

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0753
Description of development:	Alterations & Additions to Existing Residential Aged Care Facility including Second Storey Addition & Major Internal Alterations
Classification of development:	Class 9a , Class 9b

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 827455
Property address:	57 Mulgoa Road, PENRITH NSW 2750

### DETAILS OF THE APPLICANT

Name & Address:	Mountainview Nursing Home Pty Ltd 57 Mulgoa Road PENRITH NSW 2750
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### DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

Date from which consent operates	16 February 2021
Date the consent expires	16 February 2026
Date of this decision	9 February 2021

## POINT OF CONTACT

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If you have any questions regarding this determination you should contact:

Assessing Officer:	Kathryn Saunders
Contact telephone number:	+612 4732 8567

## NOTES

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### **Reasons**

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

### **Conditions**

Your attention is drawn to the attached conditions of consent in attachment 1.

### **Certification and advisory notes**

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

### **Review of determination**

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

### **Appeals in the Land and Environment Court**

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

### **Designated development**

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

### **Sydney Western City Planning Panels**

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

## OTHER APPROVALS

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### APPROVAL BODIES

<b>APPROVAL BODY NAME</b>	<b>DATE OF GENERAL TERMS OF APPROVAL</b>	<b>REF. NO.</b>	<b>NO. OF PAGES</b>	<b>RELEVANT LEGISLATION</b>
NSW Rural Fire Service	03/02/21	DA20201204004536-Original-1	4	Section 100B Rural Fires Act 1997
Natural Resources Access Regulator	17/12/20	IDAS1130560	3	Water Management Act 2000

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

# ATTACHMENT 1: CONDITIONS OF CONSENT

## General

- 1 The development must be consistent with the stamped approved plans and reports listed below, the application form and any supporting information received with the application, except as may be amended in red on the approved plans and by the following conditions:

*Architectural plans prepared by John W Flower, project no. 1903192, dated 24/04/2020*

Plan Level 1 New DA04, Issue A

Plan Level 2 New DA05, Issue A

Plan Roof New DA06, Issue A

Elevations DA08, Issue A

Images DA09, Issue A

Accessible Room Plans DA11, Issue A

External Materials DA15, Issue A

Demolition Plan General DA16, Issue A

Sections DA17, Issue A

*Landscape plans prepared by Silk Consulting Landscape Architects, job no. 121, dated 25.05.20*

L00 Landscape Site Plan, Revision A

L00 Landscape Site Plan, Revision A (detailing tree retention and removal)

*Civil Engineering Plans prepared by ACOR Consultants Pty Ltd, project no. SY190717, issue date 12.05.20*

C1.01 - Cover Sheet, Notes and Legend, Issue A

C1.05 - Details Sheet 1, Issue A

C5.01 - Soil Erosion and Sediment Control Plan, Issue A

C3.01 - Stormwater Management Plan

### *Reports*

DA Acoustic Assessment, report no. 20109 prepared by Wilkinson Murray, version A, dated 29 April 2020

BCA Assessment Report, prepared by Blackett Maguire + Goldsmith, reference no. 190359, dated 14 May 2020

Hardi Aged Care Operational Plan of Management, dated 08 July 2020

Demolition and Construction Waste Management Plan, prepared by Wasteaudit, dated June 2020

Operational Waste Management Plan, prepared by Wasteaudit, dated June 2020

2 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority is to be provided with copy of the registered Title for the development, which notes that:

(a) a restriction as to user is registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to below.

The accommodation may only be occupied by the following person(s):

- Seniors or people who have a disability,
- People who live within the same household with seniors or people with a disability, and
- Staff employed to assist in the administration of and provision of services to the type of seniors housing approved by this consent.

3 **Prior to the issue of a Construction Certificate**, an acoustic assessment is to be provided to the Principal Certifying Authority which outlines the measures to be installed to ensure compliance with the following LAeq levels:

- (a) in any bedroom in the residential accommodation - 35dB(A) at any time between 10pm and 7am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40dB(A) at any time,

and that any required attenuation measures are included on the Construction Certificate plans.

4 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority is to ensure that a 1.8m wide pedestrian footpath has been installed which provides access from the subject site's frontage and connects to the existing pavement to the south, along the eastern side of Retreat Drive.

5 **Prior to the issue of a Construction Certificate**, the Manager of Development Services at Penrith City Council is to be provided with a plan indicating where the proposed electrical substation is to be located, should one be required to service the development. No approval is granted for the installation of an electrical substation within the frontage of the site, without prior approval from Penrith City Council.

6 All roof mounted plant is to be screened from view.

7 **Prior to the commencement of site preparation, demolition or construction works**, all trees identified to be retained are to be provided with Tree Protection Zone (TPZ) fencing, which is to be installed prior to the commencement of works. The TPZ fencing is to be maintained in place, until construction works are complete.

The TPZ areas shall not be utilised for the storage of heavy machinery or plant so as not to damage root zones or compact soil. No approval is granted for the lopping of tree canopy.

8 Those acting on the consent are to ensure that the approved development and associated works comply with the requirements of the below listed State agency General Terms of Approval and Bush Fire Safety Authority:

- NSW Rural Fire Service, General Terms of Approval correspondence dated 3 February 2021 and Bush Fire Safety Authority, RFS Reference DA20201204004536-Original-1,
- Natural Resources Access Regulator, General Terms of Approval correspondence dated 17 December 2020 (IDAS1130560 - Controlled Activity Approval).

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

- 10 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority is to ensure that:
- (a) a minimum of one rain water tank with a minimum storage capacity of 2500L, has been installed and that connections to the rainwater tank, enable its use for watering of landscaping, and that
  - (b) a roof mounted solar system has been installed and is operational.
- 11 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 12 **Prior to the issue of an Occupation Certificate**, an accessible parking space is to be provided to the car park in accordance with the requirements of AS 2890.6-2009.
- 13 **Prior to the issue of an Occupation Certificate**, the openings to courtyard W1 01 2 are to be protected in accordance with Clause C3.3 of the Building Code of Australia or the appropriate performance requirement(s) as appropriate.

## Environmental Matters

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

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

- 15 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 16 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 17 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 18 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and approved by Council. The Validation Certificate shall:
- state the legal property description of the fill material source site,
  - be prepared by an appropriately qualified person (as defined in Penrith Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
  - clearly indicate the legal property description of the fill material source site,
  - provide details of the volume of fill material to be used in the filling operations,
  - provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
  - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

{Note: Penrith Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in 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.

19 All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

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

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

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

21 The recommendations provided in the acoustic report prepared by Wilkinson Murray (dated April 2020, report number 20109) shall be implemented and incorporated into the design and construction of the development, and shall 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.

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

22 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.



## BCA Issues

- 23 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions, or
  - (b) formulating an alternative solution which:
    - complies with the performance requirements, or
    - is shown to be at least equivalent to the deemed to satisfy provision, or
  - (c) a combination of (a) and (b).

## Health Matters and OSSM installations

- 24 The construction, fit out and finishes of the food premises (kitchen and kitchenettes) must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS 4674-2004 *Design, Construction and Fitout of Food Premises*.
- 25 A hand basin must be located within the toilet cubicle. Hand basins must be serviced with hot and cold water through a single outlet, able to be mixed at a temperature of at least 40°C and fitted with a hands free operation. Where sensor taps are used the basin must not be more than 6 metres from the hot water system. Disposable paper hand towels and soap must be provided and serviced from a dispenser adjacent to each hand basin.
- 26 The cleaner's sink must be serviced with hot and cold water through taps fitted with hose connectors. Cleaner's sinks must be located outside of areas where open food is handled.
- 27 All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the *Protection of the Environment Operations Act 1997* to prevent the harbourage of vermin or generation of odours.
- 28 Smooth and impervious surfaces (walls and floors) must be provided to all waste storage areas and rooms. Floor areas must be graded and drained to a floor waste gully connected to the sewer. Open waste storage areas must be appropriately covered and bunded to avoid stormwater entering the sewer. Waste storage rooms must be adequately ventilated and proofed against pests. The area or room must be provided with water service hose connectors to enable easy cleaning.
- 29 Rubbish bins must be cleaned regularly to remove the food scraps stuck on the bin surface and to minimise the emission of odour that attracts insects and vermin. Bins may be cleaned either by the rubbish collecting contractors or inside a rubbish room constructed to the above specifications. Bins, hoppers and other containers used for storing garbage or recyclable material shall:
- a) be constructed of impervious material such as metal or plastic;
  - b) have tight fitting lids; and
  - c) be bins that cannot be lifted for draining after cleaning shall have drainage bungs at the base.
- 30 The operator shall manage the deceased in accordance with the Public Health Act 2010 and Public Health Regulation 2012. NSW Health Guidelines for the Funeral Industry and any other relevant standards, guidelines or codes of practice published or endorsed by the NSW Ministry of Health.

- 31 Suitably constructed waste disposal containers with securely fitting lids must be kept on the property for the storage of any clinical, contaminated waste or related waste prior to final disposal of the material at a facility approved by the NSW Office of Environment and Heritage. A licensed clinical waste contractor must be engaged to collect and dispose of all clinical waste generated on site and produced to Council upon request. Receipts of service must be kept on site specifying the volume collected and the dates of service.
- 32 When an air handling, hot water, humidifying, warm water or water cooling system is installed a certificate is to be obtained certifying that the system has been installed in accordance with the Public Health Act 2010, Public Health Regulation 2012 and AS 3666.1:2011.
- 33 Air handling systems, hot water systems, humidifying systems, warm water systems and water cooling systems shall be operated and maintained in accordance with the Public Health Act 2010, Public Health Regulation 2012, AS 3666.2:2011 *Air-handling and water systems of buildings – Microbial control - Operation and maintenance* and the current edition of the NSW Code of Practice for the Control of Legionnaires Disease.
- 34 The occupier of premises at which a water-cooling system or warm-water system is installed must notify Council using the NSW Ministry of Health Notification Form available from [www.health.nsw.gov.au](http://www.health.nsw.gov.au):
- if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
  - if the system is installed after he or she becomes the occupier, within one month after the system is installed.

The occupier of the premises must notify Council within 7 days of any change of details.

## Utility Services

- 35 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 prior to the issue of an Occupation Certificate.

- 36 **Prior to the issue of a Construction Certificate**, 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 an additional or relocated pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the issue of the relevant Construction Certificate, as the location of the substation may impact on other services provision or the landscape design already approved by Council.

## Construction

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

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

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

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

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

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

38 Prior to the commencement of construction works:

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

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

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

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

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

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

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

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

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

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

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

## Engineering

- 40 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
- 41 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 commencement of any works on site or prior to the issue of any Construction Certificate or Subdivision Works Certificate, whichever occurs first. 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.

- 42 The stormwater management system shall be consistent with plan/s lodged for development approval, prepared by Acor Consultants, reference number SY910717, Sheets C1.01 to C5.01, revision A, dated 12.05.20.

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

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

- 43 Prior to the issue of any Construction Certificate, the Certifier shall ensure that the structure/s below RL 27.00m AHD (adopted flood level + 0.5m freeboard) have been detailed with flood compatible building components in accordance with the publication 'Reducing the Vulnerability of Buildings to Flood Damage' produced by the Hawkesbury-Nepean Floodplain Management Steering Committee.
- 44 Prior to the issue of any Construction Certificate, the Certifier shall ensure that all electrical services associated with the proposed building works are adequately flood proofed in accordance with Penrith City Council's Development Control Plan relating to flood liable land. Flood sensitive equipment (including electric motors and switches) shall also be located above the adopted flood level of RL 27.00m AHD.
- 45 Prior to the issue of any Construction Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS 2890.1, AS 2890.2 and AS 2890.6.
- 46 **Prior to commencement of any works associated with the development**, sediment and erosion control measures shall be installed and are to be in accordance with the approved Construction Certificate. The measures are 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 shall remain in place and are to be maintained until all disturbed areas have been rehabilitated and stabilised.

- 47 **Prior to the issue of an Occupation Certificate**, a Flood Management Plan is to be prepared by a registered professional hydraulic engineer, to address emergency flood management of the site including the use as appropriate of warning signs, notices of procedures and depth gauges (if required). The Plan is to recommend whether to shelter-in-place or evacuate and detail the evacuation route. The Plan is to incorporate maintenance free measures into the development to ensure the timely, orderly and safe evacuation of people from the area if required should a flood occur. Any requirements of the report are to be implemented.
- 48 **Prior to the issue of an Occupation Certificate**, a footpath being approximately 1.5m wide is to be constructed along the frontage of the site, and is to connect to the existing footpath on Retreat Drive. The footpath shall be constructed in accordance with Penrith City Council's Civil Construction Specifications.

## Landscaping

- 49 The approved landscaping for the site must be constructed by an appropriately qualified and experienced landscape professional and is to be maintained and protected until established. Any dead or dying plants are to be replaced.
- 50 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified and experienced landscape professional.

(i) Implementation Report

**Prior to the issue of an Occupation Certificate** and upon completion of the landscape works associated with the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

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

(ii) Maintenance Report

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

- 51 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Landscape Technical Specifications prescribed in Section 2.9 of Appendix F4 of Penrith Development Control Plan 2014.
- 52 All landscape works are to meet industry best practice and the following relevant Australian Standards:
- AS 4419 Soils for Landscaping and Garden Use,
  - AS 4454 Composts, Soil Conditioners and Mulches, and
  - AS 4373 Pruning of Amenity Trees.
- 53 All trees that are proposed to be retained and those that are required to be retained as part of the development, are to be retained and protected in accordance with the minimum tree protection standards prescribed in Appendix F4 of Penrith Development Control Plan 2014.

All trees to be retained are to be provided with Tree Protection Zone fencing, which is to be installed prior to the commencement of works at the site. Tree Protection Zone fencing is to be maintained in place, until construction works are complete. No approval is granted for the lopping of canopy.

- 54 No trees are to be removed, ring barked, cut, topped or lopped or willfully destroyed (other than those trees marked on stamped approved plans for removal) without the prior consent of the Manager of Development Services at Penrith City Council.
- 55 Existing landscaping is to be retained and maintained at all times.

## Payment of Fees

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

## Certification

- 57 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and/or if the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

- 58 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifier 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 Certifier 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 building 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.

## SIGNATURE

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Name:	Kathryn Saunders
Signature:	

For the Development Services Manager