



**Land and Environment
Court**
of New South Wales

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DX 264, Sydney

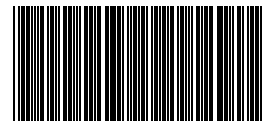
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Your Ref:



D0001BSKLL

22 September 2020

NOTICE OF ORDERS MADE

Case number 2019/00357887
Case title Catholic Healthcare Limited v Penrith City Council

On 22 September 2020 the following orders (and/or directions) were made:

The Court orders:

- (1) The Applicant is granted leave to amend Development Application No. DA19/465 to rely upon the following amended plans and documents: refer to Table at Order (1) of the Judgment.
- (2) In accordance with s8.15(3) of the Environmental Planning and Assessment Act 1979 (NSW), the Applicant must pay the Respondent's costs thrown away as a result of the amendment in the agreed sum of \$12,500.
- (3) The appeal is upheld.
- (4) Development consent is granted to Development Application No. DA19/465 for bulk earthworks and site preparation, construction of a five (5) storey nursing home with 144 beds, undercroft parking for 33 cars (including 2 accessible spaces), vehicular access via Lakeside Parade, nursing home amenities and facilities including multi-function space, activity room, physiotherapy room, consulting rooms and hairdressing salon, reception and lobby area, chapel, administration, manager and staff rooms, commercial kitchen and refrigeration and staff amenities, hours of operation being 24 hours per day, seven days per week, business identification signage and associated landscaping and drainage works at 55 Jordan Springs Boulevard, Jordan Springs subject to the conditions of consent annexed hereto and marked "A".

For the Registrar

Annexure 'A'

Catholic Healthcare Limited v Penrith City Council

Conditions of Consent

DA19/0465
55 Jordan Springs Boulevard Jordan Springs

TERMINOLOGY

1. Any reference in this document to a "consent" means a "development consent" defined in the Environmental Planning and Assessment Act 1979 (**EP&A Act**).
2. Any reference in this consent to a "Compliance", "Occupation" or "Subdivision" Certificate is a reference to such a certificate as defined in Part 6 EP&A Act. Reference to a "Construction Certificate" means a Construction Certificate under section 6.4 of the EP&A Act or if the Former Building and Subdivision provisions apply, under s109C of the Act.
3. Any reference in this consent to the "Applicant" means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
4. Any reference to the "Site" means the land at 55 Jordan Springs Boulevard, Jordan Springs NSW 2747, also known as Lot 2 in DP 1248137.
5. Any reference to the "Council" is a reference to Penrith City Council.

Part A - Deferred Commencement Conditions

This consent is granted subject to deferred commencement conditions pursuant to s4.16(3) EP&A Act in Part A. The development consent is not to operate until the applicant satisfies Penrith City Council (Council), in accordance with the regulations, as to any matter specified in Part A of this consent.

Prior to this consent becoming operational, the following conditions must be complied with to Council's satisfaction:

- 1 A full set of architectural plans including external colour schedule, that are consistent with the Jordan Springs Aged Care Architectural Drawings, prepared by Group GSA and dated 25/07/2020 are to be submitted to and approved by Council.
- 2 The stormwater and landscape plans, and full set of documentation, must be amended to reflect the approved architectural layout and provided to Council for approval. All plans are to correlate.
- 3 An amended Landscape Plan, consistent with the approved Landscape Design Report, prepared by Site Image Landscape Architects and dated 27/07/2020 prepared by a suitably qualified landscape professional is to be submitted to and approved by Council that includes the following:
 - i) Fencing details (including materials and colour). The fencing is to be contained within the landscaped setback along the northern and eastern boundaries.
 - ii) Planting schedule including species locations and pot sizes. Consideration needs to be given to the location of stormwater infrastructure.
 - iii) Demonstration that the location of large pot sizes is appropriately located as to not conflict with the built form.
 - iv) Details of the perforated 'artwork' metal sheeting. The design of the artwork is to be in accordance with the Jordan Springs Village Centre Concept Plan, prepared by Lendlease and dated April 2011 and Council's Place Making and Public Art Policy.
- 4 Engineering plans and supporting calculations for the stormwater management system, consistent with the approved Stormwater Concept Plans, prepared by Siteplus and dated 15/05/2019 must be prepared by a suitability

qualified person, and designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policy and associated WSUD Technical Guidelines. The engineering and architectural plans are to be consistent. The engineering plans /documentation is to detail:

- i) The class of the grate proposed for the surface inlet and junction pits.
 - ii) Include invert levels on the plans.
 - iii) The proposed water conservation measures as outlined in Section 3.1 Council's WSUD Policy.
 - iv) An electronic version of the MUSIC model should be submitted.
- 5 A report detailing the acoustic and mechanical ventilation requirements to permit waste vehicle operations within an undercroft car park is to be prepared and submitted to Penrith City Council for approval.
- 6 A Plan of Management must be provided to Council for approval. The plan is to address the following, generally in accordance with the relevant matters in the Loading Dock Management Plan prepared by Catholic Healthcare Limited and submitted to Council on 28 July 2020:
- (a) Onsite parking to ensure staff, residents and visitors have access to the car parking areas within the development.
 - (b) Ambulance access to the site, including the use of the ambulance bay.
 - (c) Garbage collection.
 - (d) Deliveries to the facility.
 - (e) Noise generated within the site.
 - (f) Operation details of the services and facilities provided on ground floor.
 - (g) Maximum number of staff at any one time.
- 7 A Waste and Delivery / Service Vehicle / Traffic Management Plan generally in accordance with relevant matters in the Loading Dock Management Plan prepared by Catholic Healthcare Limited and submitted to Council on 28 July 2020 must be provided to the satisfaction of Council's Waste Management Section. This must include an operational management plan that must apply to all waste and service / delivery vehicles access the site and limit access to single rigid vehicles not greater than 8.8 metres long and not greater than 3.5 metres in operational height.

Each of the above conditions must be satisfied within 24 months of the date of this "Deferred Commencement" consent. Should these conditions not be satisfied within this time period, the consent will lapse.

Part B - Consent Conditions

General

- 1 The approved development must be carried out in accordance with the following plans and documents as listed except as may be amended in red on the plans and reports and as may be altered, amended or added to, by the following conditions and as altered by deferred commencement conditions 1-4.

Plan/Report No.	Description	Prepared by	Revision/ Issue	Date
1.1 – 4.11	Jordan Springs Aged Care Architectural Drawings	Group GSA	5	25/07/2020
SS18-3827	Landscape Design Report	Site Image Landscape Architects	E	27/07/2020
18125 Sheets 1-14	Stormwater Concept Plans	Siteplus	B	15/05/2019
-	Operational Waste Management Plan	Universal Foodservice Design	2.0	17/05/2019
Any recommendations contained within the Acoustic and Ventilation Report approved in satisfaction of Deferred Commencement Condition 5				

The Plan of Management approved in satisfaction of Deferred Commencement Condition 6.

The Traffic Management Plan approved in satisfaction of Deferred Commencement Condition 7.
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- 2 The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development must be in force in accordance with Part 6 of the Home Building Act.
- 3 A satisfactory inspection from an authorised officer of Council's Environmental Health Department is required prior to the issue of the Occupation Certificate. The occupier is to contact the Environmental Health Department to organise an appointment at least 72 hours prior to the requested inspection time.
- 4 **Prior to the issue of an Occupation Certificate**, a lighting system must be installed for the development so as to provide uniform lighting across any common areas and driveways. Any exterior lighting must be located and directed in such a manner so as not to create a nuisance to any surrounding properties. Such lighting must be at the minimum level of illumination, to facilitate for safe manoeuvring of vehicles and pedestrians on the Site. The lighting must comply with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).
- 5 **A Construction Certificate** must be obtained prior to commencement of any building works.
- 6 The facility is permitted a maximum of 144 beds.
- 7 All requirements of the Rural Fire Service's General Terms of Approval (dated 21 August 2019) must be satisfied as follows:
 - a) Prior to the issue of an Occupation Certificate, the provision of water, electricity and gas supply shall comply with Sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.
 - b) Prior to the issue of an Occupation Certificate, a Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS 3745 2010 'Planning for Emergencies in Facilities'.
 - c) The proposed new buildings shall be constructed to comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS 3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and Section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'. These details are to be incorporated into the Construction Certificate plans.
 - d) Prior to the issue of an Occupation Certificate and in perpetuity, landscaping within the APZ shall comply with the principles of Appendix 5 of "Planning for Bush Fire Protection 2006".
- 8 Prior to the issue of a Construction Certificate, the design recommendations of the Statement of Compliance – Access for People with a Disability, prepared by Accessible Building Solutions and dated 15 May 2019 must be incorporated into the Construction Certificate plans. The works must be certified accordingly by a suitably qualified access consultant prior to the issue of an Occupational Certificate.
- 9 The Plan of Management approved under deferred commencement condition 6 must be complied with at all times during operation of the approved development.

Public Health Matters

- 10 **Prior to the issue of the Construction Certificate**, the applicant must submit to Penrith City Council, a detailed description of the types of procedures and practices that will take place in relation to hairdressing and beauty. Beauty procedures such as hair removal or cuticle cutting are defined as "skin penetration" under the Public Health Act 2003 and the ability to comply with this Act and associated Regulations will need to be demonstrated.

Plans also need to be submitted that demonstrate that the proposed fit out of the beautician and hairdressers is consistent with schedule 2 Local Government (General) Regulation 2005. Including, detailed floor and cross sectional plans, drawn to scale, showing:

- The proposed floor layout.
- Details of all construction materials and other materials that will be used within the premises (i.e. finishes of all floors, coving, walls and ceilings)
- Elevations of the walls and floor finish, showing the type and method of installation of coving to be used.
- Locations and design details of proposed hand washing facilities.
- Locations and design details of proposed washing facilities and any floor wastes.
- Proposed location and details of all fixtures, fittings and appliances (including proposed method of installation).
- Details showing location, capacity and clearance of hot water services.

- 11 **Prior to the issue of the Construction Certificate**, the applicant must submit to Penrith City Council, information relating to the management of the deceased demonstrating compliance with the Public Health Act 2010 and Public Health (Disposal of Bodies) Regulation 2012.
- 12 **Prior to the issue of the Construction Certificate**, the applicant must submit to Penrith City Council, details of the safe storage and bunding of chemicals associated with the proposed facility including chemicals associated with the laundry, kitchen, cleaning need to provided.
- 13 **Prior to the issue of a construction certificate**, the applicant must submit to Penrith City Council, details for the fit out of all food areas, including the cafe, demonstrating compliance with the Australian New Zealand Food Standards Code 3.2.3 - Food Premises and Equipment and Australian Standard 4674-2004 Design, Construction and Fitout of Food Premises.
- 14 The applicant must apply for a license under the Vulnerable Persons Food Safety Scheme of the NSW Food Regulation 2010. A copy of the license must be submitted to Council for record purposes.
- 15 **Prior to the issue of a Construction Certificate**, the applicant must submit to Penrith City Council, information on any warm water system as defined in the Public Health Act 2010 and associated regulations and approvals from NSW Health.
Advisory note: If the system automatically produces warm water for ablution purposes the system must not be installed in a defined health care facility (public hospital, private hospital, day procedure centre and aged care service) unless it is of a kind approved in writing by the NSW Department of Health.
- 16 **Prior to the issue of a Construction Certificate**, the applicant must submit to Penrith City Council, details of the laundry operation including cleaning and sanitising of laundry and processes used for sanitising and control of lice, mites and bedbugs.

Environmental Matters

- 17 Any erosion and sediment control measures must be installed **prior to the commencement of works on Site** including the approved clearing of any Site vegetation. Any erosion and sediment control measures are to be maintained so as to comply with the approved erosion and sediment control plan(s) and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.
- 18 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 19 Dust suppression techniques are to be employed during construction works to reduce any potential nuisances to

surrounding properties.

- 20 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 21 Fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material must be carried out on the site without the prior approval of Council.
- 22 No fill material must be imported to the Site until a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate must:
- state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filling operations,
 - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
 - provide confirmation (based on the fill classification) whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

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

- a. Supervise the filling works,
- b. Carry out an independent review of all documentation relating to the filling of the Site upon completion of the approved filling works, and submit a report of his or her findings to the Council and any Principal Certifying Authority,
- c. Certify by way of a Compliance Certificate or other written documentation that all fill materials that have been placed on the Site, comply with all conditions of this consent and that the Site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation must be submitted to Council and any Principal Certifying Authority,
- d. The contact details of any appropriately qualified person/s engaged for the works must be provided with the Notice of Commencement.

If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the Site, further Site investigations or remediation works may be requested to be carried out. In these circumstances, such further Site investigations or remediation works must be carried out prior to the carrying out of any other works approved under this consent.

- 23 Any waste materials stored on the 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, neighbouring properties, or any public land (as defined within the *Local Government Act 1993*). The designated waste storage areas must provide at least two waste bays or bins so as to allow any waste to be separated and are to be fully enclosed at times when the Site is unattended.
- 24 All excavated material and other wastes generated as a result of the construction of the approved development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Any waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials has not been identified in the waste

management plan, details must 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 must be provided to Penrith City Council on request.

- 25 Noise levels within the premises must not exceed the relevant noise criteria detailed in the acoustic assessment prepared by Acoustic Logic, dated 29/04/2019 (reference 20181223.1/1009A/R1/RL). The recommendations provided in the above-mentioned acoustic report must be implemented and incorporated into the design and construction of the development, and must be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. **This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.**

Advisory note:

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

- 26 The operating noise level of any plant and associated equipment must not exceed 5db(a) above the background noise level when measured existing residential receivers closest to the Site.

Advisory note:

The provisions of the Protection of the Environment Operations Act 1997, apply to the Site to regulate any offensive noise.

- 27 The contamination management plan prepared by URS Australia Pty Ltd, dated 7 July 2008 (reference 4321 7287) is to be complied with at all times during the construction phase of the development.

BCA Matters

- 28 The external walls of the building (including any attachments) must comply with the relevant requirements of the National Construction Code (NCC). **Prior to the issue of a Construction Certificate and Occupation Certificate** the Certifying Authority and Principal Certifying Authority must:
- Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or to be used in the construction of any external walls (including finishes and claddings such as synthetic or aluminium composite panels) comply with the relevant requirements of the NCC; and
 - Ensure that the documentation relied upon in the approval processes include an appropriate level of detail to demonstrate compliance with the NCC (both as proposed and as built).
- 29 All aspects of the design of the approved building must comply with the applicable performance requirements of the Building Code of Australia (**BCA**) 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 under the BCA can only be achieved by:
- complying with the deemed to satisfy provisions, or
 - 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
 - a combination of (a) and (b).

It is the responsibility of the owner to place on display, in a prominent position within the building at all times, a

copy of the latest fire safety schedule and fire safety certificate or statement for the approved building.

Utility Services

- 30 A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of any Occupation Certificate**.

- 31 **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the approved development.
- 32 **Prior to the issue of a Construction Certificate**, the telecommunications infrastructure installed to service the approved development must comply with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line must be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the approved development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of any Occupation Certificate, written certification from all relevant service providers must be submitted to the Principal Certifying Authority, certifying that the telecommunications infrastructure has been installed in compliance with the conditions of this consent and the applicable legislation at the time of construction of the approved development.

Construction

- 33 Stamped plans, specifications, a copy of this development consent, the Construction Certificate and any other Certificates that are relied upon, must be available on Site at all times during construction.

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

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

Signage (but no more than 2 signs) stating the details required by this condition are to be erected:

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

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

34 Prior to the commencement of any construction works:

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

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

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

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

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

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

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

35 Construction works that are carried out in compliance with this consent, and which involve the use of heavy vehicles, heavy machinery and any other equipment likely to cause noise or vibration impacts to adjoining properties must be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7.00am to 6.00pm
- Saturdays, 7.00am to 1.00pm if inaudible on neighbouring residential premises, otherwise 8.00am to 1.00pm.
- No work is permitted on Sundays and Public Holidays.

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

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

36 Prior to the commencement of any earthworks or construction works on site, the proponent is to:

(a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and

(b) submit a Notice of Commencement to Penrith City Council.

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

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent must submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Engineering

- 37 All roadworks, stormwater drainage works, associated civil works and dedications, required to give effect to the approved development must be undertaken at no cost to Penrith City Council.
- 38 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 is to be lodged with Penrith City Council **prior to the commencement of any works on the site or prior to the issue of any Construction Certificate, whichever occurs first**. The bond and applicable fees are payable 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 City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 39 **Prior to the issue of any Construction Certificate**, a Section 138 Roads Act application is to be lodged with the Council (including payment of the relevant application and inspection fees together with any applicable bond), for Council's approval (as the Council is the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- a) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - b) Concrete footpaths and cycleways,
 - 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, waste skips, signs and the like, in the road reserve
 - f) Temporary construction access.

All works must 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 City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 40 The stormwater management system must be provided generally in accordance with the concept plan/s approved under the deferred commencement condition No. 4.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and must accompany the application for a Construction Certificate.

Prior to the issue of any Construction Certificate, the Certifying Authority must ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

- 41 **Prior to the commencement of any works** associated with the approved development, all sediment and erosion control measures must be installed to comply with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997, and Managing Urban Stormwater series from the Office of Environment and Heritage.

The erosion and sediment control measures must remain in place and be maintained until any disturbed areas have been rehabilitated and stabilised.

- 42 **Prior to the issue of any Occupation Certificate**, and following completion of all works in the road reserve, all verge areas fronting and within the development Site must be turfed. The turf must extend from the back of kerb to the Site's street boundary, with the exception of concrete footpaths, service lids or any other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure must be finished flush with the edge of the pavement.

- 43 Prior to the issue of any Occupation Certificate, all works approved under a Section 138 Roads Act approval or Section 68 Local Government Act approval must be inspected and signed off by Penrith City Council.

- 44 **Prior to the issue of any Occupation Certificate**, the Stormwater management systems (including water sensitive urban design) must:

(a) be satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent;

(b) meet the design intent with regard to any construction variations to the approved design; and

(c) where remedial works are required, the remedial works must be undertaken and satisfactorily completed.

Details of the approved and constructed systems must be provided as part of the Works As Executed drawings.

- 45 **Prior to the issue of any Occupation Certificate**, a restriction as to user and positive covenant relating to the stormwater management systems (including water sensitive urban design) must be registered on the title of the property. The restriction as to user and positive covenant must be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development.

- 46 The stormwater management systems must continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 47 **Prior to the issue of any Occupation Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation for the stormwater management systems (including water sensitive urban design) must 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 must also be submitted to Penrith City Council with notification of the issue of the Occupation where Penrith City Council is not the Principal Certifying Authority.

- 48 **Prior to the issue of any Construction Certificate** plans depicting the design of the car park and access driveways

which comply with AS 2890.1-2004 and AS 2890.6-2009 must be submitted to the Principal Certifying Authority.

- 49 Separate accessible pedestrian paths of travel are to be provided from the fronting roadway footpaths to access the car park area.
- 50 Complying numbers of secure bicycle parking, end of journey facilities, change rooms, showers, and lockers are provided at convenient locations in accordance with DCP C10, AS 2890.3 Bicycle Parking Facilities and Planning Guidelines of Walking and Cycling (NSW Government 2004).
- 51 All car spaces and loading areas are to be sealed / line marked and dedicated for the parking of vehicles only and not be used for storage of materials/products/waste materials etc.
- 52 **Prior to Occupation Certificate**, appropriate signage, visible from the public road and on-site must to be installed to reinforce designated vehicle circulation and to direct staff / delivery vehicle drivers / service vehicle drivers / ambulances / visitors to on-site parking, delivery and service areas to the satisfaction of the Principal Certifying Authority.
- 53 The required sight lines around the driveway entrances are not to be compromised by landscaping, fencing or signage.
- 54 All vehicles are to enter/exit the site in a forward direction.
- 55 The subleasing of any car parking spaces is not permitted.
- 56 **Prior to the issue of any Construction Certificate** the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of a turning lane in Lakeside Parade, Jordan Springs.

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.

Note:

- Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate.

- 57 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 roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Section 138 Roads Act approval, the Certifying Authority 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 Certifying Authority for information purposes.

- 58 Prior to commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, a Construction Traffic Management Plan (CTMP) shall be submitted to Council's City Assets

Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS). The CTMP 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. Please contact Council's City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

- 59 Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for the provision of a turning lane on Lakeside Parade Jordan Springs.

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

Note:

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

- 60 Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services 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.

Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council. Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate or Subdivision Works Certificate.

- 61 **Prior to the issue of any Occupation Certificate** and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

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

- 62 **Prior to the issue of any Occupation Certificate** a Maintenance Bond is to be lodged with Penrith City Council for the provision of a turning lane on Lakeside Parade.

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

Note:

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

Landscaping

- 63 Landscaping must be maintained:

- in accordance with the endorsed plans required by this consent, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the

same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

- 64 The approved landscaping for the approved development must be installed by a suitably qualified experienced landscape professional.
- 65 Upon completion of the approved landscape works associated with the development and **prior to the issue of an Occupation Certificate** for the development, an Implementation Report for the landscaping works must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by an appropriately qualified and experienced landscape professional.
- 66 All landscape works are to meet industry best practice and the following relevant Australian Standards:
-AS4419 Soils for Landscaping and Garden Use;
-AS 4454 Composts, Soil Conditioners and Mulches, and
-AS 4373 Pruning of Amenity Trees.
- 67 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council.
- 68 All precautions must be taken to adequately protect trees on public property (ie. footpaths, roads, reserves, etc.) against damage during construction of the approved development. No trees on public property must be removed, pruned or damaged during construction including by the erection of any fences, hoardings or other temporary works. The placement of construction materials beneath the canopy of street trees is prohibited.

Certification

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

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

Information to accompany the Notice of Commencement

Two days before any earthworks or construction/demolition works are to commence on site (including the clearing of site vegetation), the proponent must submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

- 70 An **Occupation Certificate** is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the development.

The Certificate must not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding. A copy of the Occupation Certificate and all necessary documentation supporting the issue of the Certificate is to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Catholic Healthcare Limited v Penrith City Council**Table to Order (1)**

Prepared By	Drawing No. / Document Name	Revision	Dated
Group GSA	Jordan Springs Aged Care Architectural Drawings 1.1 – 4.11	5	25/07/2020
Site Image Landscape Architects	Landscape Design Report Drawings 002 - 0034	E	27/07/2020
Catholic Healthcare Limited	Loading Dock Management Plan	-	Not dated