# CONDITIONS SUMMARY

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| **Application Number:** | DA14/1209 |
| **Assessing Officer** | Clare Aslanis |
| **Land to be developed (Address):** | Lot 2034 DP 1181618<br>72 - 84 Empire Circuit PENRITH NSW 2750 |
| **Proposed Development:** | Seniors Housing Development comprising 100 Residential Aged Care Units, 48 Independent Living Units & Associated Facilities |

## General

1 A003 - Deferred Commencement use only

The development must be implemented substantially in accordance with the stamped approved plans tabled below, any other plans or documents approved in respect to Schedule 1 by Council or an accredited Certifier and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions.

| Plan | Numbered | Drawn By | Dated |
|---|---|---|---|
| Location Plan | DA 001 (Issue A) | Calder Flower Architects | 18 September 2014 |
| Basement Floor Plan | DA 002 (Issue A) | Calder Flower Architects | 18 September 2014 |
| Ground Floor & Site Plan | DA 003 (Issue A) | Calder Flower Architects | 18 September 2014 |
| Level 1 Floor Plan | DA 004 (Issue A) | Calder Flower Architects | 18 September 2014 |
| Level 2 Floor Plan | DA 005 (Issue A) | Calder Flower Architects | 18 September 2014 |
| Roof Plan | DA 006 (Issue A) | Calder Flower Architects | 18 September 2014 |
| Elevations and Sections | DA 007 (Issue B) | Calder Flower Architects | 19 November 2014 |
| External Finishes Schedule | DA 009 (Issue A) | Calder Flower Architects | 18 September 2014 |
| Perspectives | DA 010 & DA 011 (Issue B) | Calder Flower Architects | 19 November 2014 |
| Tree Protection and Removal Plan | T-04 (Revision A) | Arterra Landscape Architects | 17 September 2014 |
| Landscape Concept Plan | L-SD-01 to L-SD-03 (Revision A) | Arterra Landscape Architects | 17 September 2014 |
| Waste Management Plans | - | UFD Pty Ltd | 24 September 2014 |
| Stormwater Plans | 131745 | Taylor Thomas Whitting | 25 September 2014 |
| Concept Line Marking & Signage Plan | DA TX.03 (Revision A) | TRAFFIX Traffic and Transport Planners | 14 November 2014 |
| Swept Path Analysis | DA TX.01 & TX.02 (Revision A) | TRAFFIX Traffic and Transport Planners | 14 November 2014 |

2 A019 (amended) - OCCUPATION CERTIFICATE (ALWAYS APPLY)

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

A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate for any health related facilities such as baby care rooms, toilets, food preparation and serving areas, skin penetration rooms, garbage rooms and/or rainwater tanks. The applicant is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.

3 A036 - Baby care room

Baby care facilities such as changing tables shall be provided in visitors' amenities in accordance with Section C13.5 of Penrith Development Control Plan 2010. Details are to be submitted as part of the Construction Certificate application.

4 A038 - LIGHTING LOCATIONS

**Prior to the issue of an Occupation Certificate**, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. 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).

5 A039 - Graffiti

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

6 A046 - Obtain Construction Certificate before commencement of works

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

7 A Special (BLANK)

In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, the development can only be occupied by the following people:

(a) seniors or people who have a disability,
(b) people who live within the same household with seniors or people who have a disability,
(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

8 A Special (BLANK)

In accordance with Clause 18 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, a restriction as to user must be registered against the title of the property on which the development is to be carried out, in accordance with Section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the development relates to the kinds of people referred to in subclause (1) of Clause 18. The restriction shall be registered on the land title prior to the issue of an Occupation Certificate.

9 A Special (BLANK)

**Prior to the issue of a Construction Certificate,** a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the Construction Certificate plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

10 A Special (BLANK)

**Prior to the issue of an Occupation Certificate,** a design verification statement from a qualified designer shall be submitted. The design verification statement shall verify that the development achieves the design quality shown in the approved Construction Certificate plans and specifications, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development.

11 A Special (BLANK)

The development shall be serviced by a private waste refuse contractor. Suitable arrangements in this regard shall be made prior to the issue of an Occupation Certificate.

12 A Special (BLANK)

**Prior to the issue of an Occupation Certificate,** fixed privacy louvres shall be installed to the balconies facing Van Praag Avenue (for the portions of the balconies connected to living room areas) to minimise privacy impacts on adjoining neighbours.

13 A Special BLANK

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

**(i). Lighting**

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

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

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

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

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

**(ii). Fencing**

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

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

**(iii). Basement Car Parking**

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

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

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

**(iv). Entrapment Spots & Blind Corners**

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

**(v). Communal/Public Areas**

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

**(vi). Entrances**

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

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

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

**(vii). Building Security & Access Control**

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

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

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

**(viii). Graffiti/Vandalism**

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

(b) Procedures must be in place to ensure the prompt removal and/or repair of graffiti or vandalism to the buildings, fencing, and common areas. This includes reporting incidents to police and/or relevant authorities

## Heritage/Archaeological relics

14 C003 - Uncovering relics

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

15 D001 - Implement approved sediment& erosion control measures

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) and Landcom's "Managing Urban Stormwater: Soils and Construction " 2004 and are to ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

The approved erosion and sediment control measures are to be installed prior to and maintained throughout the construction phase of the development, until the land, that was subject to the works, has been stabilised and grass cover established.

16 D009 - Covering of waste storage area

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.

17 D010 – Appropriate disposal of excavated or other waste

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

18 D013 - Approved noise level 1

Noise levels from the premises shall not exceed the relevant noise criteria detailed in the "Noise Assessment For DA", Report No. 13266, Version B, prepared by Wilkinson Murray Pty Limited and dated October 2014. The recommendations provided in the acoustic report shall be implemented and incorporated into the design and construction of the development and shall be shown on the plans accompanying the Construction Certificate application.

The recommendations provided in the acoustic report shall be implemented during the on-going operation of the development, particularly with regard to deliveries and the operation of the night-time car parking and "Men's Shed" component of the development. In respect to these components of the development, the following conditions apply:

- The doors of the Men's Shed shall be closed during times of use of power equipment or of equipment that emits potentially offensive noise.
- At grade car parking facilities (accessed via Empire Circuit) are to be used between 10pm and 7am to accommodate night-time vehicle parking.
- Deliveries are to occur between the hours of 7am and 6pm.

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

19 D026 - Liquid wastes

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer, then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

20 D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)

No fill material shall be imported to the site until such time as a Validation Certificate(with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

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

21 D Special BLANK

The recommendations of the "Waste Management Plan Operational Brief" prepared by Universal Foodservice Designs Pty Ltd and dated 24 September 2014, with respect to the provision of bunding and other construction elements required for waste management areas, shall be implemented and incorporated into the design and construction of the development and shall be shown on the plans accompanying the Construction Certificate application.

22 D Special BLANK

The following approved hours of operation apply to the development:

- Community Care Centre: 7am-6pm, seven (7) days a week
- Café: 7am-6pm, seven (7) days a week
- The Men's Shed: 7am-6pm, Monday-Friday

23 D Special BLANK

Dust suppression techniques are to be employed during site works and construction activities to reduce any potential nuisances to surrounding properties.

24 D special condition - Health care type premises (e.g. medical centres, dentists, imaging etc)
Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated or related waste prior to final disposal of the material at a facility approved by the NSW Office of Environment & Heritage. A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.

25 D special condition - Smoke free environment
The construction and operation of the premises shall comply with the NSW Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000.

## BCA Issues

26 E006 - Disabled access and facilities
Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

27 E008 - FIRE SAFETY LIST WITH CONSTRUCTION CERTIFICATE
A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:

- the measures that are currently implemented in the building premises and
- the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.

28 E009 - Annual fire safety-essential fire safety (Class 2-9 buildings)
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.

29 E01A - BCA compliance for Class 2-9
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.

## Health Matters and OSSM installations

30 F130 - Hairdressing – adequate facilities
Skin penetration procedures must not be carried out at the premises without the prior approval of Council.

31 F131 - Hairdressing
Staff belongings and other items not associated with the business shall be kept completely separate to the hairdressing activities and equipment and maintained in a clean condition.

32 F132 - Hairdressing

The premises must be clean and in good repair and structurally suitable for the carrying out of hairdressing.

33 F Special condition

Prior to the operation of the café, the business must notify the NSW Food Authority of their details including:
(a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
(b) The nature of the food business.
(c) The location of any other food premises associated with the food business, within the jurisdiction of the NSW Food Authority.
Should these details change during the operation of the business, the business operator must provide the NSW Food Authority with an update of these details.

Notification can be completed free of charge on the NSW Food Authority's Food Notify website at www.foodnotify.nsw.gov.au.

34 F Special condition

Hand basins are required to all food areas including the coffee shop. All hand basins must be free-standing, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are installed the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

35 F Special condition

Staff toilets must be provided on the premises. Where a toilet adjoins a food preparation area it must be separated by an air lock and its doors must be fitted with self closing devices. Toilets intended for customer use must not be accessed through areas where open food is handled, displayed or stored.

36 F Special condition

A hand basin must be located within the toilet cubicle. Hand basins must be freestanding, serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.

37 F special condition - A021

The hairdressing business is to be registered with Penrith City Council by completing the "Registration of Premises" form. This form is to be returned to Council prior to the issue of the Occupation Certificate and commencement of the business

38 F Special condition - Cleaners sink

The cleaner's sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaners' sinks must be located outside of areas where open food is handled.

39 F special condition - Construction and Operational requirements

The operator shall manage the deceased in accordance with the Public Health Act 2010 and Public Health Regulation 2012, NSW Health Guidelines for the Funeral Industry and any other relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health.

40 F special condition - Coolrooms

Condensation from coolrooms and refrigeration motors must be discharged to the sewer via a tundish with air gap separation in accordance with Sydney Water requirements.

41 F special condition - Coolrooms

The coolroom and freezer room must be provided with:

a) A door which can at all times be opened from inside without a key; and
b) An approved alarm device located outside the room, but controlled only from the inside.

42 F special condition - F006 - Operation

The operator of the hairdressing/beauty salon shall ensure that the requirements of the Local Government Act 1993, Local Government (General) Regulation 2005, Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times.

43 F special condition - F008 - Operation

Any person carrying out any procedure (whether medical or not) that involves skin penetration and includes any procedure declared by the regulations to be a skin penetration procedure shall ensure that the requirements of the Public Health Act 2010, Public Health Regulation 2012 and the current NSW Health Guidelines on Skin Penetration and Code of Practice are met at all times.

44 F Special condition - Fitout general

The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.

45 F Special condition - Fixtures and fittings

Light bulbs or tubes are to be shatterproof or fitted with approved light diffusers (covers or shields) to prevent contamination of food by glass from a broken light globe or tube. Light fittings must be free from any feature that would collect dirt or dust, harbour insects or make the fitting difficult to clean. Light fittings must be recessed into ceilings or equipment where possible. Heat lamps must be protected against breakage by a shield extending beyond the bulb.

46 F Special condition - Flyscreens

Flyscreens or other approved means of excluding flies must be provided to all window and door openings.

47 F special condition - hair dressing

The hairdressing premises must be provided with:

a) facilities that are adequate for the purpose of keeping hairdressing appliances and utensils clean.

b) washing, drainage, ventilation and lighting facilities that are adequate for the carrying out of hairdressing.

c) floor coverings, shelves, fittings and furniture that are suitable for the carrying out of hairdressing.

d) walls and floors constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned.

e) a free standing hand wash basin with soap and hot and cold running water in the immediate area where hair is cut. Warm water must be provided through a single outlet.

f) designated cleaning sink (as distinct from the wash hand basin), with warm running water of at least 40 degrees Celsius to wash equipment and utensils.

g) walls at the rear and sides of the hand washing and cleaning sinks finished with glazed tiles and evenly laid from floor level to a height of 450 millimetres above the top of the wash basin and from the centre of the wash basin to a distance of 150 millimetres beyond each side of the wash basin.

48 F special condition - Licensed premises

The café and food preparation areas are required to be licensed with the NSW Food Authority under the NSW Food Act 2003 and Food Regulation 2004. A licence shall be obtained prior to commencing operation. Details of this licence shall be submitted to Council prior to the commencement of the business, or if not supplied by the Food Authority until after the business has commenced, within 14 days of the licence being issued.

49 F Special condition - Mechanical ventilation

Cooking appliances which exceed a total maximum power input of 8kw for electrical or a total gas input of 29MJ/h for a gas appliance are required to have a kitchen exhaust system installed in accordance with Clause F4.12 of the Building Code of Australia and Australian Standard 1668, Parts 1 & 2.

Detailed plans together with calculations for the system must be provided as part of the Construction Certificate application.

The exhaust hood must completely cover the equipment to be ventilated and extend at least 200mm beyond the perimeter of the equipment. The exhaust hood must be provided with a condensation gutter around its base. The gutter must be at least 50mm wide by 25mm deep. Where abutting walls are located the hood must be constructed so as to finish flat against the wall surface.

The low edge of a canopy type exhaust hood must be at least 2000mm above floor level.

50 F special condition - operation

The hairdresser must provide adequate sterilization records, including the time and date the item was sterilized, the length of time the equipment was sterilised and the temperature and pressure of the autoclave must be kept on the premises. These records must be kept for at least 12 months.

51 F special condition - operation

If the hairdresser's reusable articles are sterilised off-site, the occupier of the premises must make and keep for at least 12 months, a record of the date on which each article was sent off for sterilisation and the name and address of the person who sterilised the article.

52 F special condition - Operation

If the hairdresser's reusable articles are sterilised at the premises, a bench top autoclave is to be supplied and operated in accordance with Australian Standard 2182 – 1998 "*Sterilisers-Steam-Benchtop to sterilise reusable skin penetration articles*". A copy of the receipt and specifications shall be submitted to Council prior to the issue of the Occupation Certificate and commencement of the business.

53 F special condition - Operation

An appropriate sharps container shall be provided for hairdressing business that complies with either AS/NZS 4261:1994 *"Reusable containers for the collection of sharps items used in human and animal medical applications",* if reusable sharps are used, or that complies with AS 4031-1992 "*Non-reusable containers for the collection of sharp medical items used in health care areas",* if non-reusable sharps are used.

54 F special condition - Operation

All sharps generated from the operation of the hairdresser or medical practice must be disposed of at a licensed waste facility. Receipts for disposal must be kept at the premises and available for inspection by an authorised officer upon request. Details of how sharps will be disposed (e.g. details of waste contractor, frequency of disposal, etc) must be provided to Council prior to the issue of the Occupation Certificate and commencement of the business.

55 F special condition - Operation

The foot spa is to be cleaned after each client with a mild detergent followed by disinfectant and after each day's usage be thoroughly cleaned with a proprietary spa bath cleaner which contains a disinfectant in accordance with the manufacturer's specifications.

56 F special condition - Operations

All needles and sharps that penetrate the skin are to be sterile.

57 F special condition - Premises construction

A designated sink (separate to the hand wash basin) shall be provided which has a supply of clean, warm water provided through a single spout for the cleaning of equipment.

58 F Special condition - Premises construction

The walls and floor of the treatment room/s are to be constructed of materials that are durable, smooth, impervious to moisture and capable of being easily cleaned. No exposed brickwork, timber or carpet is permitted.

59 F Special condition - Premises construction

A hand wash basin shall be provided in the treatment room/s where skin penetration procedures are to be carried out. The hand wash basin is to have a supply of clean, warm, potable water provided through a single spout. The hand wash basin/s is also to be supplied with appropriate hand cleaning and drying equipment (i.e. pump pack antibacterial soap and disposable paper towels).

60 F special condition - Registration and notification

Warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. Should any cooling towers be installed in the future, they will also need to be registered by completing the registration form for regulated systems. This form is to be returned to Council prior to the issue of the Occupation Certificate and operation of the system.

61 F special condition - Ventilation and nail salons

All commercial kitchens are to be ventilated to adequately remove chemical odours and dust in accordance with AS 1668. The *Protection of the Environment Operations Act 1997* and any Workcover NSW requirements. Certification that the ventilation system complies with the above requirements and will adequately remove noxious odours shall be submitted to Council prior to the issue of the Occupation Certificate and commencement of the business.

62 F special condition - Waste storage areas and rubbish bins

All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.

63 F special condition - Waste storage areas and rubbish bins

Bins, hoppers and other containers used for storing garbage or recyclable material shall be:

a) constructed of impervious material such as metal or plastic;
b) have tight fitting lids; and
c) bins that cannot be lifted for draining after cleaning and shall have drainage bungs at the base.

64 F special condition - Waxing

Wax used for the purposes of hair removal and any instrument used to apply the wax (such as a spatula) must be disposed of immediately after completing the procedure.

65 F Special condition Mechanical ventilation 2

Prior to the issue of an Occupation Certificate, and operation of the business, the exhaust system shall be certified by an appropriately qualified person to comply with the Building Code of Australia and Australian Standard 1668, Parts 1 & 2. A copy of the certification and supporting documentation must be provided to Council's Environmental Health Department if Council is not the Principal Certifying Authority.

## Utility Services

66 G002 - Section 73 (not for

Prior to the issue of an Occupation Certificate, 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.

67 G004 - Integral Energy

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

## Construction

68 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

69 H002 - All forms of construction

Prior to the commencement of construction works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

70 H025 - Construction of garbage rooms

Garbage rooms within buildings shall have masonry walls with smooth face cement rendering to the full height internally and be provided with a smooth concrete floor. The floor shall be graded and drained to a floor waste connected to the sewer that shall be charged with a suitably located cold water hose cock. Access doors to the garbage store shall be a tight fitting solid core or of non-combustible construction.

71 H033 – Clothes line

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

72 H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)

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

73 H041 - Hours of work (other devt)

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 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 all construction works.

## Engineering

74 K001

The stormwater management system shall be provided generally in accordance with the drainage concept plan and Drainage Report prepared by Taylor Thomas Whitting (NSW) Pty Ltd, reference number 131745, dated 25/09/14.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate. The dengineering plans must include the details and the locations of the GPTs discussed in the drainage report.

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

75 K002

**Prior to the issue of an Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments Policy.

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

76 K003

The stormwater management systems shall continue to be operated and maintained in perpetuity to the satisfaction of Council in accordance with the final operation and maintenance management plan. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measures.

77 K027 - Car Parking

A total of 110 off-street parking spaces are to be provided, linemarked and maintained for the development. The parking space dimensions and manoeuvring areas are to comply with AS 2890.1, AS 2890.2, the Building Code of Australia and the Commonwealth Disability Discrimination Act.

Of the 110 spaces, 6 parking spaces for persons with disabilities are to be provided in accordance with AS 1428.1 and are to be located close to all pedestrian accessways/entrances to the buildings.

78 K041 - Bond (Authur unknown) - Not adopted by Council

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Council's Public Infrastructure Assets. The bond is to be lodged with Council **prior to the issue of a Construction Certificate**. The bond shall be determined accordance with Council's adopted Fees and Charges.

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

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

79 K202 - Section 138 Roads Act – Minor Works in the public road

**Prior to the issue of a Construction Certificate**, a Section 138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department on** (02) 4732 7777 for further information regarding the application process.

80 K221 - Access, Car Parking and Manoeuvring – General

**Prior to the issue of a Construction Certificate,** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

81 K303 - Dilapidation report

**Prior to the issue of a Construction Certificate,** a dilapidation report documenting the existing condition of adjoining dwellings to the rear (east) of the site shall be submitted to Council. The report will be made available by Council in any private dispute arising from damage to adjoining dwellings resulting from the approved works.

82 K501- Penrith City Council clearance – Roads Act/ Local Government Act

**Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with any Section 138 Roads Act approval have been inspected and signed off by Penrith City Council.

83 K Special (BLANK)

Prior to the issue of an Occupation Certificate, and to maintain sight distances between the shared-use path (Van Praag Avenue) and the northern-most basement driveway, "No Stopping" restrictions are to be implemented on the eastern side of Empire Circuit. The "No Stopping" zone is to be approved by Council's Local Traffic Committee prior to implementation and installed at no cost to Council.

84 K Special (BLANK)

All car spaces are to be sealed, linemarked and dedicated for the parking of vehicles only and not to be used for the storage of materials, products, waste materials, etc.

85 K Special (BLANK)

Prior to the issue of an Occupation Certificate, signage indicating the direction and location of visitor and staff parking is required at the Empire Circuit driveway entrances, similar to that shown on Drawing No. TX.03/A dated 14/11/14.

86 K Special (BLANK)

Prior to the issue of an Occupation Certificate, signage indicating "No Exit" and "One Way" are required at the northern end of the entry only driveway in the Empire Circuit at grade car park, to restrict drivers from leaving the site via the entry only driveway.

87 K Special (BLANK)

Prior to the issue of an Occupation Certificate, signage indicating the location of staff parking is required at the Bartlett Place driveway entrance.

88 K Special (BLANK)

Prior to the issue of an Occupation Certificate, to highlight the shared-use path to drivers and the right-of-way to path users, the following signs and linemarking shall be installed at the path at the Bartlett Place driveway area:

a) Warning signage (W6-9 and W8-23) either side of the path facing the direction of travel (to from Bartlett Place);

b) Path logos (PS-3 and PS-4) on the path facing the two directions of path travel; and

c) Path edge linemarking (E7) for approximately a 14m length for two sides of the path, at a 3m path width.

89 K Special (BLANK)

The required sight lines around all driveway entrances are not to be compromised by landscaping, fencing or signage.

90 K Special (BLANK)

Prior to the issue of an Occupation Certificate, the driveway at the northern-most basement entry shall display signage indicating "entry only".

91 K Special Condition BLANK

Subleasing of car parking spaces is not permitted by this consent.

## Landscaping

92 L001 - General

All landscape works are to be constructed in accordance with the stamped approved plans and Sections F5 “Planting Techniques”, F8 “Quality Assurance Standards”, and F9 “Site Management Plan” of Penrith Council’s Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and
- in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation which died or was removed.

93 L002 - Landscape construction

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.

94 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

iii Final Site Arborist's Report

This report is to be submitted to Penrith City Council 2 years after the Occupation Certificate was issued. This report is to be prepared by a consulting arborist listed in Council's Approved Landscape Consultants Register. At Council's discretion this period may be reduced under circumstances where the Site Arborist is able to guarantee the health and ongoing survival of the trees.

iv Three Year Landscaping Report

Three years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:
(a) The landscaping on site has matured and is in accordance with the original landscape approval.
(b) The landscaping on site has not matured in accordance with the original design philosophy and requires significant restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

95 L005 - Planting of plant

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's Landscape Development Control Plan.

96 L006 - Aust Standard

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.

97 L008 - Tree PreservationOrder

No native trees or other vegetation (including shrubs and other understorey vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those identified in the Tree Protection and Removal Plan prepared by Alterra, dated 17/9/2014) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

98 L010 - Retain existingtrees (no tree bondrequired)

The trees identified for retention in the Arboricultural Impact Assessment prepared by Alterra dated 17/9/2014 shall be retained and duly protected during the construction of the development. Tree protection measures shall:

- be installed before any works can commence on site including the clearing of site vegetation, and
- comply with the standards prescribed in the Arboricultural Impact Assessment, and
- be certified by the author of the Arboricultural Impact Assessment before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum of 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".

All tree protection measures identified in the Arboricultural Impact Assessment (Alterra, 17/9/2014) are to be implemented in their entirety.

99 L011

Prior to the issue of an Occupation Certificate, an ongoing Tree Management Plan (TMP) shall be submitted. The TMP shall detail how the two groupings of retained trees on the site will be managed and cared for in the long-term. The recommendations of the TMP shall be implemented in perpetuity.

100 L Special (Protection of trees to remain on site)

All trees approved by Council for removal shall be removed in a manner so as to prevent damage to those trees that are to be retained

101 L Special (Tree protection - Australian Standards)

The trees to be retained must be retained and protected in accordance with AS 4970 -2009, Protection of trees on development sites.

102 L Special BLANK

To reduce potential impacts from weeds and non-native species, only native plant species native to the Cumberland Plan Woodland vegetation community are to be used in landscaping adjacent to the 88B restricted areas. Exotic or introduced species are not to be used in the landscape areas adjacent to the Cumberland Plain Woodland remnants.

103 L Special BLANK

A low, see-through metal fencing/barrier is to be installed surrounding both 88B affected areas to limit access, whilst at the same time having limited impact on visual amenity. The fencing is to be in fitting with the general charachter of the development and should allow access for ongoing maintenance and weed management of the remnant woodland.

## Payment of Fees

104 P001 - Costs

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

105 P002 - Fees associatedwith Council land (Applies to all works & add K019)

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 Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)

Prior to the commencement of any earthworks or construction works on site, the proponent is to:
(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
(b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

<u>Information to accompany the Notice of Commencement</u>

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.

107 Q05F - Occupation Certificate for Class10

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the buildings.

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.

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.

## Schedule 1 (Deferred Commencement)

108 S

A separate Development Application is to be submitted to Council for approval for the remediation of land. The application for remediation must be accompanied by a Remediation Action Plan that responds to the findings of the "Report On Detailed Site Investigation For Contamination, Seniors Housing Development, Lot 2034 Empire Circuit, Penrith" (Project 73814.01) prepared by Douglas Partners Pty Ltd and dated August 2014, as well as being 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.

109 S

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 the approved Remediation Action Plan, relevant NSW Environment Protection Authority requirements and the Penrith Development Control Plan 2010. The Validation Report is to confirm that the site is suitable for the proposed use.

{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 hydrology,environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

NOTE:

The preceding two conditions must be satisfied within 18 months of the date of this "Deferred Commencement" consent notice. Should these matters not be satisfactorily completed within this time period, the consent will lapse.