

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA15/0992.03
Description of development:	Modification to a Torrens Title Subdivision x 99 lots, 3 x residue and Associated Road Subdivision - Change Easement Width & Double Garage Design Guidelines
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 31 DP 520322
Property address:	89 a OConnell Street, CADDENS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Legpro Pty Ltd Atf Legpro 54 Unit Trust Level 27 19-29 Martin Place SYDNEY NSW 2000
-----------------	--

DECISION OF CONSENT AUTHORITY

In accordance with Sections 81(1) (a) and 96 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	30 May 2017
Date the consent expires	30 May 2019
Date of this decision	16 August 2016 as amended on 13 September 2016 and 26 May 2017 under Section 96 of the Environmental Planning and Assessment Act.

POINT OF CONTACT

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

Assessing Officer:	Belinda Borg
Contact telephone number:	+612 4732 7505

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

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 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

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 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Rural Fire Service	11 August 2016	D15/2664 DA15090798440 JM	2	Rural Fires Act 1997

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 implemented substantially in accordance with the following plans (except as amended in red), reports and any supporting information received with the application:

Drawing Title	Drawing No.	Issue	Prepared by	Dated
Survey Plan	6072	B	SDG Land Development Solutions	22 April 2014
Cover Sheet	110358/DA00	1	J. Wyndham Prince	7 July 2016
Overall Layout Plan	110358/DA01	1	J. Wyndham Prince	7 July 2016
Engineering Plan Sheet	110358/DA02	1	J. Wyndham Prince	7 July 2016
Long Section Road 1 & Typical Section	110358/DA03	1	J. Wyndham Prince	7 July 2016
Long Sections Road 2A, 2B & Typical Section	110358/DA04	1	J. Wyndham Prince	7 July 2016
Long Section Road 3, 4 & Typical Section	110358/DA05	1	J. Wyndham Prince	7 July 2016
Basin Plan & Sections	110358/DA06	1	J. Wyndham Prince	7 July 2016
Soil & Water Management Plan and	110358/DA00	1	J. Wyndham Prince	7 July 2016
Building Envelope Plan	Drawing Number 105 Project Reference CAD 1.1		Group Development Services	26 June 2016
Supplementary Acoustic Information	Project Number: 06219-L Ref: MW 260716 TRAFFIC	-	Wilkinson Murray	26 July 2016
Environmental Site Assessment Report	51956-104580	-	JBS & G	11 July 2016
Stormwater Management Strategy Report – Stage 1	9844_Rpt2B	B	J. Wyndham Prince	11 July 2016
Landscape DA Report	2516039		Place Design Group	July 2016

As amended on **26 May 2017** under Section 96 (1A) of the Environmental Planning and Assessment Act by the following:

Drawing Title	Drawing No.	Issue	Prepared by	Dated
Building Envelope Plan	Drawing Number 105 Project Reference CAD: BEP-2.3 CAD: BP-1.3	L	Group Development Services	7 March 2017
Design Guidelines	-	A	Legacy Property	December 2016

2 The development must be implemented substantially in accordance with the conditions of consent within this Notice of Determination.

3 Evidence of compliance with all conditions of the Bush Fire Safety Authority issued by Rural Fire Service (RFS), Reference D15/2664 & DA15090798440 JM dated 11 August 2016 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the development. A copy of the documentation provided shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

4 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 shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

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

6 An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to the issue of the Construction Certificate**, the Protocol is to be submitted to Council for approval. If Council is not the certifying authority for this development, a copy of Council's approval is to be provided to the Private Certifying Authority.

The Protocol is to address, at minimum, the management of any contamination found on the site during subdivision works, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining.

The Protocol is to be implemented and complied with at all times.

7 **Prior to the issue of the Subdivision Certificate**, a positive covenant is to be registered against Lots 24, 25, 26, 27, 50, 51, 52, 53, 75, 76, 77, 78, 81, 82, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98 and 99 that refers to the letter report titled "Re: Caddens - Central Bypass Road Traffic Noise" prepared by Wilkinson Murray Pty Limited dated 26 July 2016 (Ref. MW 260716 TRAFFIC). The covenant is also to:

- stipulate the noise criteria as outlined in the above report;
- provide advice on the mechanisms required for each lot to meet the noise criteria, as outlined in Table 3 and Table 4 of the report; and
- ensure that the noise criteria be achieved through the implementation of the recommendations of the report.

Environmental Matters

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

9 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

10 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.

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

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

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

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

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

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

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

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

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

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils 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.”}

- 13 Dust suppression techniques are to be employed during subdivision works to reduce any potential nuisances to surrounding properties.
- 14 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 15 Lots 17-23, 28-33, 44-49, 54-59 and 72-74 will need to provide a 2m frontage unobstructed from trees and vegetation to allow Councils waste contractors to perform weekly collections.

BCA Issues

- 16 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).

Utility Services

- 17 All services (water, sewer, electricity, telephone and gas) including the provision of service conduits and stub mains, are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of a Subdivision Certificate, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water.
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

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

18 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies 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 shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the 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 the Plan of Subdivision, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

19 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.

- 20 A completed waste management plan shall be submitted to Penrith City Council for consideration and approval.

Council must approve the plan before a Construction Certificate can be issued for the approved development.

The waste management plan shall be prepared in accordance with the Penrith City Council Waste Planning Development Control Plan (2004), and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

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

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

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

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

Engineering

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

- 23 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 issue of any Construction Certificate**. 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 City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

- 24 **Prior to the issue of a Construction Certificate** for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved Stormwater Management Strategy prepared by (J. Wyndham Price), reference number (9844_Rpt2B), dated (11 July 2016); and Engineering plans prepared by J. Wyndham Price, Plan numbers 110358/DA00-DA07, Revision A, dated 1/7/16, and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Penrith Council's Water Sensitive Urban Design Policy, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 to ascertain applicable fees.

- 25 **Prior to the issue of any Construction Certificate** the Principal Certifying Authority and/ or Certifying Authority is to be satisfied that the applicant has submitted to Penrith City Council revised engineering plans for the provision and modification of the existing Regional Basin A (ie Existing Drainage Reserve - indicated in Civil plans) and those plans have been approved by Council.

The engineering plans are to be prepared in accordance with the applicable conditions of this 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 telephone (02) 4732 7777 or visit Penrith City Council's website for more information.

- 26 A Construction Certificate for the provision of engineering works (roads, retaining walls and drainage) is to be approved by the certifying authority.

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J.Wyndham Prince, Reference Number 110358, Revision 1, dated 07.07.2016 and that all subdivision 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 subdivision works may include but are not limited to the following:

- Public and private roads
- Storm water management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control
- measures Flood control measures
- Traffic facilities
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note:

1. Councils Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on telephone (02) 4732 7777 or visit Penrith City Councils website for more information..

27 **Prior to the issue of any Construction Certificate** the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria indicated on Civil Plans prepared by J. Wyndham Prince.

Road No.	Road Reserve Width	Carriageway Width	Verge	Footpath (1.5m)	ESA
Road 1	22.6m	12.0m	5.8m North 4.8m South	2.5m North 1.5m South	1x10 ⁶
Road 2A	16.0m	8.0m	4.0m both sides	1.5m both sides	5x10 ⁵
Road 2B	16.0m	8.0m	4.0m both sides	1.5m both sides	5x10 ⁵
Road 3	16.0m	8.0m	4.0m both sides	1.5m both sides	5x10 ⁵
Road4	16.0m	8.0m	4.0m both sides	1.5m both sides	5x10 ⁵

Note: Temporary cul de sacs in Road 2A , Road 3 and Road 4 shall be constructed to a Kerb line diameter of 19m and in accordance with Penrith City Council’s Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works.

- 28 A copy of the pavement design prepared by a suitably qualified geotechnical engineer must accompany the application for Construction Certificate
- 29 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.

- 30 The stormwater management system shall be provided generally in accordance with the Stormwater Management Strategy prepared by J. Wyndham Price Reference Number 9844_Rpt2B, dated July 2016 and Engineering Plans prepared by J. Wyndham Price, Plan numbers 110358/DA00-DA07, Revision A, dated 7/07/16.

The engineering drainage plans lodged for development approval, shall include 2 Humeguard GPT Units and the bio retention system which must have a minimum filter area of 1,250m² area and minimum extended detention of 300mm and rainwater tanks as outlined in the Stormwater Drainage Strategy. The plans must include details of how the bio retention system and GPTs can be accessed and maintained including hardstand areas to allow for maintenance vehicles.

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.

Prior to the issue of any Construction Certificate the Certifying Authority shall 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) Policy.

31 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that a Construction Traffic Management Plan (CTMP) has been submitted to and approved by Penrith City Council. Approval of the CTMP may require endorsement from the Local Traffic Committee. The CTMP shall include, but not limited to the following: vehicle routes, number of construction vehicles, hours of operation, access arrangements, pedestrian management, turning templates for narrow streets and intersections and parking management for workers. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller for patrons. The CTMP shall be certified by an appropriately accredited person and/or Roads and Traffic Authority Traffic Controller. The CTMP shall ensure that adequate parking is provided for the development and not severely impacted by the construction of this development.

The TMP shall be supported by a traffic control plan, designed in accordance with the requirements of the Roads and Traffic Authority's Manual, Traffic Control at Work Sites Version 2, and the current Australian Standards, Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'.

The traffic control plan must be prepared by a suitably qualified and RTA accredited Work Site Traffic Controller.

32 **Prior to commencement of any works associated with the development**, sediment and erosion control measures shall be installed in accordance 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 shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.

33 Work on the subdivision shall not commence until:

- a Construction Certificate (if required) has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

34 Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

35 All 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.

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

36 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings ". The results shall be submitted to Penrith City Council prior to the issue of the Subdivision Certificate.

37 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete

footpaths, service lids or other infrastructure shall finish flush with the edge.

- 38 All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities regulations and standards.
- 39 **Prior to the issue of any Occupation Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.
- 40 **Prior to the issue of a Subdivision Certificate**, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.
- 41 **Prior to the issue of any Subdivision Certificate** the Principal Certifying Authority shall ensure that the: Stormwater management systems (including on-site detention and water sensitive urban design)
- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
 - Have met the design intent with regard to any construction variations to the approved design. Any remedial works required to 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.

- 42 The Subdivision Certificate application shall include an instrument pursuant to section 88B of the Conveyancing Act 1919 creating the following restriction and easement over proposed Lots 12, 13, 38, 39, 64, and 65:
- An easement for access to the temporary cul-de-sacs on Road 2A, Road 3 and Road 4; and
 - Restriction as to user providing that the construction of a dual occupancy is not permitted on each lot.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user or easement. The restriction as to user and easement shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage for Building Development.

- 43 **Prior to the issue of a Subdivision 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:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges

- 44 **Prior to the issue of a Subdivision Certificate**, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for advice regarding the application process and applicable fees.
- b) Allow eight (8) weeks for notification, advertising and approval.

45 **Prior to the issue of the Subdivision Certificate**, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

46 **Prior to the issue of a Subdivision Certificate**, a maintenance bond is to be lodged with Penrith City Council for the stormwater management system (drainage basin).

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

Note: a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

47 **Prior to the issue of the Subdivision Certificate**, an Outstanding Works Bond for the construction, landscaping and implementation of the stormwater management system (drainage basin) is to be lodged with Penrith City Council.

The Outstanding Works bond will be refunded once the stormwater management system works have been completed to Penrith City Council's satisfaction and a separate Maintenance Bond has been lodged with Penrith City Council.

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

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

48 **Prior to the issue of the Subdivision Certificate**, an Outstanding Works Bond for the removal of the temporary cul-de-sac works reinstatement of kerb, gutter and works associated with road construction is to be lodged with Penrith City Council.

The Outstanding Works bond will be refunded once the temporary cul-de-sac works have been completed to Penrith City Council's satisfaction and a separate Maintenance Bond has been lodged with Penrith City Council.

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

Note:

a) Contact Penrith City Council's Engineering Services Department on telephone (02) 4732 7777 for further information relating to bond requirements.

49 Prior to the issue of a Subdivision Certificate, a maintenance bond is to be lodged with Penrith City Council for civil works.

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

Note: a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

50 Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.

b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).

c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.

d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage as identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.

e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.

f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.

h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:

- Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regarding.
 - Soil classification for all residential lots
 - Statement of Compliance
- i) Structural Engineer's construction certification of all structures
- j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.
- k) Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

51 **Prior to the handover of the assets**, Council requires all of the following conditions to be met:

- The WSUD assets / measures are constructed and operated in accordance with the approved design specifications / parameters.
- The performance of the WSUD system has been validated through hydraulic conductivity testing to confirm that filter media infiltration rates are within 10% of the design parameters. The testing is required to be undertaken by a suitably qualified engineer.
- Where applicable, the build up of sediment has resulted in no more than a 10% reduction of operational volume. Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council.
- The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)
- Design drawings have been supplied in a format acceptable to Council Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council
- Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc) Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied
- The condition of the infrastructure associated with the land complies with the approved design specification
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following
 - Site description (area, imperviousness, land use, annual rainfall, topography etc)
 - Site access description
 - Likely pollutant types, sources and estimated loads
 - Locations, types and descriptions of measures proposed
 - Operation and maintenance responsibility
 - Inspection methods (including inspection checklists)
 - Maintenance methods (frequency, equipment and personnel requirements);
 - Landscape and weed control requirements
 - Operation and maintenance costs
 - Waste management and disposal options;
 - Reporting.

52 The bio-retention basin (for each stage) is to be maintained by the proponent as a sediment basin and retained in the ownership of the proponent until 80% of housing construction is completed. After 80% of housing has been constructed the sediment basin is to be decommissioned and the bio-retention basin completed.

53 **Prior to the issue of a Construction Certificate**, the following information is to be submitted to Council for review

- Council shall be given an opportunity to review and approve the 2 proposed GPTs so that considerations of operation and maintenance requirements can be made. The proponent shall also provide Council with a detailed operation and maintenance manual which includes estimated costings.
- Detailed construction plans including all calculations, drawings and designs which are to be consistent with the design parameters used in the modelling and approved concept designs from the Development Application

54 Handover of assets to Council will not occur until Council is satisfied that they are constructed in accordance with the approved plans, conditions of approval and all certification requirements have been complied with:

1. Vegetated systems (e.g. bioretention measure/s) are required to remain 'on maintenance' for a minimum period of three (3) years or as otherwise approved and a performance-based inspection has been undertaken with Council.
2. The on-maintenance period for all vegetated systems can be considered as on-maintenance once 80% of dwellings are substantially completed within the development sub-catchment associated with the relevant treatment measure.
3. Certification is required to be provided for the installation of the filter media to demonstrate that the media complies with the approved specifications. At a minimum compliance is required with the "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration).
4. Photographs of the construction of the vegetated system are required as part of certification. A minimum of one labelled, date stamped photograph is required to be provided following each of the following construction phases

- Installation of the overflow pit and bulking out / trimming profiling
- Installation of under drainage
- Installation of cleanout points
- Installation of drainage layer
- Installation of transition layer
- Installation of filtration media
- Laying of geofabric protection for build-out phase
- Laying of turf temporary protection layer
- Final planting

A licensed surveyor is required to undertake an 'as constructed' survey of the bioretention device elements. The survey data is to demonstrate that design grades and levels have been achieved to the required tolerances. A copy of the survey is required to be lodged as part of the certification.

Landscaping

55 All landscape works are to be constructed in accordance with the stamped approved landscape plan and Section 2.9 Landscape Technical Specifications in Appendix F5 Technical Information of Penrith Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
 - in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.
- If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

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

57 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.

58 **Prior to the release of a Construction Certificate**, a report detailing the methodology of how trees will thrive within the compacted fill layers is to be provided to Penrith City Council for approval. The report should also consider the use of root barrier to prevent long term damage to surrounding infrastructure from street trees and confirm if this is required on a street by street basis depending on the space available and intended design outcomes.

59 Street trees are to be planted a minimum of 2m from the driveway to provide an appropriate clearance zone for waste collection, measured from the driveway to the trunk of the tree.

Subdivision

60 Work on the subdivision including any earthworks, construction/demolition works and clearing of site vegetation, is not to commence until:

- a Construction Certificate has been issued,
-
- a Principal Certifying Authority has been appointed for the project,
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with, and
- a Notice of Commencement has been submitted to Penrith City Council.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

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

- 61 The proponent must submit to Council the original Plan of Subdivision in registrable form and six (6) copies. The Plan of Subdivision must indicate that:
- a) "It is intended to dedicate all new roads to the public as road"

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

- 62 A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

Section 94

- 63 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Werrington Enterprise Living and Learning (WELL) Precinct. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$2,970,000 is to be paid to Council prior to a Subdivision 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 94 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 S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Werrington Enterprise Living and Learning (WELL) Precinct. may be inspected at Council's Civic Centre, 601 High Street, Penrith.

As amended pursuant to Section 96(1) of the Environmental Planning and Assessment Act 1979 on 13 September 2016.

Certification

- 64 A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

SIGNATURE

Name:	Belinda Borg
Signature:	

For the Development Services Manager