the approved schedule of external finishes. The parking space dimensions and manoeuvring areas are to comply with AS2890.1 and AS2890.2 the Building Code of Australia and the Commonwealth Disability Discrimination Act.

74 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of any Construction Certificate in respect of the development**. The bond is based upon the estimated value of the works. Contact Council's City Works Department on 47327777 to request the amount of the bond payable for the subject development.

The bond is refundable once a final inspection has been carried out by Council's Works Department and the works have been completed to Council's satisfaction. The bond may be used to repair or reinstate any damage that occurs to Council's Public Infrastructure Assets as a result of the development works.

Contact Council's City Works Department on 4732 7777 or visit website to obtain the form and request for final inspection.

- 75 All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

- 76 **Prior to the issue of any Construction Certificate in respect of the development,** 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) Placing of hoardings, containers, waste skips, etc. in the road reserve.

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) must approve all 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).

- 77 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate application.

**Prior to the issue of the Construction Certificate,** the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the Construction Certificate.

- 78 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.

- 79 **Prior to the issue of any Construction Certificate in respect of the development** the Certifying Authority shall ensure that:
- a) All habitable floor levels are a minimum of 500 mm above the top water level of the 1% Annual Exceedence Probability overland flow path.
  - b) The velocity x depth product does not exceed 0.4.
  - c) The proposed development will not concentrate, dam or divert overland flows onto adjoining properties.
  - d) That all new fencing within the overland flowpath is open style to allow the free passage of overland flows.

Details prepared by a qualified person, demonstrating compliance with these requirements, shall form part of any Construction Certificate issued.

- 80 **Prior to the issue of a Construction Certificate in respect of the development** 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.
- 81 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.
- 82 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.
- 83 Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall ensure that the:
- a) On-site detention system/s
  - b) Stormwater pre-treatment system/s
  - c) Overland flowpath works

- 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 must be provided to the Council as part of the works-as-executed drawings.

- 84 Prior to the issue of any Occupation Certificate in respect of the development a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works

shall each 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 (which must be checked and approved by the Council prior to registration) as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 85 **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.

- 86 Any Construction Certificate/s issued by the Certifying Authority must include but not be limited to the following works:

- a) On-site stormwater detention system
- b) Roads and road pavements
- c) Stormwater drainage and associated drainage structures
- d) Stormwater pre-treatment systems
- e) Overland flow paths
- f) Earthworks
- g) Car parking
- h) Paving works

Engineering plans, supporting calculations and relevant certification for the works shall be prepared by suitably qualified people and must accompany the application for a Construction Certificate.

**Prior to the issue of any Construction Certificate in respect of the development**, the Certifying Authority shall ensure that all civil works have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- 87 The stormwater drainage system shall be provided generally in accordance with the report by J Wyndham Prince, titled 'Stormwater & Effluent Management Strategy' reference 8931rpt1B.doc, issue C, dated 22/12/11.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is

conveyed through the site without any adverse impact on the development or on adjoining properties.

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

Prior to the issue of any Construction Certificate in respect of the development the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- 88 Prior to the issue of any Occupation Certificate in respect of the development the Principal Certifying Authority shall ensure that all road and drainage works as required by Roads and Maritime Services on Elizabeth Drive have been completed to the satisfaction of the Roads and Maritime Service.
- 89 A CHR and AUL intersection treatment shall be provided on Elizabeth Drive to ensure the safety of and the efficient exit and entry of cemetery patrons at the driveway intersection with Elizabeth Drive.
- 90 The proposed driveway entry and exit widths shall be in accordance with the AS 2890.1 :2004 and must be separated by a 1 metre wide median.
- 91 The proposed intersection treatments, shoulder widening and driveway shall be designed to meet the RMS's requirements, and be endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with the RMS's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RMS for consideration and approval prior to the release of any Construction Certificate in respect of the development by the Principal Certifying Authority and commencement of road works.

The RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. The WAD must be executed prior to the RMS's assessment of the detailed civil design plans.

- 92 Council with advice from the Local Traffic Committee shall ensure the provision of a 'No Stopping' zone along Elizabeth Drive for the length of the site and at least for a distance of 25m from Elizabeth Drive along both sides of the driveway.
- 93 The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance

requirements, aisle widths, aisle lengths, and parking bay dimensions) must be in accordance with AS 2890.1 :2004.

- 94 Consideration should be given to implementing a 10kph shared zone throughout the proposed Lawn Cemetery. The shared zone could be enforced by appropriately employing mound thresholds at regular intervals along the internal roads.
- 95 All vehicles are to enter and leave the site in a forward direction.
- 96 The required sight lines to pedestrians or other vehicles in or around the carpark or entrance are not to be compromised by landscaping, signage, fencing or display materials.
- 97 All works / regulatory signage associated with the proposed development are to be at no cost to the RMS or to the Council.

## LANDSCAPING

- 98 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.
- 99 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.
- 100 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 in respect of 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 / 3) landscape works. *Delete irrelevant category*
    - ☐ 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 the 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.

101 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

102 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of the Council's Landscape Development Control Plan.

103 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.

## **PAYMENT OF FEES**

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

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

## **CERTIFICATION**

106 **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 are carried out on the site 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 of Works 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 of any 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 conservation architect employed to oversee the development
- ☐ Details of the qualified environmental consultant employed to supervise the development.

- 107 An Final Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of any part of the development**. The commitments listed in the BASIX Certificate are to be completed prior to the issue of the Occupation Certificate.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding. This includes submitting the following documentation to the Principal Certifying Authority:

- (a) Written documentation or Compliance Certificate from Penrith City Council certifying to the satisfactory completion of works approved under the Roads Act 1993.
- (b) a Compliance Certificate stating that the development complies with the provisions of AS1428.1 and that any person with disabilities can access the building, including its perimeter. In this regard, the Compliance Certificate (or other documentation) is to be prepared by an accredited access consultant.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority. In the event that a Compliance Certificate was issued by the Principal Certifying Authority certifying compliance that all conditions of the development consent required to be met have in fact been met, then that Certificate, as well as any documentation stated above, shall be submitted to Penrith City Council if Council is not the Principal Certifying Authority.

- 108 A Final Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and **prior to the occupation of any part of the proposed development or the commencement of the approved use**. The Occupation Certificate shall not be issued if any conditions of this consent, but not including 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.

**Before any Occupation Certificate can be issued in respect of the development**, Fire Safety Certificates issued for the buildings forming part of the development 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 abovementioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.