

## Penrith City Council Draft Conditions

### **Schedule A - Deferred Commencement Conditions**

**The following conditions of consent must be complied with prior to this development consent becoming operational:**

The following conditions of consent must be complied with prior to this development consent becoming operational:

- a. Consent no. DA17/1092 is to be surrendered in accordance with Clause 97 of the Environmental Planning and Assessment Regulation 2000.
- b. The Manager of Development Services at Penrith City Council is to be provided with the following amended and additional plans and reports:
  - (i) **A final Arboricultural Impact Assessment (AIA) report.** The AIA report must consider/include (but not be limited to) the following:
    - Demonstrate that the overarching principle of avoid, minimise, offset has been applied to the assessment of trees and vegetation on the site.
    - Recognise that the removal of trees may not be supported if the sole reasons is to support fairway play as part of the augmented golf course.
    - Consider that removal of trees within Riparian Zones is generally not supported and that these areas are to form part of the revegetated and/or regenerated zones.
    - Include an assessment of street trees that may be impacted by the proposed development. Assessment of street trees will then be undertaken in conjunction with and under the same criteria as the trees that are located on the subject site. NB: Owner's consent will be required to be provided if street trees are required to be removed to facilitate any approved works.
    - The assessment of trees on neighbouring properties that will be impacted under the proposed development. NB: As a DA cannot cause third party property damage the proposed works shall be required to be appropriately setback to ensure appropriate retention and protection under AS 4970 – 2009, *Protection of Trees on Development sites*.
    - Acknowledge that some trees that may be designated are being in poor arboricultural condition could be suitable habitat trees and where possible those trees should be retained and remedial pruning or other management techniques are applied to retain these trees as long as possible.
    - Clearly show the location of trees, their numbering and size of Tree Protection Zone (TPZ). Note: Where TPZ's overlap considerably (e.g. the trees are growing in a dense clump), consideration is to be given to

representing the outer edge of the TPZ providing that the extent of TPZ is accurately plotted. The Tree Protection Zone would then become a Tree /Vegetation Protection Zone.

- Clearly define trees that are located within 40 metres of Jerry's Creek and in the first instance identify them for retention as a Riparian Zone and other appropriate distances from other waterways Note: Refer to the National Resources Access Regulator (NRAR) regarding works within 40m of a waterway.
- Provide a low, medium or high retention value rating for assessed trees based on their Useful Life Expectancy and Landscape and/or Habitat Significance.
- Include an accurate and informed assessment of all proposed works (e.g. cut, compacted fill, trenching, buildings, civil, stormwater & drainage, swales, burial sites, retaining walls and other landscape and civil works) reflected in the approved drawings and determine the impact of those works on the trees.
- Determine the level, percentage and type of encroachment (i.e. minor or major) in accordance with Clause 3.3.4 *AS 4970 – 2009, Protection of trees on development sites* and then either propose amendments to retain the tree/s, demonstrate how the tree/s could remain viable if work was approved or recommend the tree/s for removal and provide justification.
- The AIA report is not to include ecological or heritage assessments or comments unless the author is suitably qualified.

All vegetation impacts (including tree removal and retention) must be clearly specified within the AIA, the Tree Retention and Removal Plan (TRRP) and the Biodiversity Management Plan (BMP) and must not exceed those specified within the final stamped approved Biodiversity Development Assessment Report (BDAR).

#### **Matters for consideration of the Final Arboricultural Impact Assessment:**

To accurately determine the number of trees to be removed, any tree proposed to be removed shall be jointly inspected by:

- an AQF (Australian Qualification Framework) Level 5 Arborist;
- a suitably qualified Ecologist (Flora/Fauna/Aquatic) – where fauna may be impacted;
- a suitably qualified Supervising Bush Regenerator (for riparian and regeneration areas); and
- Councils Tree Management Officer or suitable Council representative;

to identify and agree on:

- The impacts of the proposed works on trees and vegetation and trees to be retained or removed.
- any remedial pruning that may be required to extend the life/habitat value of a tree but also manage risk management requirements of the site.
- Threatened, Native, Tree/vegetation protection zones and fence locations (permanent and temporary requirements).
- Replanting requirements to compensate for any trees that are agreed to be removed (numbers, type; tree, shrub, groundcover, location and species). These requirements are then to be added to the planting requirements of the approved Landscape Plan.
- Replanting requirements to provide for succession planting/increase vegetation around trees to be retained, particularly trees identified as habitat and along riparian areas.
- Where information regarding proposed works around trees and vegetation is not clear, additional information to undertake an informed assessment shall be provided by the applicant.
- If information is insufficient to undertake an informed assessment then, in the first instance, full protection measures as per AS 4970 -2009, Protection of Trees on development sites are to be imposed.
- Once agreement is reached on the treatment of trees/vegetation then these numbers shall be used to produce an addendum to the Biodiversity Development Assessment Report (BDAR) for this site and a Tree Retention and Removal Plan (TRRP) can be developed for the site.
- The TRRP shall also be used to inform appropriate site design for the proposed works (including Landscaping) and permit appropriate Management Plans to be developed.

- (ii) **A Tree Retention and Removal Plan (TRRP)** for the Site. The TRRP is to be accompanied by advice from a qualified bush fire consultant detailing how the Plan demonstrates compliance with the requirements of the NSW Rural Fire Service referenced in consent Condition 4 and is to be informed by the Arboricultural Impact Assessment (AIA).

The TRRP and the landscape plan sets are to clearly indicate the Inner Protection Area (**IPA**) and Outer Protection Area (**OPA**) defined within the Asset Protection Zone (**APZ**) offset, to ensure that there are clear distinctions between those zones, to avoid unnecessary pruning or tree and vegetation removal.

The landscape plans are to correlate with the endorsed final TRRP and the VMP.

The plans are to identify the location of any permanent and temporary protection

fencing to be installed around the regeneration areas and the Tree Protection Zones for trees or vegetation potentially impacted by burial plots and construction works as identified within the Arboricultural Impact Assessment.

- (iii) An updated Vegetation Management Plan (VMP) for the site. This will supersede the Travers 2019 VMP and reflect the approved site layout and landscaping. Prior to determining the objectives that set the scope for the VMP the consultant is to consult with Council's Biodiversity Officer in formulating an approved list of objectives prior to the development of the VMP as a whole. One of the objectives is to specifically address habitat restoration for Platypus (*Ornithorhynchus anatinus*).

Advisory note:

Vegetation impacts (including tree removal and retention) must be clearly addressed within the AIA, the TRRP, the Biodiversity Management Plan and must not exceed vegetation impacts specified within the stamped approved Biodiversity Development Assessment Report (BDAR).

- (iv) **A Tree Protection Plan (Specification) and Drawing** will be required to be developed once the locations and numbers of trees to be retained has been agreed upon.

A Project Arborist with a minimum AQF (Australian Qualification Framework) Level 5 shall be engaged to prepare a Tree protection Plan (Specification) and Drawing written in accordance with AS 4970 - 2009, Protection of Trees on development sites.

This report shall be consistent with the AIA, TRRP and any Ecological/Vegetation/Conservation reports that have been approved. Refer to **Schedule C – Part B for Tree Protection Plan (Specification) and Drawing requirements and considerations**.

Note: If any Ecological/Vegetation/Conservation reports have not been completed/approved by Council, then the Tree protection Plan (Specification) and Drawing cannot be undertaken until such time that any outstanding reports are finalised and approved by Council. This is to ensure consistency across all Plans/documents.

- (v) A Biodiversity Development Assessment Report (BDAR) addendum is to be submitted to Council for review and approval.

The addendum is to indicate the likelihood of presence or absence of *Diuris pedunculata* as informed by the Department of Industry and Environment's (DPIE) nominated expert for the species (Contact: Lachlan Copeland).

- (a) Subject to absence and if the species is considered highly unlikely to persist on the site, given land management practices conducted between the time of

the recorded sighting and year ending December 2020, as determined by the DPIE species expert. No further survey efforts are required.

- (b) Subject to absence, but with the possibility of presence, the DPIE species expert is to provide advice to those acting on the consent and the land-owner, regarding any alterations to current management actions (outside of the main golfing fairway) to allow for presence to be observed during the survey period.
- (c) The landowner and those acting on the consent are to consult with the managers of the golf course as to any proposal to cease treatments for a specified time period, for example, cease slashing the rough through until the time that the survey has been completed.
- (d) Targeted surveys are to be conducted between Aug and Oct 2021 scheduled in consultation with the DPIE species expert. The applicant is to provide an addendum to the BDAR, to Council at the latest by mid-November 2021, or two weeks after the survey is conducted to confirm:
  - (i) if present, an assessment of the proposed works for that location and management recommendations to allow for persistence in current location i.e. threatened species protection zone (following the BC Act 2016) hierarchy avoid, minimise (offset, which would require formal survey and assessment outside the BDAR process using the BAM).
  - (ii) if absent during the survey period, but there is likelihood for presence given protection measures and time frame, provide recommendations to make reference to proposed works at this location for example, recommend threatened species protection zone of the required dimensions for a period of time (as advised) and management actions (to be outlined in consultation with DPIE's Accountable Officer for the species (Contact Lia Hooper), and a representative of the Saving Our Species program).
  - (iii) if absent this survey period and subsequent to species expert (Lachlan's advice) (see C), no further consideration of the species record required in association with the development application. If (d) applies a formal notification to Council is required and the BDAR is not required to be updated.

The addendum is to be submitted to Council for review and approval within 3 weeks of its receipt.

Advisory note:

Vegetation impacts (including tree removal and retention) must be clearly addressed within the AIA, the TRRP, the Biodiversity Management Plan and must not exceed vegetation impacts specified within the final approved Biodiversity Development Assessment Report (BDAR).

**The above Deferred Commencement Conditions are to be satisfied within 12 months of the date of the determination of this consent.**

## **Schedule B - Operational Consent Conditions**

### **General Conditions**

1. The approved development must be carried out in accordance with the following plans and documents except as may be amended by the following conditions or as marking in red on the stamped approved plans.

Reference to 'phases' of the development is as follows:

**Phase 1** – Construction works, tree removal and other activities related to the approved augmentation of the existing golf course from an 18-hole golf course to a 9-hole golf course, alterations and additions to the existing golf clubhouse and ancillary car parking, construction of a bowling green and the construction of the community facility (being the pool and gymnasium building) and associated car park addition, civil and road and intersection works, stormwater, services, fencing, landscaping and regeneration works.

**Phase 2** – Construction works, tree and vegetation removal, dam dewatering and other activities related to the cemetery, construction of the ancillary administration building and ancillary chapel and associated civil, road and intersection works, earthworks, stormwater, services, fencing and landscaping and regenerations works.

Document no.	Document title and details	Prepared by	Rev	Date
Ignite Architectural Plans				
DA00	Cover Sheet	Ignite	A	02.12.19
DA01	Drawing Index/Specification/material Schedule	Ignite	C	02.12.19
DA02	Complete Site Plan	Ignite	C	02.12.19
DA03	Site Plan - Overall	Ignite	C	02.12.19
DA04	Site Plan - Chapel	Ignite	C	02.12.19
DA05	Site Plan - Admin	Ignite	C	02.12.19
DA06	Admin Floor Plan, Elevations & Sections	Ignite	C	02.12.19
DA07	Chapel Floor Plan	Ignite	C	02.12.19
DA08	Chapel Elevations	Ignite	C	02.12.19
DA09	Chapel Sections	Ignite	C	02.12.19
DA10	Chapel Renders	Ignite	C	02.12.19
DA11	Admin Renders	Ignite	C	02.12.19
Axil Architects Plans				
A0.00	Cover Sheet	Axil Architects	DA2	06.11.2020
SA.01	Site Analysis	Axil Architects	DA2	06.11.2020
A0.01	Proposed Site Plan	Axil Architects	DA2	06.11.2020
A0.02	Existing Site Plan	Axil Architects	DA2	06.11.2020
A0.03	Existing Lower Level Plan	Axil Architects	DA2	06.11.2020
A0.04	Existing Ground Floor Plan	Axil Architects	DA2	06.11.2020
A0.05	Proposed Site Plan – North (1-250)	Axil Architects	DA2	06.11.2020
A0.06	Proposed Site Plan – South (1-250)	Axil Architects	DA2	06.11.2020
A1.01	Demolition Lower Level Plan	Axil Architects	DA2	06.11.2020
A1.02	Demolition Ground Floor Plan	Axil Architects	DA2	06.11.2020
A1.03	Proposed Lower Level Plan	Axil Architects	DA2	06.11.2020
A1.04	Proposed Ground Floor Plan	Axil Architects	DA2	06.11.2020
A1.05	Roof Plan	Axil Architects	DA2	06.11.2020
A1.06	Proposed Lower Level Plan	Axil Architects	DA2	06.11.2020
A1.07	Proposed Ground Floor Plan	Axil Architects	DA2	06.11.2020
A1.08	Proposed Pool + Gym	Axil Architects	DA2	06.11.2020
A2.01	Elevations – Clubhouse	Axil Architects	DA2	06.11.2020
A2.02	Section - Clubhouse	Axil Architects	DA2	06.11.2020
A2.03	Elevations & Sections New Pool + Gym	Axil Architects	DA2	06.11.2020
A2.04	Elevations 1:200	Axil Architects	DA2	06.11.2020
A2.05	Elevations 1:100	Axil Architects	DA2	06.11.2020
A2.06	Sections AA, BB, CC & DD	Axil Architects	DA2	06.11.2020
AA.01	Area Analysis Plans	Axil Architects	DA2	06.11.2020
Degotardi Smith & Partners Consulting Surveyors				
35239A01.DWG Sheet 1 of 1	Plan of Proposed Subdivision of Lot 2 D.P. 1254545 Wallacia Golf Course	DS&P	A	05/09/19
Warren Smith & Partners Plans – Wallacia Country Club Civil, Stormwater & WSUD DA Plans				
SK-11	Sewer and Water Servicing Sketch	WS&P	2	06.11.2020
C1.01	Cover Sheet	WS&P	3	Dec 2019
C1.03	General Arrangement Plan Sheet 1 of 2	WS&P	3	30/07/20
C1.04	General Arrangement Plan Sheet 2 of 2	WS&P	3	30/07/20
C6.01	Stormwater Layout Plan Sheet 1 of 2	WS&P	4	30/07/20
C6.02	Stormwater Layout Plan Sheet 2 of 2	WS&P	4	30/07/20

C6.03	Stormwater Catchment Plan	WS&P	3	30/07/20
C6.04	Pit Schedule	WS&P	4	4/11/2020
C6.05	On Site Detention (OSD) Tank Plan	WS&P	3	30/07/20
C6.06	On Site Detention (OSD) Tank Sections	WS&P	3	30/07/20
<b>Stormy Water Solutions Plans</b>				
1954/SWS/1	Nepean Memorial Park Stormwater Management Plan Overview	Stormy Water Solutions	V5	3 November 2020
1954/SWS/2	Nepean Memorial Park Stormwater Management Plan Catchment 1 Drainage Elements Concept Design	Stormy Water Solutions	V5	3 November 2020
1954/SWS/3	Nepean Memorial Park Stormwater Management Plan Catchment Management 2 Assets Concept Design	Stormy Water Solutions	V5	3 November 2020
1954/SWS/4	Nepean Memorial Park Stormwater Management Typical Swale Cross Sections	Stormy Water Solutions	V5	3 November 2020
1954/SWS/5	Nepean Memorial Park Stormwater Management Plan Typical Wetland Cross Sections	Stormy Water Solutions	V5	3 November 2020
1954/SWS/6	Nepean Memorial Park Stormwater Management Plan Typical Wetland Cross Sections	Stormy Water Solutions	V5	3 November 2020
<b>Harrison Golf Plans</b>				
W917-DA-00	Drawing Index/Cover Sheet	Harrison Golf	G	19.11.19
W917-DA-01	Site Plan	Harrison Golf	G	19.11.19
W917-DA-02	Golf Course General Layout Plan	Harrison Golf	G	19.11.19
W917-DA-03	Golf Course Layout Comparison Plan	Harrison Golf	G	19.11.19
W917-DA-04	Not approved	Harrison Golf	G	19.11.19
W917-DA-05	Not approved	Harrison Golf	G	19.11.19
W917-DA-06	Golf Course Earthworks Plan (1)	Harrison Golf	G	19.11.19
W917-DA-07	Golf Course Earthworks Plan (2)	Harrison Golf	G	19.11.19
W917-DA-08	Golf Course Cut & Fill Analysis (1)	Harrison Golf	G	19.11.19
W917-DA-09	Golf Course Cut & Fill Analysis (2)	Harrison Golf	G	19.11.19
W917-DA-10	Golf Course Grassing & Landscape Plan (1)	Harrison Golf	G	19.11.19
W917-DA-11	Golf Course Grassing & Landscape Plan (2)	Harrison Golf	G	19.11.19
W917-DA-12	Golf Course Grassing & Landscape Plan (3)	Harrison Golf	G	19.11.19
<b>Traffic External Civil &amp; Intersection Plans</b>				
C7.01	External Works Plan Sheet 1	Warren Smith & Partners	6	19.03.21
C7.02	External Works Plan Sheet 2	Warren Smith & Partners		
C7.03	External Works Plan Sheet 3	Warren Smith & Partners	3	18.03.21
C7.04	External Works Plan Sheet 4	Warren Smith & Partners	3	18.03.21
C9.01	Swept Paths Sheet 1	Warren Smith & Partners	4	20.03.21



C9.02	Swept Paths Sheet 2	Warren Smith & Partners	1	19.03.21
<b>Document no.</b>	<b>Document title and details</b>	<b>Prepared by</b>	<b>Rev</b>	<b>Date</b>
SWS Project No. 1954	Nepean Memorial Park Water Sensitive Urban Design Strategy and Storm Water Management Plan	Stormy Water Solutions	V3	16 April 2020
-	Civil Engineering Services report	Warren Smith & Partners	01	6 December 2019
Project no. 1724	Aboriginal Due Diligence Assessment	Austral Archaeology	2	6 December 2019
Project no. 2044	Aboriginal Archaeological Report	Austral Archaeology	2	6 November 2020
Project no. 2044	Aboriginal Cultural Heritage Assessment	Austral Archaeology	2	6 November 2020
Project no. 1724	Historical Archaeological Assessment	Austral Archaeology	2	6 December 2019
Ref (18CMCT02W)	Watercourse Assessment	Travers Bushfire & Ecology	-	25/11/2019
18CMCT02	Vegetation Management Plan	Travers Bushfire & Ecology	1	09/12/2019
Ref (A17162)	Flora and Fauna Assessment Report	Travers Bushfire & Ecology	-	25/10/2017
20WOL_15736	Biodiversity Impact of Sewer – Wallacia Memorial Gardens letter and Plan no. SK-11, Issue 2 – Job no. 593600, dated October 2020, prepared by Warren Smith & Partners	EcoLogical, Warren Smith & Partners	-	8 March 2021
P1706171JR08 V02	Remediation Action Plan for Nepean Gardens Cemetery, Wallacia, NSW	Martens	2	16 March 2021
P1706171JR07 V01	Detailed Site Investigation for Wallacia Memorial Park, NSW	Martens	1	14 August 2020
P1706171JR01 V02	Preliminary Geotechnical, Groundwater and Salinity Assessment: Proposed Nepean Gardens, Wallacia NSW	Martens	2	06.12.2019
Document Reference 20191301.1/112 9A/R1/TT	Noise Emission Assessment	Acoustic Logic	2	9/5/2020
Document Reference 20191301.1/020 6A/R1/VF	Response to Council Correspondence	Acoustic Logic		9 May 2020,
Document Reference 20201221.1/091 1A/R1/VF	Nepean Gardens Cemetery – DA Noise Assessment	Acoustic Logic		8 November 2020
Project no. 170038	Wallacia Panthers Golf & Country Club Proposed Re-development - Flood Impact Assessment	GRC Hydro	1	November 2019
-	Letter - Summary of Groundwater Level Monitoring with Attachments A and B	Martens Consulting Engineers		8 October 2019
SK-05 5936001 – Nepean Gardens	Sewer and Water Servicing Sketch	Warren Smith and Partners	-	Undated

Ref 5936001 –	Dam De-Watering Plan	Warren Smith and Partners	1	29 July 2020
-	Water Quality Associated with Dam De-Watering Document	Martens & Associates	-	27 November 2020

## **Operational Conditions**

2. **Approved Use** – The Approved use of the land identified as Lot 2 on stamped approved plan titled *Proposed Plan of Subdivision of Lot 2 in DP 1254545*, revision A, dated 05/09/2019 prepared by Degotardi Smith and Partners surveyors, is for a cemetery having a maximum of 27,000 full body burial plots with ancillary administration and chapel buildings and associated roads, infrastructure and landscaping.

No approval is granted for the installation of mausoleums, crypts or vaults. Memorials and headstones are limited to a maximum of 1.5m above natural ground level and all memorials and headstone heights and plot locations are to be in accordance with the Council endorsed amended *Burial Extent and Types Plan*, prepared by Florence Jaquet as is required to be submitted in satisfaction of the deferred commencement conditions.

The continued use of the part of the site identified as Lot 1 on stamped approved plan titled *Proposed Plan of Subdivision of Lot 2 in DP 1254545*, revision A, dated 05/09/2019 prepared by Degotardi Smith and Partners surveyors, is for an augmented 9-hole golf course (reduced from 18-holes) and associated works as shown on the stamped approved plans.

This consent also approves alterations to the existing ancillary golf clubhouse and carparking and approves the construction of a *community facility* containing a pool and gymnasium and associated car parking, landscaping, civil and infrastructure works to be located on Lot 1 in DP 1254545 and Lots 3 and 4 in DP 18701.

3. The approved hours of operation are as follows:

### **A. Cemetery -**

- (a) **Visitor and public access** - 24 hours a day, 7 days.
- (b) **Administration building & cemetery workshop shed** – 6.00am to 6.00pm, 7 days.
- (c) **Chapel** – 8.00am to 6.00pm, 7 days.

### **B. Golf clubhouse -**

10.00am to 10.00pm Mondays, Tuesdays, Wednesdays, Thursdays and Sundays, and 10.00am to 12.00am Fridays and Saturdays.

Use of the golf clubhouse outdoor terrace at ground and lower ground floor is to cease at 10:00pm, 7 days and terrace doors are to be kept closed after this time.

### **C. Bowling green** – Any use of the bowling green is prohibited after 7:00pm, 7 days.

**D. Community facility (pool and gymnasium building) - 6.00am to 10.00pm, 7 days.**

Entry to the community facility is not to be restricted to club members and is to be open for use by the general public.

Parking provided on the site is to be open to those visiting the clubhouse, golf course and community facility.

4. **Rural Fire Service NSW** - The New South Wales Rural Fire Service (NSW RFS) has issued their General Terms of Approval and a Bush Fire Safety Authority for the development subject to Conditions detailed in letter dated 9 November 2020 (DA20200119000233-CL55-1). Those acting on the consent are to ensure that the development is constructed and remains compliant with the NSW RFS conditions as set out in the above-mentioned letter and General Terms of Approval.

Vegetation within the APZ is to be maintained as per the NSW Rural Fire Service General Terms of Approval in perpetuity. Clearing in excess of these requirements is not permitted without consent.

5. **Natural Resources Access Regulator** - The Natural Resources Access Regulator (NRAR) has issued their General Terms of Approval (GTA) in relation to the development (Reference Number IDAS1121940, dated 27 February 2020). The GTA issued by NRAR do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to NRAR for a Controlled Activity Approval after consent has been issued by Council **and before the commencement of any work or activity**.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the website at [www.industry.nsw.gov.au](http://www.industry.nsw.gov.au) ^ Water ^ Licensing & Trade ^ Approvals.

Those acting on the consent / the holder of the consent are to ensure compliance with the GTA and accompanying NRAR Cover letter (IDAS1121940, CM9-V19/871-5#75, dated 27 February 2020).

6. **Transport for NSW (TfNSW)** – Those acting on the consent are to ensure that the development remains compliant with the concurrence requirements of TfNSW as set out in TfNSW letter dated 21 May 2021 (Ref SYD20/00015/09) as copied below and as detailed in Attachments A and B of the abovementioned correspondence.

- (a) Detailed design plans and hydraulic calculations of any changes to the stormwater system are to be submitted to TfNSW for approval, **prior to the**

**commencement of any works.** Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- (b) The access to the country club is to be modified to include the design features outlined in Attachment A – Access to Country Club and are to be provided to TfNSW and Council for further review.
- (c) The proposed works outlined in the abovementioned point (b) along Park Road shall be designed to meet TfNSW requirements and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Code of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval **prior to the release of the Construction Certificate** by the Principal Certifying Authority and commencement of road works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

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

- (d) The redundant driveways on the Park Road boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the gutter crossing and the replacement of the kerb and gutter on Park Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@rms.nsw.gov.au](mailto:DeveloperWorks.Sydney@rms.nsw.gov.au).

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval **prior to the issue of a Construction Certificate and commencement of any road works.** Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au). A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

- (e) In accordance with AS 2890.1 – 2004 (Parking Facilities, Part 1: Off-street car parking), the driveway shall be a minimum of 5.5m in width for a minimum of 6m from the property boundary.
- (f) A Construction Pedestrian Management Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval **prior to the issue of a Construction Certificate.**

- (g) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Park Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
- (h) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS 2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.
- (i) Sight distances from the proposed vehicular crossings on Park Road are to be in accordance with the Austroad Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distance) and AS 2890. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists.
- (j) It is recommended that to support and encourage active transport, bicycle parking facilities are provided within the development or close to it. Bicycle Parking should be provided in accordance with AS 2890.3.
- (k) The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
- (l) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Park Road.
- (m) TfNSW has previously dedicated a strip of land as road along the Park Road frontage of the subject property, as shown by grey colour on the attached Aerials – “X” and “Y”.

Transport for NSW (Roads) has also previously acquired a strip of land for road along the Mulgoa Road frontage of the subject property, as shown by blue colour on the attached Aerials – “Z”.

The subject property (Lot 2 DP1108408) is further affected by a Road Widening Order under Section 25 of the Roads Act, 1993 as published in Government Gazette No. 112, 20<sup>th</sup> October 1967: Folio 3854, as shown by pink colour on the attached Aerials – “X” and “Y” and DP 227202.

Any new buildings or structures, together with any improvements integral to the future use of the site, are to be erected clear of the land reserved for road widening, Park Road and Mulgoa Road boundaries (unlimited in height and depth).

7. The Plan of Subdivision is to be supported by an easement for sewer services over proposed Lot 1, in favour of proposed Lot 2. The location of the easement shall generally be in accordance with the Sewer and Water Servicing Sketch prepared by Warren Smith and Partners, drawing no. SK-05 5936001 – Nepean Gardens.

Advisory notes:

- (a) All pump stations are to be located above the 1% AEP flood level for both local and mainstream flooding events.
  - (b) The pump station and all service infrastructure is to be clear of any land reserved for road widening.
8. Those acting on the consent are to seek the necessary approvals and/or licenses or certification from service and utility providers prior to services and utility works being undertaken.
9. No approval is granted for the erection or installation of any signage. All signage is to obtain the necessary development approval. All existing unauthorised signage (including existing pole and pylon style signage) is to be removed.
10. The approved car parking spaces are not be used for storage of materials or waste receptacles and the like. No approval is granted for the subleasing of car parking spaces. No charge for parking is to be applied.
11. A copy of the Council endorsed Tree Protection Plan (Specification) and Drawing is to be retained and implemented on site at all times.
12. All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to affect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
13. Noise levels from the premises shall not exceed the relevant noise criteria detailed in the Noise Emission Assessment prepared by Acoustic Logic (dated 9 May 2020, ref 20191301.1/1129A/R1/TT), the Response to Council Correspondence prepared by Acoustic Logic (dated 9 May 2020, ref 20191301.1/0206A/R1/VF) and the Nepean Gardens Cemetery – DA Noise Assessment prepared by Acoustic Logic (dated 8 November 2020, ref 20201221.1/0911A/R1/VF).

As per the approved documentation, the following time restrictions are to be complied with during the operational phase of the golf clubhouse and community facility buildings:

- (a) Use of the golf clubhouse outdoor terrace on ground floor is to cease at 10:00pm and doors are to be kept closed; and,
  - (b) Use of the outdoor terrace for the lower floor is to cease use at 10:00pm and doors are to be kept closed; and,
  - (c) Use of the bowling green is prohibited after 7:00pm, 7 days.

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

In the event of ongoing noise complaints relating to the development being received by Council, the owner and/or occupier of the development may be required by Council to obtain the services of a suitably qualified acoustic consultant to undertake a noise impact assessment to address the concerns of the community.

Any noise impact assessment report is to be prepared and provided to Council within 45 days of being requested. Any mitigation works are to be undertaken within 30 days from the date of notice from Council, unless otherwise specified.

14. Amplified music and public address systems associated with the development are not to impact on the amenity of nearby residential uses.
15. No access to the site from Mulgoa Road shall be established.
16. No approval is granted for the installation or operation of a crematorium at the site.
17. No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those shown on the Council endorsed Tree Retention and Removal Plan, without the prior consent of Penrith City Council and in accordance with Section C2 Vegetation Management of the Penrith Development Control Plan 2014.
18. 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 for disposal at a licensed waste facility.

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

19. The stormwater management system for the Clubhouse building(s) shall be provided generally in accordance with the concept plans and reports lodged for development approval, prepared by Warren Smith & Partners, Job number 6675000, Drawing numbers C1.00 – C6.07) Revision 4, dated 30/07/2020. Those acting on the consent shall ensure that suitable and practical access for maintenance of the cartridge system is provided in accordance with the manufacturers requirements.
20. A flood evacuation plan is to be prepared for the site in consultation with the NSW State Emergency Service (SES) and adequate signage is to be provided (located on the external wall of the administration building), advising visitors of the cemetery as to the path of evacuation.
21. Those acting on the operator of the cemetery is to provide a courtesy bus service which, on request, will convey cemetery patrons from the chapel and administration building to connect with the local bus service on Mulgoa Road and the golf clubhouse building.

22. All approved earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works policy.

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

23. A copy of the required Saline Soils Management Strategy is to be provided to Penrith City Council at the issue of the relevant Construction Certificate and the recommendations of the Strategy are to be adopted in the management practices of the cemetery and golf course in perpetuity.
24. Each Phase of the development shall not be used or occupied until such time as a final Occupation Certificate is issued.
25. A Construction Certificate for each Phase of the development shall be obtained prior to the commencement of any works in relation to that Phase.
26. All aspects of the building design (golf clubhouse, chapel, administration building and community facility (being the pool and gymnasium building)) 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).
27. A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority before an Occupation Certificate is issued for the development and for the relevant Phase.

#### **Prior to Issue of Construction Certificate Conditions**

28. **Section 7.12 contributions** – This condition is imposed in accordance with Penrith City Council's Section 7.12 Contributions Plan titled 'City Wide Development Contributions for Non-residential Development 2020'.



Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$251,214.59** is to be paid to Penrith City Council prior to any Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 plan.

The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.12 invoice accompanying this consent should accompany the contribution payment. The relevant contributions plan for may be inspected at Council's Civic Centre, 601 High Street, Penrith and is also available to view on Council's website.

**Note:** The timing of contributions payable may be otherwise affected in accordance with Planning Circular PS20-003, dated 3 July 2020 and the associated NSW Government Ministerial Direction - Infrastructure Contributions.

29. **Prior to the issue of a Construction Certificate for each Phase of the development**, 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.

30. **Biodiversity Management Plan**  
**Prior to the issue of a Construction Certificate and any works commencing (excluding golf clubhouse alterations and additions)**, a Biodiversity Management Plan (BMP) must be prepared to the satisfaction of Council. The Biodiversity Management Plan is to inform the Construction Environment Management Plan, for the protection and management of the sites Biodiversity Values through all stages of construction.

The Biodiversity Management Plan will also inform the ongoing operations for each stage of the development, for the protection and management of the sites Biodiversity values.

The BMP must identify the development site as per the final approved Biodiversity Development Assessment Report (BDAR) and stamped approved plans. The development is to be carried out in accordance with the recommendations of the ecological reports submitted in support of the development application. These reports are to be consolidated into the Biodiversity Management Plan.

Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation. All materials stockpiles, vehicle parking, machinery storage and other temporary facilities must be located within areas that will not result in biodiversity impacts.

**Refer to Schedule C – Part A for the list of requirements and considerations to be included in the BMP, attached to this consent.**

31. **Prior to the issue of a Construction Certificate for each Phase of the approved development**, a lighting plan is to be provided to Council for review and endorsement. The plan is to include design responses to ensure that light impacts are reduced. Lighting design is to consider relevant lighting standards, is to adopt dark sky principles and is to be prepared having regard to the National Light Pollution Guidelines available at –

<https://www.environment.gov.au/system/files/resources/2eb379de-931b-4547-8bcc-f96c73065f54/files/national-light-pollution-guidelines-wildlife.pdf>

32. **Prior to the issue of a Construction Certificate**, the architectural and landscape plans (where impacted) are to be amended to have regard to and adopt relevant sustainability initiatives as have been identified in the Sustainability Strategies – ESD Report, prepared by Steensen Varming, dated 4/12/2019, rev 03. As a minimum the development is to be amended to include the installation of solar panels on the clubhouse and administration building roof tops and the installation of a commercial solar pool heating device such as strip solar or rigid panels in relation to the proposed community facility (indoor pool and gym complex), and the installation of rainwater tanks to the clubhouse, pool/gym complex and to the administration building.

33. **Prior to the issue of a Construction Certificate for each Phase of the approved development**, amended landscape, architectural and civil plans are to be provided to the Manager of Development Services at Penrith City Council for approval (as they may relate to each Phase). Amended plans are to address the following:
- (a) All areas suitable for management under the final approved Vegetation Management Plan (VMP) are to be excluded from the landscape treatments and landscape plans annotated as such. The exclude areas must include all areas that can be transferred for management under the VMP, to provide for improved habitat, environmental resilience, connectivity, and species movement across the site.
  - (b) Detail the levels of the proposed car parking in relation to the adjacent natural ground level. Detailed large scale sections of the carparking and associated landscaping are to be provided. Sections and details are to illustrate standard and non-standard interfaces.
  - (c) Car parking spaces noted as being no. 19 and 20 on Axil Architects plan no. A0.01 are to be deleted from the plans, as these sit forward of the existing neighboring dwelling and will result in amenity unacceptable impacts. The

resulting area is to be landscaped.

- (d) All top of wall levels and selected wall materials and finishes and fencing is to be noted on plans.
  - (e) The northern section of the additional carparking adjacent to the community facility (pool and gymnasium building), is to be provided with a landscaped buffer to the site's boundary of a minimum 1.5m width.
  - (f) A minimum of one canopy tree for each six car spaces is to be provided and is to be detailed on plans. Trees are to be provided with sufficient space for root growth. Note: The use of Water Sensitive Urban Design principles as part of the landscape and architectural design are encouraged.
  - (g) The relevant civil, landscape and architectural plans are to be amended to indicate compliance with the requirements of the Transport for NSW (TfNSW) General Terms of Approval (GTA) and the accompanying letter.
  - (h) Landscape and architectural plans are to correlate the Wallacia Country Club WS&P civil plan set.
  - (i) Plans are to be amended to indicate that parent/carer friendly amenities, including baby change facilities, are provided within the community facility (pool and gymnasium building) in compliance with the requirements of Penrith Development Control Plan 2014, Section D5 *Other Land Uses*, 5.5 *Parent Friendly Amenities*.
  - (j) The approved landscape plans are to be amended to: (a) correlate with the Tree Retention and Removal Plan (TRRP) including any Outer and Inner protection areas and the final endorsed Arboricultural Impact Assessment (AIA) and the approved Vegetation Management Plan (VMP). Trees marked for removal on the landscape plans are to correlate with the final endorsed TRR; (b) have regard to the recommendations within Section 7.1 of the Flora and Fauna Report, prepared by Travers Bushfire and Ecology, dated 25/10/2017; (c) to indicate that no burial plots or areas for ash scattering are to be located within the 15m buffer landscape areas; and (d) provide for the additional replacement plantings agreed to as compensation for those trees supported for removal in the AIA.
  - (k) The approved Burial Extent and Types Plan is to be amended so that it indicates the reduction in height of headstone memorials to 450mm maximum for the areas of the site which will impact the visual amenity of the residential dwelling at 115 Park Road, Wallacia, and which indicates that no burial plots, ash internments or areas for ash scattering are to be located within the 15m buffer landscape areas.
34. **Prior to the issue of the Construction Certificate**, an approval to install the internal private pump station to pump all wastewater generated from the Cemetery and associated buildings to Sydney Water's reticulated sewer system will require Council

consent through submission of a Section 68 application to install a wastewater management system.

35. **Prior to the issue of a Construction Certificate for each Phase of the development** and in accordance with the recommendations of the stamped approved Preliminary Geotechnical, Groundwater and Salinity Assessment: Proposed Nepean Gardens, Wallacia NSW document prepared by Martens Consulting Engineers (P1706171JR01V02), dated 6 December 2019, a Saline Soils Management Strategy is to be prepared for the site and is to address the recommendations of part 6.6 of the above-mentioned document.

A copy of the Saline Soils Management Strategy is to be provided to Penrith City Council at the issue of the relevant Construction Certificate and the recommendations of the Strategy are to be adopted in the management practices of the cemetery and golf course in perpetuity.

36. **Prior to the issue of a Construction Certificate for the relevant Phase**, the Certifier shall ensure that the wastewater disposal system is generally in accordance with the 'Sewer and Water Servicing Sketch' plan by Warren Smith & Partners, Job No 5936000, Drawing No SK-11, Issue 2, dated 06/11/2020 and complies with the requirements of the letter from Sydney Water, Case No 188145, dated 18/02/2021.

The Certifier shall ensure that the location of the rising main is not in conflict with, and located clear of, the future road widening area for Park Road zoned SP2 Infrastructure (Classified Road) under Penrith LEP 2010.

All pump stations are to be located above the 1% AEP flood level for both local and mainstream flooding events.

Full details are to be submitted with the application for the formal approval of construction plans.

37. **Prior to the issue of a Construction Certificate for the relevant Phase of the approved development**, the Certifier shall ensure that the development is compatible with the recommendations of the Updated Flood Modelling letter and plans prepared by Martins and Associates Pty Ltd, reference number P17606171JC10V02, dated 23 December 2020.

38. **Prior to the issue of a construction certificate in relation to Phase 1 and prior to commencing any tree removal**, the Harrison Golf, golf course design plan set, dated 19 November 2020, Revision G, drawing nos. W917-DA-00 through W917-DA-12, are to be amended to reflect the Council endorsed Tree Retention and Removal Plan.

39. **Prior to the issue of a Construction Certificate**, an Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

40. **Prior to the commencement of operations**, a Maintenance Bond is to be lodged with Penrith City Council for any civil works within the verge area of Park Road.

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

Advisory note:

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

41. **Prior to the issue of a Construction Certificate for each phase (being Phase 1 and Phase 2) of the development**, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required within the verge area of Park Road). These works may include but are not limited to the following:

- (a) Vehicular crossings including kerb reinstatement of redundant vehicular crossings and the workshop access road vehicle crossing from Park Road,
- (b) Provision of a 1.5m wide concrete footpath for the full frontage of the golf clubhouse in Park Road,
- (c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage),
- (d) Road occupancy or road closures,
- (e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve, and
- (f) Temporary construction access.

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, guidelines and best engineering practice.

Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

Advisory notes:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently.
- Separate approval will be required from Transport for New South Wales (TfNSW) for works within Park Road in particular works between table drain to table drain
- All works associated with the Roads Act approval must be completed prior to the commencement of operations.

42. **Prior to the issue of a Construction Certificate and prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for any civil works within the verge area of Park Road.

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

Advisory note:

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

43. **Prior to the issue of a Construction Certificate**, the Certifier shall ensure that any applicable application, including the payment of application and inspection fees, and lodgement of any Works Authorisation Deeds (WAD), has been lodged with and approved by the Transport for New South Wales (TfNSW) for any road and intersection works within Park Road.

A copy of the TfNSW approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

44. **Prior to the issue of a Construction Certificate**, a Traffic and Parking Review Report, plans and documentation shall be provided to the satisfaction of Council. The documentation is to include an assessment of the impact traffic and parking generated by the golf clubhouse redevelopment and activities associated with the golf clubhouse and community facility will have and shall include:
- (a) Park Road and Golf Clubhouse access driveway intersection and driveway treatment.
  - (b) Adjustments to the car park to be in accordance with AS 2890.1, DDA compliances and best practice including provision of a separate accessible pedestrian path at least 1.5m wide and preferably 1.8m wide from the footpath (shown on plans to be 1.2m wide but will need to be at least 1.5m wide) at the verge frontage through the car park to the building entry / exit. This will require re-arrangement of the car park set out and car parking spaces.
  - (c) Addressing any existing or proposed car park arrangements that have a long dead-end aisle requiring the last car space to be no stopping and cross hatch markings to allow three point turns out requiring a loss in car parking spaces.
  - (d) Addressing the access and manoeuvring requirements for any existing or proposed waste vehicle and any other service or delivery heavy vehicle.

Any reversing in the public car park areas should be eliminated or less desirably, managed by restricting reversing areas to a lesser pedestrian activity area, including limiting access vehicles to 8.8m long or less. Provision of a Waste Vehicle, Service Vehicle and Delivery Vehicle Operational Management Plan that includes waste and service vehicles arriving/ leaving out of hours and temporarily fencing off this section of the car park in these out of hours times.

45. **Prior to the issue of a Construction Certificate for each Phase of the development**, the Certifier shall ensure that engineering plans are consistent with the stamped approved plans and that all engineering works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

The engineering works may include but are not limited to the following:

- Public and private roads,
- Stormwater management (quantity and quality),
- Inter-allotment drainage,
- Private access driveways,
- Sediment and erosion control measures,
- Flood control measures,
- Overland flow paths,
- Traffic facilities,
- Earthworks,
- Bridges, culverts, retaining walls and other structures,
- Landscaping and embellishment works.

The engineering works must be supported by engineering plans, calculations, specifications and any certification relied upon.

46. **Prior to the issue of a Construction Certificate for each Phase of the development**, a Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit, on the proposed road and intersection works in Park Road by an accredited auditor who is independent of the design consultant.

A copy of the RSA shall accompany the design plans submitted with the Roads Act application.

**Prior to the Section 138 Roads Act approval**, the Certifier shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifier for information purposes.

47. **Prior to the commencement of works approved by this consent**, the Certifier shall ensure that:

- (a) Off street access and parking complies with AS 2890.1,
- (b) Sight distances for driveways at the street frontage have been provided in accordance with AS 2890.1. The required sight lines around the driveway entrances shall not to be compromised by landscaping, fencing or signage, and
- (c) All cars can enter and exit the site in a forward direction.

48. **Prior to the issue of any Construction Certificate in relation to works approved by this consent**, the class and number of ecosystem credits and species credits as specified in the final and approved Biodiversity Development Assessment Report must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of credits as calculated by the BAM Credit Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to Penrith City Council prior to issue of a Construction Certificate.

Ecosystem credits required to be retired – like for like\*

Impacted plant community type	PCT Name	Number of ecosystem credits
835	Cumberland riverflat forest	2*
850	Cumberland shale hills woodland	11*

Species credits required to be retired – like for like\*

Impacted species credit species	Common name	Number of species credits
Chalinolobus dwyeri	Large-eared Pied Bat	7*
Marsdenia viridiflora subsp.		3*
Myotis macropus	Southern Myotis	5*
Litoria aurea	Green and Golden Bell Frog	5*

49. **Prior to the issue of the Construction Certificate for the relevant phase**, the recommendations provided in the Noise Emission Assessment prepared by Acoustic Logic (dated 9 May 2020, ref 20191301.1/1129A/R1/TT), the Response to Council Correspondence prepared by Acoustic Logic (dated 9 May 2020, ref 20191301.1/0206A/R1/VF) and the Nepean Gardens Cemetery – DA Noise Assessment prepared by Acoustic Logic (dated 8 November 2020, ref 20201221.1/0911A/R1/VF), shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans **accompanying the relevant Construction Certificate application**.
50. **Prior to the issue of the Construction Certificate for Phase 1 (including the golf clubhouse and community facility (being the pool and gymnasium building))**, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and endorsement. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with established noise criteria.



51. **Prior to the issue of the Construction Certificate for the relevant phase of the development**, the engineering plans shall be amended to ensure that suitable access for maintenance of the cartridge system associated with the stormwater management system, is provided in accordance with the manufactures requirements.

The Stormwater Management System for Nepean Gardens Cemetery component of the development shall be consistent with the commitments made in the Water Sensitive Urban Design Strategy and Stormwater Management Plan prepared by Stormy Water Solutions, Version 3, dated 16 April 2020 and concept Stormwater Plans prepared by Stormy Water Solutions, drawing numbers 1954/SWS/1- 6, Revision V5, dated 3 November 2020.

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 for each phase.**

The engineering plans shall include the following:

- (a) Details of emergency overflow weirs for all basins.
  - (b) Details of stabilised access tracks for maintenance purposes to all basins. All access tracks shall be located clear of existing trees and tree protection zones.
  - (c) Engineering plans are to correlate with the Council endorsed Tree Retention and Removal Plan (TRRP) and the stamped approved Vegetation Management Plan.
52. **Prior to the issue of a Construction Certificate for Phase 2**, the Certifier shall ensure that the stormwater drainage system for the basement car park of the Chapel building has been designed in accordance with the requirements for pumped systems in AS 3500.3 Plumbing and Drainage – Stormwater Drainage.
53. **Prior to the issue of a Construction Certificate for the relevant phase of the development**, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.
54. **Prior to the issue of a Construction Certificate for the relevant phase of the approved development**, the Certifying Authority must ensure that construction plans include a 1.5m wide sealed accessible path of travel along the Park Road frontage of the site, within the road reserve, spanning from the eastern side of the clubhouse driveway (providing access to the Park Road pedestrian refuge island). The pathway is to span along the golf clubhouse and golf clubhouse carpark's Park Road frontage.

Additionally, construction plans are to indicate a 1.5m wide sealed accessible path of travel is provided from the golf clubhouse building to the cemetery buildings including the Maintenance Building, Administration Building and Chapel Building.

The 1.5m wide accessible path of travel along Park Road shall be constructed and completed **prior to the issue of an Occupation Certificate** in relation to the golf clubhouse alterations and Community Facility (pool and gymnasium building).

The 1.5m wide accessible path of travel providing access from Park Road and the golf clubhouse to the workshop, cemetery administration building and chapel, is to be constructed **prior to the issue of an Occupation Certificate for the Cemetery component of the development.**

55. **Prior to the issue of a Construction Certificate in relation to Phase 2 (the cemetery component of the development),** the Certifying Authority must ensure that construction plans detail the installation of a 1.5m wide concrete accessible path of travel from the Park Road frontage near the clubhouse, to the golf course workshop building, the administration building and the chapel building.

The accessible path of travel must be completed prior to the commencement of cemetery operations.

56. **Prior to the issue of a Construction Certificate for each phase of the development,** an Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant and is to be submitted to Penrith City Council for approval.

If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval.

The Protocol is to address the management of any contamination found on the site during the excavation and construction phase of the development, including (although not limited to) contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The above Protocol is to be complied with at all times during the excavation and construction phases of all stages/phases of the development.

57. **Prior to the issue of a Construction Certificate for each Phase of the development,** the Certifying Authority is to ensure that the recommendations (including the requirement for test excavations) of the Aboriginal Due Diligence Assessment, dated 6 December 2019, prepared by Austral Archaeology and the recommendations of the Aboriginal Archaeological Report, dated 6 November 2020, prepared by Austral Archaeology, are adhered to and that the recommended actions are carried out, and written confirmation to this effect is provided to the certifier by the author of the Reports.

#### **Prior to Commencement Conditions**

58. **Water NSW – Prior to commencement of works in relation to the cemetery component of the development,** the applicant must gain the necessary approvals from Water NSW in relation to the construction of a new dam on the third order watercourse.
59. **Before the issue of a construction certificate for the relevant Phase of the development (including ongoing operations),** the certifier is to ensure that the

water management requirements within the approved Biodiversity Management Plan are implemented.

**60. Prior to the commencement of any works, the proponent is to:**

- (a) Employ a Principal Certifier to oversee that the works are 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 Certifier” in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement.

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a “Notice of Commencement” to Council in accordance with Section 6.6 of the Environmental Planning and Assessment Act 1979.

**61. Prior to the commencement of works** in the study area(s) identified in the stamped approved Aboriginal Due Diligence Assessment, dated 6 December 2019, prepared by Austral Archaeology and the stamped approved Aboriginal Archaeological Report, dated 6 November 2020, prepared by Austral Archaeology, an Aboriginal Heritage Impact Permit (AHIP) must be obtained.

**62. Prior to the commencement of works at the site (for the relevant Phase),** the Principal Certifying Authority is to ensure that all required temporary and permanent protective fencing is to be installed at the site.

This includes fencing for Tree Protection Zones, revegetation areas, waterway protection, areas identified within the VMP as riparian and restoration areas and any areas required to be fenced and protected as identified by the National Resource Access Regulator (NRAR).

The principal certifier must ensure that the measures to protect trees, threatened species protection zones and areas identified in the approved Vegetation Management Plan are in place.

Each of the above areas are to be surveyed off the final and approved Tree Removal and Retention Plan, the final approved Biodiversity Development Assessment Report and accompanying approved Biodiversity Management Plan including any addendums associated with *Diuris pedunculata* or unexpected finds (at any stage of the development).

No other native vegetation (inclusive of grasses, ground cover, shrubs and trees) may be removed without the prior approval of Penrith City Council.

63. **Prior to the issue of a construction certificate or any works commencing on site for the relevant Phase**, the Waste Management Plan is to be updated in consideration of and with reference to the approved Biodiversity Management Plan.
64. **Prior to the commencement of works approved by this consent**, the Certifier shall ensure that the location of any pad mounted electrical substation is clear of the future road widening area for Park Road zoned SP2 Infrastructure (Classified Road) under Penrith LEP 2010 and as identified by Transport for NSW. Access arrangements to the pad mounted substation shall be in accordance with the requirements of Endeavour Energy.
65. **Prior to the commencement of works for each phase of the approved development**, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement.

The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for New South Wales (TfNSW) and shall include details of any required road closures, work zones, loading zones and the like.

Approval of the CTMP may require approval of the Local Traffic Committee or Transport for New South Wales (TfNSW). Please contact Council's City Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

66. **Prior to the commencement of works approved by this consent**, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS 1742.3 Traffic Control Devices for Works on Roads and the Transport for New South Wales (TfNSW) publication Traffic Control at Worksites and certified by an appropriately accredited TfNSW Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Advisory note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

67. **Prior to commencement of works**, a Tree Protection Plan (Specification) and Drawing is to be provided to and approved by the Manager of Development Services at Penrith City Council. The TPP is to correlate with the final approved Arboricultural Impact Assessment (AIA) report, the final approved Vegetation Management Plan, the approved civil plans and is to have regard to the NSW Rural Fire Service General Terms of Approval. The Plan shall address (although may not be limited to) the following:

- Each phase of the development, and where changes within the Tree Protection Zone (TPZ) are required,
- Specific tree protection requirements, especially when intrusion into the Tree Protection Zone (TPZ),
- A requirement/specification stating that all underground services to be installed within the designated TPZ of a tree to be retained must be installed using directional drilling/thrust boring techniques,
- An individual Tree Protection Plan and Drawing for each stage of the development where changes within the Tree Protection Zone (TPZ) are required (i.e. prior to commencement, demolition, during construction, post construction and landscaping.
- Identification of the location of all permanent and temporary protection fencing to be installed around the regeneration areas and the Tree Protection Zones (TPZ) for trees or vegetation potentially impacted by burial plots and construction works as identified within the final approved Arboricultural Impact Assessment (AIA).

In addition, the Project consulting arborist is to identify key stages/phases where monitoring and certification will be required as outlined in AS 4970 – 2009, Section 5. A schedule outlining these stages/phases is to be included.

68. **Prior to the commencement of tree and vegetation removal**, a qualified Arboricultural Consultant with a minimum AQF (Australian Qualification Framework) Level 5 qualification shall be retained for the duration of the demolition and construction works related to the cemetery and golf course augmentation phases of the development.

The consultant shall be engaged to ensure that all tree protection measures on the site are imposed as per the conditions contained in the consent and as are detailed in the approved Vegetation Management Plan (VMP), the Tree Protection (Specification) Plan (TPP) and Drawing and the approved final Arboricultural Impact Assessment (AIA).

69. **Prior to the commencement of works for each Phase**, 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 as outlined in Australian Standard AS 4970-2009 'Protection of trees on development sites'.

No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained.

70. **Prior to the commencement of works in relation to each phase of the approved development**, temporary signage is to be installed along all temporary and permanent environmental protection zones and is to be maintained throughout the relevant construction and operational phases. Signage is to clearly state "Environmental Protection Zone – No Unauthorised Entry".

71. **Prior to the commencement of works**, those acting on the consent are to arrange and have undertaken an inspection of tree protection measures implemented within the site, accompanied by Penrith City Council Officers.
72. **Prior to the commencement of approved tree and vegetation removal works**, an inspection of all trees scheduled for removal (including inspection of all hollows) for resident fauna is to be undertaken under the supervision of a fauna ecologist. In accordance with the stamped approved Vegetation Management Plan, any resident fauna are to be removed and relocated in accordance with relevant guidelines and permits under the supervision of the project ecologist.
- Following the inspection, trees approved for removal are to be gently agitated and then lowered to the ground slowly when felling to allow any resident fauna time to escape and to ensure they aren't crushed by falling trees and branches.
73. **Prior to the commencement of works for the relevant Phase of the development**, a Construction Environmental Management Plan (CEMP) is to be submitted to the Manager of Development Services at Penrith City Council for review and approval.
74. **Prior to commencement of works**, site remediation works shall be carried out in accordance with the approved Remediation Action Plan for the Proposed Nepean Gardens Cemetery, Wallacia NSW prepared by Martens & Associates (dated 16 March 2021, ref P1706171JR08V02), the ANZECC and NHMRC Guidelines (1992) and applicable NSW Environment Protection Authority Guidelines.

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

- (a) Written notification that the site remediation works have been completed is to be submitted within 30 days that the said works have been completed; and,
  - (b) a validation report, prepared by an appropriately qualified person (as defined in Penrith Development Control Plan 2014), is to be submitted before any building work can commence on the remediated site. The report shall certify that the remediation works have been carried out in accordance with the approved Remedial Action Plan and the relevant NSW Environment Protection Authority requirements.
75. **Prior to commencement of works associated with each Phase of the approved development (including approved clearing of site vegetation)**, the approved erosion and sediment control measures shall be installed.

The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" a minimum 2 days before any other site works are to commence, including earthworks, tree removal and any clearing of the site.

The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

The measures are to be installed and maintained throughout each construction phase of the development until the landscaping, driveways and on-site parking areas have been completed for each Phase of the development.

Erosion and sediment control measures shall remain in place and must be maintained until all disturbed areas have been rehabilitated and stabilised 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.

76. **Prior to commencement of works associated with each Phase of the approved development (including approved clearing of site vegetation)**, the erosion and sediment control plan is to be updated to indicate:

For each Phase of the development, the erosion and sediment control plan must ensure waterways/bodies identified in the Watercourse Assessment, prepared by Travers Bushfire and Ecology, (with the exception of those that are approved for specified works) are not to be impacted. Those acting on the consent are to ensure that there are no off-site impacts as a result of soil disturbance occurring as part of the approved works.

The project's fauna ecologist must be consulted in relation to any works requiring erosion and sediment controls. Where any works have the potential to impact on or off-site water quality, a risk assessment with controls and treatments must inform the requirements for erosion and sediment control.

77. **Prior to works commencing in relation to the relevant Phase**, the first phase of the approved Weed Management Plan (identified within the Biodiversity Management Plan) for the entire site is required to be completed.

The project's flora ecologist is to certify the works have been completed and provide notification to Council within two weeks of the action being undertaken.

This treatment will help prevent the spread of weeds off site or across the site, following disturbance.

78. **Asbestos management** – The applicant is advised to review 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 for each phase of the development**, portable amenities (such as portaloos) with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- (a) Measures are in place so as to comply with the WorkCover Authority's "Short

Guide to Working with Asbestos Cement"; and that,

- (b) The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current SafeWorkNSW 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 SafeWork NSW 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.

79. **Prior to the commencement of demolition works for each phase of the development**, a Hazardous Materials Survey is to be conducted on the existing structures to be demolished by an appropriately qualified consultant(s). The Hazardous Materials Survey is to be prepared in accordance with:

- (a) AS 2601-2001 The demolition of structures, and the
- (b) Remediation Action Plan for the Proposed Nepean Gardens Cemetery, Wallacia, NSW prepared by Martens & Associates (dated 16 March 2021, ref P1706171JR08V02).

The associated investigations are to be carried out to assess the location, extent and condition of hazardous building materials including, but not limited to, the following:

- (a) Asbestos
- (b) Synthetic mineral fibres (SMF)
- (c) Polychlorinated Biphenyls (PCBs)
- (d) Lead-containing paint
- (e) Ozone depleting substances
- (f) Lead dust in ceiling cavities

The Survey is to provide recommendations for the removal of the hazardous materials, including the preparation of safe works method statements and risk assessments to appropriately address health and safety issues. SafeWork NSW requirements apply to demolition work and compliance with those requirements, including the SafeWork NSW Code of Practice Demolition Work August 2019, is required.

All demolition works are to be conducted in accordance with the recommendations made in the approved Hazardous Materials Survey.

80. **Prior to the commencement of works for each phase of the approved development**, a separate Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required within the verge area of Park Road) prior to the commencement of works approved by this consent.



The engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

Advisory notes:

- (a) Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently.
- (b) Separate approval is required from Transport for New South Wales for works impacting a classified road. All works associated with the Roads Act approval must be completed **prior to the commencement of operations**.

**During Construction Conditions**

- 81. Dust suppression techniques are to be employed during any demolition or earthworks phases of the development so as to reduce any nuisances to surrounding properties.
- 82. Mud and soil from vehicular movements to and from the site during early works, site preparation, demolition and construction phases of the development, must not be deposited on the road.
- 83. **Hours of Work** – Demolition and construction works are restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
  - (a) Mondays to Fridays, 7.00am to 6.00pm
  - (b) Saturdays, 8.00am to 1.00pm if inaudible on neighbouring residential premises, otherwise 7.00am to 1.00pm
  - (c) No demolition or intrusive construction work is permitted on Sundays and Public Holidays.

In the event that the demolition and construction work relates to works inside a building and does not involve the use of equipment that emits intrusive noise then, the demolition and construction works are not restricted to the hours stated above.

Advisory note:

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

- 84. All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).
- 85. In accordance with any recommendations or requirements of the approved Vegetation Management Plan and in all instances possible, all fallen trees, logs, leaf litter, rocks

and other debris are to be retained in situ on site as habitat and to maintain soil stability and structure.

Application of these materials is subject to the guidance and oversight of the Project Ecologist and to be specified within the approved Biodiversity Management Plan.

86. Removal of trees shall be in accordance with the Council endorsed Tree Retention and Removal Plan (TRRP). The Arboricultural consultant in consultation with the Project Ecologist, shall be responsible for clearly and physically identifying trees and vegetation approved to be removed prior to removal being undertaken.
87. The approved waste management plan must be implemented and adhered to throughout all stages of the development including demolition, with supporting documentation and any receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.
88. 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 a minimum two waste bays or bins so as to allow for the separation of recyclable waste and are to be fully secured when the site is unattended.
89. 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.

All waste materials 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.

90. No fill material is to 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, considered and approved by Penrith City Council. The Validation Certificate shall:
  - (a) state the legal property description of the fill material source site,
  - (b) 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,
  - (c) clearly indicate the legal property description of the fill material source site,
  - (d) provide details of the volume of fill material to be used in the filling operations,

- (e) 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.

Advisory note:

The Penrith Development Control Plan 2014 defines an appropriately qualified person as 'a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance'.

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.

91. **Dam De-Watering** – The recommendations provided in the Dam De-Watering Plan prepared by Warren Smith & Partners (dated 29 July 2020, ref 5936001-WS+P-CS-TN-0001, rev 1) and the Water Quality Associated with Dam De-Watering document prepared by Martens & Associates (dated 27 November 2020) shall be implemented and adhered to throughout the dam de-watering phase of the development. The dam de-watering works are to be carried out under the supervision of an appropriately qualified Aquatic Ecologist.
92. **Dam De-Watering Quality** – Only dam water that complies with the applicable Australian and New Zealand (ANZECC) Guidelines for Fresh and Marine Water Quality Criteria is to be irrigated on site. Water that does not comply with the ANZECC Guidelines criteria is to be removed from the site by a licensed waste contractor for disposal at a lawful waste management facility. Receipts of lawful disposal are to be retained and provided to Council upon request.

**Prior to the issue of an Occupation Certificate Conditions**

93. In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following is to be completed prior to the issue of an Occupation Certificate for the alterations and additions to the existing golf clubhouse:
- The existing building (as altered) is to be provided with additional emergency lighting in accordance with the requirements of Clause E4.2 of the Building Code of Australia (BCA) and AS 2293.1-2018.
  - The existing building (as altered) is to be provided with additional exit signage in accordance with the requirements of Clauses E4.5 of the BCA and AS 2293.1-2018.

- The existing building (as altered) is to be provided with a fire hose reel coverage in accordance with the requirements of Clause E1.4 of the BCA and AS 2441-2005.
  - The existing building (as altered) is to be provided with fire hydrant coverage in accordance with the requirements of Clause E1.3 of the BCA and AS 2419.1-2005.
  - Any air conditioning system that serves the existing building (as altered) and has the capacity of more than 1,000 L/s or is a ducted system is to be configured to shut down in accordance with the requirements of NSW Table E2.2b of the BCA where it does not form part of a smoke control system.
  - The automatic fire detection and alarm system serving the existing building (as altered) is to be upgraded to comply with the requirements of Clause 4 of Specification E2.2a of the BCA and AS 1670.1-2018.
  - The barriers to the existing outdoor terrace area on the ground floor are to be upgraded to comply with the requirements of Clause D2.16 of the BCA.
  - The barriers to the existing western internal stairs and landing adjacent to the office on the ground floor are to be upgraded to comply with the requirements of Clause D2.16 of the BCA.
  - The barriers to the existing northern external stairs and landing leading from the lounge area are to be upgraded to comply with the requirements of Clause D2.16 of the BCA.
  - The artificial lighting in the existing building (as altered) is to be upgraded to comply with the requirements of Part J6 of the BCA.
94. **Prior to the operation of the cemetery**, a flood evacuation plan is to be prepared for the site in consultation with the NSW State Emergency Service (SES) and information signage is to be provided (located on the external wall of the administration building), advising visitors of the cemetery as to the path of evacuation.
95. **Prior to the issue of the Occupation Certificate**, an approval to operate and a Section 68 approval for the On-site Sewage Management system (pump to sewer system) is to be issued by the Manager of Development Services at Penrith City Council.
96. **Prior to the issue of any Occupation Certificate**, the certifying authority shall ensure that all existing unauthorised signage is removed from the site.
97. **Prior to the issue of an Occupation Certificate for each Phase of the approved development** and upon completion of all works in the road reserve, verge areas fronting the development are to be turfed to the satisfaction of Council.
98. **Prior to the issue of any Occupation Certificate**, street lighting is to be provided for all new intersections on Park Road. The design and installation of any street lighting

shall be in accordance with Australian Standards and to the satisfaction of Transport for NSW and the applicable energy provider.

99. **Prior to the issue of an Occupation Certificate**, certification is to be obtained from a qualified and suitably experienced acoustic consultant certifying that all relevant buildings and associated structures have been constructed to meet the noise criteria in accordance with the Noise Emission Assessment prepared by Acoustic Logic (dated 9 May 2020, ref 20191301.1/1129A/R1/TT), the Response to Council Correspondence prepared by Acoustic Logic (dated 9 May 2020, ref 20191301.1/0206A/R1/VF) and the Nepean Gardens Cemetery – DA Noise Assessment prepared by Acoustic Logic (dated 8 November 2020, ref 20201221.1/0911A/R1/VF).

A copy of the certificate is to be submitted to the Principal Certifying Authority and is to accompany documents submitted with the application for an Occupation Certificate.

100. **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.

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.

101. **Prior to the issue of an Occupation Certificate for each Phase of the approved development**, the Principal Certifier shall ensure that all works associated with the relevant S.138 Roads Act approval or S.68 Local Government Act approval have been inspected and are signed off by Penrith City Council.

102. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that the associated stormwater management system (including water sensitive urban design measures) for each phase of the development:

- (a) Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;
- (b) Have met the design intent with regard to any construction variations to the approved design; and
- (c) Any remedial works required to been undertaken have been satisfactorily completed.

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

103. **Prior to the issue of an Occupation Certificate for each Phase of the approved development**, the Principal Certifier shall ensure that the:

- (a) Stormwater management systems (including on-site detention and water sensitive urban design), and
- (b) Overland flowpath works
  - have been satisfactorily completed in accordance with the approved plans and the requirements of this consent;
  - have met the design intent with regard to any construction variations to the approved design, and;
  - any remedial works required to be undertaken have been satisfactorily completed.

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

104. **Prior to the issue of an Occupation Certificate for the relevant Phase of the development**, a restriction as to user and positive covenant relating to the stormwater management systems including on site detention and water sensitive urban design measures, and the overland flowpath works shall be registered on the title of the property.

The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F.

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.

105. **Prior to the issue of an Occupation Certificate for each Phase of the approved development, and prior to the installation of regulatory and/or advisory signage and line marking within Park Road**, line marking and signage plans are to be lodged with Penrith City Council for approval by Council's Local Traffic Committee.

Advisory notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges.

106. **Prior to the issue of an Occupation Certificate for each Phase of the approved development**, directional signage and line marking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifier.

107. **Prior to the issue of an Occupation Certificate for each Phase of the approved development,** all car spaces and loading areas are to be sealed, line marked and dedicated for the parking of vehicles.
108. **Prior to the issue of an Occupation Certificate for each Phase of the approved development,** landscaping on the site should be conducted in accordance with the approved Landscape Plan and where applicable include the additional trees required to compensate for any trees that were agreed to be removed in the final approved AIA.

**Consent no. DA19/0875**

**Schedule C**

**Part A - Biodiversity Management Plan Condition**

The Biodiversity Management Plan (BMP) is to be prepared to ensure best practices according to Legislative requirements, policy, guidelines, and evidence-based practices are implemented through all stages of this development including ongoing operations for the preservation and protection of the sites biodiversity, by implementing appropriate mitigation measures.

Development and implementation of each aspect of the Biodiversity Management Plan is the responsibility of the project manager.

The final stamped BDAR is to be reviewed in association with preparation of the Biodiversity Management Plan and associated ecological reports. However, the scope of the requirements as indicated here set out a minimum guide to the mitigation measures that are necessary for this development.

Modifications to the development and stamped approved plans that are likely to result in biodiversity impacts that were not previously assessed (including but not limited to unexpected finds), trigger the requirement to notify Council and may result in onward biodiversity assessment to manage these unexpected impacts.

Record keeping and reporting to Council on biodiversity matters is required. Inspections by Councils Biodiversity Officer or their proxy may be conducted.



### **Chemical management**

For the prevention, of inadvertent impacts associated with all stages of the development (including operations) on native vegetation, habitat, waterways, protected native fauna.

This section of the BMP must prescribe the requirements for the purchase, management and application of chemicals across all areas of the site, and through all stages of the development. To include but not be limited to, herbicides, fertilisers, pesticides, rodenticides, and any other poisonous substances.

This plan must consider Legislation, policy and guidelines as well as current literature on evidence-based practice. For example: "Can a golf course support biodiversity and ecosystem services? The landscape context matter" and "The Role of Golf Courses in Biodiversity Conservation and Ecosystem Management.

Water quality testing is to be included within the actions and may form part of the waterway/body management plan and referenced here.

Chemicals and their applications must be suitable for use in proximity to habitat for Green and Golden Bell Frogs and Platypus.

### **Dam dewatering plan**

The final plan is to be reviewed and approved by an appropriately qualified (with tertiary qualifications) and experienced (a minimum of 5 years with projects of this scale or similar) expert on Green and Golden Bell Frogs.

All recommendations for the rescue and temporary housing of rescued individuals for release on site (and the timing for release on site), are to be integrated into the plan.

Further, these recommendations are to be implemented for any works associated with impacts on waterways/waterbodies, during any stage of the development, where the expert considers there may be likely impacts on individuals of this species. See also, Green and Golden Bell Frog species management plan.

The dam dewatering plan must include, but not be limited to:

- the quality and quantity of water to be released (testing for temperature, turbidity, dissolved oxygen, biochemical oxygen demand, pH, salinity, nutrients, Escherichia coli, faecal coliforms, copper, arsenic, cadmium, lead, mercury, zinc and additional parameters recommended by environmental consultants; the number of samples should be representative of the size and volume of the dam
- the use for the water and methods for its storage or disposal
- risk assessment with controls and treatment for the management of threatened and protected native fauna (in conjunction with threatened species management plan for Green and Golden Bell Frogs)
- fauna management
- management of weed and feral species
- management of native flora
- detailed process to dewater the dam, with a timeline
- erosion and sediment control
- record keeping and reporting requirements.

<b>Erosion and sedimentation plan (update)</b>
Review and endorse the erosion and sedimentation plan, providing advice to ensure erosion and sedimentation controls are suitable for the protection of biodiversity features of the site and do not allow on- or off- site sedimentation of waterways/bodies that are not approved for works.

<b>Fauna Management</b>	
Aim	<p>To ensure the persistence of protected native fauna, including but not limited to threatened species on site</p> <p>To ensure protected native fauna that is temporarily relocated, are managed appropriately and reintroduced on site</p> <p>To ensure the humane and ethical management of pest and feral species.</p>
Clearing	Integrate fauna management requirements into each stage of the clearing requirements for the development.
Dam dewatering	<p>If appropriately qualified, review and endorse the dam dewatering plan, and supervise the dam dewatering process.</p> <p>(See also dam dewatering and project ecologist-aquatic).</p>
Demolition and removal of stockpiles	<p>Prepare a protocol or instructions for the removal of structures and stockpiles for the prevention of harm to protected native fauna, to include pre-works surveys and rescue actions.</p> <p>To be integrated into the CEMP.</p>
Green and Golden Bell Frogs	Prior to preparation of the management plan for Green and Golden Bell Frogs, contact must be made with Councils' Senior Biodiversity Officer.
Exclusion fencing	In consultation with the Project Manager, provide advice on the requirements for exclusion fencing to prevent harm to protected fauna, that may access the construction zone/s.
Injured wildlife, during works and ongoing operations	Protocol to be developed, with the end-point for all individuals to be released on site, unless otherwise advised by a specialist wildlife veterinarian.
Lighting plan	<p>The projects fauna ecologist is to provide input to development of the lighting plan for each stage of the development, including during construction and operations. The plan must consider Dark Sky Principles and the National Light Pollution Guidelines for Wildlife.</p> <p>The BMP is to specify actions to implement lighting controls during the construction and operational phases of the development in consideration of Draft National Light Pollution Guidelines for Wildlife.</p>
Mulch	<p>Develop a protocol / provide advice to the projects' flora ecologist and supervising arborist to ensure all vegetation is cleared of native fauna, prior to mulching.</p> <p>This must include but not be limited to:</p> <ul style="list-style-type: none"> <li>- rescue requirements being completed</li> </ul>

	<p>rigorous shaking of plant material to remove a significant number of native insects-many of which are critical to pollination and foraging requirements, prior to material being mulched.</p>
Nest boxes	<p>Nest boxes are only to be considered for temporary, emergency care of displaced individuals. Nest boxes are not to be installed as an ongoing action for wildlife management on this site. Priority is given to the retention and installation of hollows, according to best practices.</p> <p>The BMP is to consider the installation of artificial habitat features for fauna in adjacent retained vegetation and habitat or human made structures to replace habitat resources lost and encourage animals to move from the impacted site for example, nest boxes.</p>
Pest and feral animals	<p>A procedure for the management of pest and feral animals (that takes into account the requirements of chemical management plan) is required for all stages of the development, including operations in perpetuity.</p> <p>The plan must provide for the humane and ethical treatment of pest and feral animals.</p>
Pets	<p>Pets (including but not limited to dogs and cats) are not to be permitted within core habitat areas identified on the VMP.</p>
Platypus	<p>Prior to preparation of the management plan for Platypus, contact must be made with Councils' Senior Biodiversity Officer.</p>
Rescue and reintroductions	<p>A rescue and reintroduction plan/protocol is required and must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>- required equipment</li> <li>- personnel</li> <li>- notification of a qualified wildlife veterinary or wildlife hospital, prior to works commencing</li> <li>- coordination with licenced wildlife carers (and specialists with experience with identified threatened species, including Green and Golden Bell Frogs)</li> <li>- temporary relocation of displaced individuals, in approved care facilities</li> <li>- reintroduction of displaced individuals, to be released on site</li> </ul> <p><b>**No individuals are to be relocated or translocated on a permanent basis unless directed by a recognised wildlife veterinarian (written advice must be obtained, for record keeping requirements)</b></p> <p>record keeping and notification of Council and other regulatory agencies-as required.</p>
Scheduling of works	<p>Provide advice to the Project Manager for the scheduling of works, to avoid the breeding/nursing periods for identified (or unexpected finds of) threatened species.</p> <p>Clearing of habitat trees, that have been approved for removal must not be conducted during breeding or nursing periods.</p>

Species management plans	<p>A management plan or a brief with recommendations are to be prepared for each of the threatened species candidate species identified on site and platypus, and any unexpected finds (threatened species).</p> <p>Where the site only provides for foraging opportunities, a brief with recommendations for the author of the VMP can be provided.</p> <p>Where the site provides important habitat features including but not limited to foraging opportunities, a species management plan is required to reduce, moderate, minimise risks to these species to ensure their long-term persistence on site. Each plan is to include rescue protocols with stop works orders and monitoring and reporting requirements.</p> <p>Each plan must include rescue protocols (with stop works orders) to inform pre-clearance / clearance / during works (including exclusion efforts where required) / dam dewatering activities.</p>
Unexpected finds	<p>Develop a protocol for unexpected finds to include a stop works order.</p> <p>For integration into the CEMP.</p>

<b>Flora management</b>	
Clearing	<p>Contribute to (or develop) a clearing protocol, providing advice on:</p> <ul style="list-style-type: none"> <li>- pre-clearance surveys (see relevant section)</li> <li>- requirements for the projects' ecologist flora/fauna to be in attendance and supervise/direct actions that relate to habitat (including patches of native vegetation, habitat trees and threatened species, or fauna management)</li> <li>- requirements for the clearing/removal of approved habitat trees, habitat features, patches of native vegetation in such a way that the habitat features are preserved and the risk of injury or mortality to fauna is prevented, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attached of a machine</li> <li>- staging of works in accordance with best practice methods</li> <li>- preventing inadvertent damage and reduce soil disturbance</li> <li>- removal by chainsaw rather than heavy machinery</li> <li>- integration of fauna management requirements (such as rescues and inspection of hollows)</li> <li>- tree protection and management requirements, as referenced in associated documentation including the Tree Removal and Retention Plan, the BDAR, Dam Dewatering Plan, Vegetation Management Plan</li> <li>- salvage of habitat features (such as hollows, logs)</li> <li>- to ensure weed and exotic species are mulched separately to materials from native vegetation, and disposed of at a licenced waste facility</li> <li>- to ensure management of residual materials from native vegetation are mulched and retained for use within managed areas of native vegetation</li> <li>- ensure mulching considers fauna management requirements</li> <li>- stop works orders for unexpected finds.</li> </ul>
Disease and pathogens	<p>Either as an element addressed within the Weed management plan or a separate protocol for the Construction Environmental Management Plan (CEMP), addressing requirements for:</p> <ul style="list-style-type: none"> <li>- inductions</li> <li>- vehicle and machinery hygiene</li> <li>- access restrictions</li> <li>- soil</li> <li>- mulch and fill restrictions</li> <li>- identification and testing to ensure materials are free from disease and pathogens.</li> </ul>
<i>Diuris pedunculata</i>	<p>Pending BDAR addendum (see condition)</p> <p>Species Management Plan.</p>
Dust suppression	<p>Provide advice on protocols to ensure the protection of native vegetation.</p>
Edge effects	<p>Refer to the VMP and ongoing management of the site.</p>

Mowing	Protocol to be effective for all stages of the development including ongoing operations to ensure mowing is not conducted within areas with managed native vegetation (but in accordance with Asset Protection Zone (APZ) requirements).
Mulch	Protocol for the purchase and importation of mulch for the site (refer to disease and pathogen controls).
Mulching	See clearing.

Pre-clearance surveys	<p>Protocol to guide pre-clearance surveys, for each stage of the development</p> <p>This is to include but not be limited to:</p> <ul style="list-style-type: none"> <li>- identify locations of, clearly identify and ensure protection measures are appropriate for patches of threatened ecological communities that are to be retained</li> <li>- identify locations of, clearly identify and ensure protection measures are appropriate for habitat trees that are to be retained</li> <li>- identify locations of, and clearly identify habitat trees for removal, from which materials will be salvaged</li> <li>- identify locations of patches of native vegetation that are to be retained and ensure protection measures are appropriate</li> <li>- consult with the projects' fauna ecologist to integrate fauna management requirements</li> <li>- survey to record and action unexpected finds protocol</li> <li>- conduct seed collection, cutting, translocation activities (subject to approvals and licensing requirements)</li> <li>- consult with the projects' supervising bush regenerator for the transfer and management of salvaged materials, including but not limited to hollows, logs, mulch</li> <li>- confirm all requirements for protection zones are in place for trees, areas of threatened plant communities, habitat areas that are not approved for removal</li> <li>- maintain records and provide a report to Council within one (1) month of clearing works, for each stage, being completed.</li> </ul>
Salvage of habitat features	<p>For inclusion within the Pre-clearance survey protocol</p> <p>Habitat features including but not limited to hollows, logs, leaf litter, bush rocks, dead wood and soil, are to be salvaged.</p>
Seed collection, cuttings and translocations	<p>Seed collection, cuttings and translocations are to be conducted by experienced, licensed staff. All material removed from areas approved for works is to be transferred into areas identified within the Vegetation Management Plan (VMP).</p>
Soil	<p>Protocol for the salvage and stockpile of suitable soils being removed from areas approved for works and for the important of soil for use within landscaping and VMP areas.</p>
Stockpiles and machinery	<p>Protocol to ensure stockpiles, vehicles and machinery do not enter tree protection zones, threatened species zones, waterways/bodies, VMP areas.</p> <p>To be integrated within the Construction Environmental Management Plan (CEMP).</p>
Threatened ecological community	<p>Patches of threatened ecological communities that were not offset within the Biodiversity Development Assessment Report (BDAR), are to be surveyed and fenced with appropriate wildlife friendly fencing to be installed and maintained in perpetuity.</p>



patches, protection zones	<p>During works, signage must be installed to identify the area as a threatened species protection zone, no entry.</p> <p>This requirement may be undertaken in reference to the VMP.</p> <p>The BMP is to specify actions to implement rubbish and pollutant controls for the protection of the Jerry's Creek system, relative to operational activities, in perpetuity.</p> <p>The BMP is to specify actions that will be implemented to manage the risks associated with rubbish management, predatory species, pests and weed management throughout the construction and operational phases.</p>
Translocations	See seed collection, cuttings and translocations.
Tree removal and retention plan	Final, approved plan to be referenced and linked as an appendix to this document.

**Noise, light and dust spill**

Provide recommendations for controls, to be integrated within the CEMP, for the protection of native vegetation and fauna.

Provide recommendations for the preparation of the lighting plan for all stages of the development, including ongoing operations.

**Specialists to assist with the Biodiversity Management Plan**

Project ecologist,  
aquatic

A specialised ecologist with direct experience with the rescue and management of aquatic flora and fauna-including direct experience with Green and Golden Bell Frogs, will be required where the flora/fauna ecologist does not have direct experience with these species.

The aquatic ecologist must:

- review and endorse the dam dewatering plan
- (or their experienced proxy) direct and supervise the approved dam dewatering / waterway impact activities associated with the development application.

Project ecologist  
fauna

Project ecologist fauna

The projects' fauna ecologist is:

- to be suitably qualified (tertiary qualifications in a targeted field of study) with a minimum of five (5) years' experience with projects of this scale (or larger)
- is responsible for the development of all relevant components of the Biodiversity Management Plan
- will either have or engage contractors/volunteers with all required licences and permits with respect to the management of protected native fauna
- is responsible for overseeing all activities with the potential to impact threatened and protected native fauna, providing advice to the projects' flora ecologist for pre-clearance surveys and clearance works to integrate fauna management requirements, unexpected finds protocol and its implementation, record keeping and reporting requirements
- is to have current insurance coverage, for all activities associated with their engagement.

Project ecologist-  
flora

The projects' flora ecologist:

- is to be suitably qualified (tertiary qualifications in a targeted field of study) with a minimum of five (5) years' experience with projects of this scale (or larger) and with direct experience with the identified plant community types identified on this site
- is responsible for the development of all related components of the Biodiversity Management Plan (with the exception of the VMP, unless so engaged with the possession of the required qualifications and experience)
- will either have or will engage a contractor with all required licences and permits with respect to the handling and management of protected native flora (including but not limited to collection of native seed or cuttings, translocations)
- is responsible for overseeing all native vegetation removal activities on the golf course and the cemetery area including but not limited to

	<p>pre-clearance surveys, guiding and directing clearance activities (particularly in relation to habitat trees, threatened species, unexpected finds, salvage and management of habitat features), integration of fauna management requirements, record keeping and reporting requirements, except for actions prescribed to species experts or the supervising bushland regenerator</p> <ul style="list-style-type: none"> <li>- is to have current insurance coverage for all activities associated with their engagement.</li> </ul> <p>The management of the removal of native vegetation associated with the club house up to and including the impacted area associated with the Asset Protection Zone (except where there is an overlap with the golf course) will be under the guidance and direction of the projects' AQF5 arborist.</p>
Supervising bush regenerator	Please refer to Councils' draft guide for preparing a Vegetation Management Plan
Vegetation Management Plan, author	If not the project ecologist flora, please refer to Penrith City Council's draft guide for preparing a Vegetation Management Plan

#### **Staff training and inductions**

Biodiversity management requirements are to be included in all staff inductions, for all stages of the development.

To be integrated within the CEMP and work instructions

### **Vegetation Management Plan**

The requirements for onward development of the final Vegetation Management Plan (VMP), for submission to Council for review and approval are to include (but are not limited to):

- management of the site for the long-term persistence of the threatened species confirmed present, or likely to be present given habitat improvements, this is to include (but is not limited to) plant selection and habitat restoration efforts to ensure the development of functional habitat with structural complexity and diversity with consideration of relevant Recovery Plans, and is to be prepared in consultation with species experts and project ecologist/s
- habitat restoration to the greatest extent possible to include the full extent of riparian zones, wherever feasible
- integrate the full extent of patches of threatened ecological communities, that have not been directly offset (see final and approved BDAR)
- integrate all areas that are transferable from the draft landscape plans
- management and restoration of Jerry's Creek (including the creek bank and creek floor) in consideration of the requirements for platypus habitat restoration, to be prepared and endorsed by the Australian Platypus Conservancy
- include creek bank restoration actions, immediately following any approved works within the riparian zones
- integrate any replacement planting requirements as outlined in the final and approved Tree Removal and Retention Plan
- ensure the removal of all waste and debris from redundant infrastructure, employing sensitive work practices
- consider the requirements of the chemical management plan
- ensure construction waste and operational waste does not impact the areas being managed under the VMP, the supervising bush regenerator is to consult with the project manager and site management should adaptive waste management be required, until the matter is addressed
- integrate the requirements of the weed management plan, endorsed by Hawkesbury River County Council
- integrate the requirements of feral and pest animal controls
- integrate the requirements for Asset Protection Zones
- set clear, achievable performance measures for each stage of the development and each phase of the VMP (if coordinated with the stages of the development), for an initial 5-year term, with monitoring and evaluation to inform a subsequent 5-year plan. If at the end of this period, performance measures have not been achieved, the VMP will require further extension. On completion of the active implementation requirements of the plan, a final VMP is to be prepared for management of the site in perpetuity. Baseline measures may be obtained from the final and approved BDAR, submitted in association with the development application. Where there are inconsistencies that may result from unforeseen impacts or time lapse, baseline measures should be determined in association with the VMP.
- set standards for plant selection, purchase, and inspection
- take into consideration the Penrith City Council guide for preparation of a VMP and ensure the minimum qualifications of staff involved with the preparation and implementation of the plan are addressed.

The Vegetation Management Plan must be submitted for review and approval.

All areas identified for management under the VMP are to be clearly identified within overarching site plans, the CEMP and any related documents for the guidance of development activities.

**Waste management plan (update)**

The project ecologist/s (flora/fauna) and supervising bush regenerator are to provide advice to update the existing Waste Management Plan/s, for all stages of the development including ongoing operations.

The recommendations must ensure there is no harm to protected native fauna, habitat, areas of native vegetation identified within the VMP and waterways/bodies.

Recommendations are to address, but not be limited to:

- purchase and use of waste receptacles that do not allow access by native wildlife (including birds), pests or feral species
- management of green waste from 1. exotics/weed species and 2. native vegetation (see salvage of materials and mulch)
- routine procedures for the collection of litter

monitoring and review to update the plan, due to inadvertent waste impacts.

**Water quality management**

Protocols for water quality management to protect the water quality on- and off-site during all stages of the development, including ongoing operations are required to be integrated into the CEMP to ensure thresholds for water quality values are sensitive to the requirements for Green and Golden Bell Frogs and Platypus (at a minimum), within respective waterways/bodies.

Monitoring and reporting requirements are to be scheduled for each stage of the development.

Where there is concern that thresholds have been exceeded, Council must be notified immediately, and remedial action taken. This may include but not be limited to stop works orders.

**Weed management plan**

1. To fulfil obligations under the Biosecurity Act 2015, for the management of priority weeds
2. To prevent impacts associated with all stages of the development associated with the transport of weeds and pathogens on- and off-site

The weed management plan may be a stand-alone document to be referenced within the VMP, OR initially, the requirements can be integrated within the VMP.

The weed management plan must be endorsed by the Hawkesbury River County Council.

The first phase of the weed management plan must address actions to be implemented across the site (and for each stage of the development), prior to works commencing.

Each stage of the development is to have a final component that addresses the ongoing management of weeds within that area, in perpetuity.

**Schedule C****Part B - Tree Protection Plan (Specification) and Drawing Considerations and Requirements**

1. At a minimum Tree protection Plan (Specification) and Drawing shall (but not be limited to):
  - Be site specific and cover all stages of construction (e.g. demolition, construction, post construction, landscaping), noting that protection measures for each of these stages may differ.

- Identify key stages where monitoring and certification will be required as outlined in AS 4970–2009, Section 5.
- Provide a requirement that all contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- Require the project Arborist to supervise any work within or directly adjacent to the Tree Protection Zone.
- Require that if underground services are to be installed within the designated TPZ of a tree to be retained, they must be installed using directional drilling/thrust boring techniques.
- Designate tree protection areas/zones and vegetation protection zones across the entire site and nominate whether the protective fences are to remain static or whether there is scope/need for them to be altered to facilitate proposed works.
- Consider if tree protection fences need to be altered in design or materials to permit egress of fauna.
- Permit the project Arborist to alter/adjust the Tree Protection Zone or measures providing that reasons for this are clearly documented, justifiable, undertaken under the supervision of the project Arborist and that those changes will not cause detriment or damage to the tree.
- Provide details for the maintenance of the Tree protection/Vegetation Zones and ensure that maintenance requirements are specific to the area being maintained, particularly in regard to the retention of native vegetation and the protection of Threatened species.
- Require the project Arborist to undertake site inspections not less than weekly to ensure that Tree Protection measures are in place.
- Require the project Arborist to a written record (e.g. field notes and photos) to provide evidence of site attendance and compliance with the approved conditions of consent;
- Require the project Arborist to forward a copy of the written record of inspection to the Principal Certifying Authority within 1 week of that inspection occurring.
- Require the project Arborist to identify that whether there is a breach of the Tree Protection Plan. If a breach is identified the project arborist must report this to the Principal Certifying Authority and specify any remedial works and the timeframe in which these works must be completed. If an inspection reveals that there has been a significant breach of the Tree Protection Plan (specifications), inspections from then on must be carried out twice weekly.

## 2. Currency of Tree/Vegetation Management with consideration to Biodiversity, Conservation, Waterway Management and other associated Management Plans

Plans are required to be provided to be in place for all Phases of site construction regardless in what order the site is developed in. As these Phases may span across many years and given that the environment (trees/vegetation/fauna) is dynamic and may change over time there shall be a requirement for a review of all approved plans to be reviewed, updated and approved by Council a minimum of 1 month prior to approved works commencing.

A minimum of 6 weeks is to be provided for Council to review any amended documents.

OR

If the AIA , TRRP or Tree Protection Plan and Drawing is greater than 5 years old, when construction is due to begin, the plan is to be checked for currency and amended accordingly before construction can commence, however all amendments are to be verified and approved by Penrith Council before approval to commence works can be issued.

Longevity of Tree/Vegetation Management with consideration to Biodiversity, Conservation, Waterway Management and other associated Management Plans

A long term Tree/Vegetation and Biodiversity Management Plan will be required to be developed to ensure appropriate management and assessment of trees and vegetation on this site.

The Plan should provide for (but not be limited to):

- Ensuring regular site audits of trees/vegetation is undertaken;
- A care and maintenance plan is informed, developed and reviewed in response to site audits;
- replanting requirements for succession planting/increase vegetation around trees, particularly trees identified as habitat and along riparian areas

To ensure continued Environmental Management of the site it shall be required that a Master Plan and ongoing Plan of Management for the site is developed to ensure a consistent approach to all environmental disciplines (e.g Trees/Vegetation, Biodiversity, Conservation, Waterway Management).

The Master Plan and ongoing Plan of Management shall be approved by Penrith Council prior to works commencing.