

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

SWCPP Ref. No.:	PPSSWC-29
Application number:	DA19/0704
Description of development:	Integrated Development Application for; Staged Subdivision of Land to Create 227 Residential Lots, 17 Industrial Lots, Open Space Lots, 14 Residue Lots and Road Dedication. Works include Site Preparation, Vegetation Removal, Bulk Earthworks, Civil Works, Construction of Roads, Including the East-West Collector Road and Round-a-bout on Werrington Road, Stormwater Infrastructure and Basins.
Classification of development:	N/A

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2 DP 1176624 Lot 1 DP 1226122
Property address:	2 Water Street, WERRINGTON NSW 2747 Water Street, WERRINGTON NSW 2747 Gipps Street, WERRINGTON NSW 2747 Gipps Street, WERRINGTON NSW 2747 Gipps Street, WERRINGTON NSW 2747 11 Gipps Street, WERRINGTON NSW 2747 16 Chapman Street, WERRINGTON NSW 2747

### DETAILS OF THE APPLICANT

Name & Address:	Lendlease Communities (Werrington) Pty Ltd C/- Gln Planning Level 10 70 Pitt Street SYDNEY, NSW 2000
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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	7 January 2021
Date the consent expires	7 January 2026
Date of this decision	18 December 2020

## POINT OF CONTACT

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

Assessing Officer:	Kathryn Sprang
Contact telephone number:	+612 4732 7834

## 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

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Service	28 September 2020	DA20191029000754-CL55-1	4	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.

## **SCHEDULE 2: STAGING STRATEGY**

The development is to be carried out generally in accordance with the stamped-approved plans and the staging strategy outlined in those plans, and accompanying documentation submitted in respect to this application.

## **ATTACHMENT 1: CONDITIONS OF CONSENT**

### **General**

- 1 The development must be implemented substantially in accordance with the following plans and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Drawing No.	Prepared By	Revision	Date
Land Swap - Plan of Subdivision Sheet 1 of 2	-	Terry Edward Bartlett	-	13/11/2020
Land Swap - Plan of Subdivision Sheet 2 of 2	-	Terry Edward Bartlett	-	13/11/2020
Subdivision Plans	80219053-001-SK080 to 80219053-001-SK088	Cardno	Up to Revision 10	4/11/2020
Civil Works Plans	80219053-DA001-CI-1001 to 80219053-DA001-CI-3004	Cardno	Up to Revision 9	13/11/2020
Landscape Master Plan	SK-2	Place Design Group	04	13/11/2020
Street Tree Master Plan	SK-4	Place Design Group	04	13/11/2020
Street Tree Schedule	SK-5	Place Design Group	04	13/11/2020
Through Site Link 1 - Plan	SK-7	Place Design Group	04	13/11/2020
Through Site Link 2 - Plan	SK-8	Place Design Group	04	13/11/2020
Through Site Link 2 - Sections	SK-9	Place Design Group	04	13/11/2020
Through Site Link 3 - Plan	SK-10	Place Design Group	04	13/11/2020
Through Site Link 3 - Sections	SK-11	Place Design Group	04	13/11/2020
Through Site Link Planting Palette	SK-12	Place Design Group	04	13/11/2020
East-west Collector Road Section	SK-13	Place Design Group	04	13/11/2020
Material Schedule	SK-14	Place Design Group	04	13/11/2020
Typical Details - Hardscape	SK-15	Place Design Group	04	13/11/2020
Typical Details - Softscape	SK-16	Place Design Group	04	13/11/2020
Typical Stratavault Details	SK-17	Place Design Group	04	13/11/2020

- 2 The development is to be carried out generally in accordance with the stamped-approved plans and the staging strategy outlined in those plans, and accompanying documentation submitted in respect to this application.
- 3 A copy of the General Terms of Approval issued by the NSW Rural Fire Service under the Rural Fires Act 1997 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 4 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of an Occupation Certificate or in the case of subdivision, a Subdivision Certificate.
- 5 **Prior to the issue of a Construction Certificate**, an amended service overlay plan shall be submitted to Council to ensure there is no conflict between street trees, street furniture, bin presentation areas and driveways, etc.
- 6 Prior to the issue of a Subdivision Certificate, the following approved Development Applications shall be surrendered to Penrith City Council;
  - DA14/0627.02 - Section 96 Modification to an Approved Residential Subdivision and Ancillary Works to Amend Conditions of Consent, Stormwater Drainage. Determined (approved) by Land and Environment Court of NSW 21/12/2017
  - DA16/1148 - Torrens Title Subdivision into 94 Residential Allotments & 11 Industrial Allotments and Associated Road Works, Civil Works & Landscaping. Determined (approved) by Land and Environment Court of NSW 21/12/2017

## **Heritage/Archaeological relics**

- 7 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.



## Environmental Matters

- 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 9 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 10 All construction 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 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, prepared by GLN Planning, dated 3 October 2019.

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.

- 12 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.

- 13 The 'Report on Fill Management Protocol: Proposed Residential Subdivision - 16 Chapman Street, Werrington, NSW' prepared by Douglas Partners Pty Ltd dated 1 October 2019 (Ref. 94571.00 R.001.Rev0) is to be implemented and adhered to during all fill importation works.

An appropriately qualified person/s shall:

- Supervise all filling works.
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
  - be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
  - clearly state the legal property description of the fill material source site and the total amount of fill tested,
  - 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, 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.
- 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: An appropriately qualified person is defined as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, ecotoxicology, 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."}

- 14 Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
- 15 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 16 Prior to the issue of a Construction Certificate or Commencement of Works (whichever occurs first), an amended Vegetation Management Plan is to be submitted in its entirety to Penrith City Council's Environmental Health Department for review and approval.

The amended Vegetation Management Plan (VMP) is to incorporate the following;

- For baseline information, the VMP should specify that photo records, from fixed points, should commence from "time zero" i.e. at commencement of VMP.
- Given the status of the remnant native vegetation, and the duration of the VMP proposed, an adaptive management framework shall be adequately incorporated within the VMP.
- The VMP shall indicate that all bushland/native vegetation restoration will be carried out to best practice standards as per "Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland" (DECC, 2005).
- The VMP shall clearly incorporate the use of bush regenerators with a minimum qualification of a Certificate IV in Conservation and Land Management.
- Monitoring, and subsequent reporting shall be six monthly for the first year and twelve monthly thereafter.

- A nest box plan. An ecologist is to be engaged to develop a Nest Box Plan to install nest boxes within areas of remnant native vegetation to replace hollow bearing trees that have been removed. The Nest Box Plan must include consideration of type (relevant to the target species of the hollows that have been removed), number (relevant to the number of hollows removed), and location of nest boxes and a plan for installation and monitoring. An ecologist must certify that the nest boxes are designed and built to suit the target species in accordance with the Nest Box Plan.
- A fencing strategy is to be prepared so as to protect native vegetation areas proposed to be preserved and conserved on the site.
- A requirement for all trees that are scheduled for removal with a Diameter at Breast Height (DBH) of 30cm or greater, once felled in accordance with the Consent Conditions, are to be sawn into 2-6m lengths and relocated within remnant vegetation (outside of APZs), under the guidance of an ecologist.
- A requirement for all trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards as outlined in Australian Standard AS 4970-2009 'Protection of trees on development sites'.

The amended Vegetation Management Plan shall also have regard to the following reports submitted and approved by this consent;

- a) Construction Environment Management Plan (CEMP)
- b) Fauna Management Plan (FMP)
- c) Bushfire Management Plan
- d) Weed Management Plan

Once approved by Penrith City Council the recommendations of the Vegetation Management Plan, supporting management plans and strategies are to be implemented throughout the development and in perpetuity.

A Restriction as to User shall be shown on the 88B instrument that details that the areas subject to the Vegetation Management Plan shall be maintained in perpetuity.

- 17 **Prior to the issue of the Construction Certificate**, a Construction Noise and Vibration Management Plan is to be prepared and submitted to Council for approval. This assessment is to consider (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009 and the "16 Chapman Street, Werrington: Precinct Subdivision - Noise Impact Assessment - Development Application" prepared by SLR Consulting Australia (Ref. 610.18940-R01 -v2.1, dated March 2020).

The recommendations of the approved Management Plan are to be implemented and adhered to during the construction phase of the development.

- 18 **Prior to the issue of the Subdivision Certificate for each Stage of the development**, a positive covenant is to be registered against the below Lots (as relevant to that Stage) that refers to the "16 Chapman Street, Werrington: Precinct Subdivision - Noise Impact Assessment - Development Application" prepared by SLR Consulting Australia (Ref. 610.18940-R01 -v2.1, dated March 2020).

**Stage    Lots**

Stage 1A   1001-1064, 1068

Stage 1B   1200-1204, 1213-1216, 1225-1235, 1242-1251, 1255

Stage 2A 2000-2006, 2010-2016, 2022-2035, 2037, 2038

Stage 2B 2200-2204, 2210-2215, 2225-2236, 2240-2246, 2253-2258, 2259-2260

Stage 3 3001, 3006-3013

The covenant is also to:

- stipulate the noise criteria as outlined in the above document;
- acknowledge the requirement for the construction of double storey dwellings on Lots 1001-1003, 1027-1030, 1056, 1254, 1255, 2037, 2038 and 2260;
- provide advice on the mechanisms required for each lot to meet the noise criteria, as outlined in Section 5.1.4 of the "16 Chapman Street, Werrington: Precinct Subdivision - Noise Impact Assessment - Development Application" prepared by SLR Consulting Australia (Ref. 610.18940-R01 -v2.1, dated March 2020); and
- ensure that the noise criteria be achieved through the implementation of the recommendations of the "16 Chapman Street, Werrington: Precinct Subdivision - Noise Impact Assessment - Development Application" prepared by SLR Consulting Australia (Ref. 610.18940-R01 -v2.1, dated March 2020).

19 **Prior to the issue of the Construction Certificate for Stage 2A**, a further assessment of contamination is to be undertaken. This assessment is to reference the findings of the 'Supplementary Investigation - Shed, Proposed Residential Subdivision, 16 Chapman Street, Werrington, NSW' dated 26 February 2020 (Ref. 94571.00 R.001.Rev0) and is to be undertaken with consideration of the relevant NSW Environment Protection Authority's Contaminated Sites Guidelines and the National Environment Protection (Assessment of Site Contamination) Measure. The assessment is to include (but is not limited to):

- A detailed review of the site history.
- After the composting toilet and shed structure have been demolished, further sampling of the area below the composting toilet, as recommended in Section 5 of the above document.
- A clear statement confirming the suitability of the site for the proposed residential use.

The assessment is to be provided to Penrith City Council for approval. If Penrith City Council is not the certifying authority, a copy of Council's approval is to be submitted to the Private Certifying Authority. No works are to commence until the assessment has been submitted and approved by Penrith City Council.

Should it be identified in the assessment that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on Stage 2A of the development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works

20 An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to works commencing on site**, the Protocol is to be submitted to Council for approval. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval.

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

The above Protocol is to be complied with at all times during the subdivision works. All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during subdivision works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

- 21 To prevent the introduction of weeds from seeds in mulch brought in from elsewhere, vegetation removed during construction shall be mulched for use on the subject site, where possible.
- 22 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those shown on approved plans) without the prior consent of Penrith City Council
- 23 The following waste management requirements must be complied with and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**
- The 'temporary turning heads' (cul-de-sacs) proposed in stage 4 to be sealed and constructed to the same specifications of Major and Minor Connectors Roads. All temporary turning facilities to be removed when the final stage of the development is completed.
  - During construction, temporary turning facilities to be provide for each stage (1a/b, 2a/b, 3, 4a/b) to permit unobstructed access for Councils HRV eliminating the need to reverse to during scheduled weekly collections
  - Lots 1211 and 1212 to provide unobstructed bin presentation areas in accordance with section 4.1.3 of the 'Residential subdivisions waste management guideline' document.
  - All lots to provide an unobstructed bin presentation area large enough to accommodate 2x 240L bins. The minimum dimensions required are 2m wide by 1m deep. The proposed area to be identified on architectural plans and must not be obstructed by driveway access, street trees and on-street vehicle parking. The plans to be submitted to Councils waste and resource recovery department to conduct a review.
- 24 **Prior to the issue of an Subdivision Certificate** the following is to be submitted to and approved by Penrith City Council:
- The provision of regulatory signage labelled "No Parking - Waste and Removalist Vehicles Excepted" (R5-445 or R5-447 modified) is required to be installed within the cul-de-sacs for roads 11 & 12. A signage plan is to be submitted identifying the location of the parking restrictions to be endorsed by Council's Local Traffic Committee and adopted by Council prior to implementation.

## Utility Services

- 25 All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, 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. This is required prior to the issue of the Subdivision Certificate and
- 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.

- 26 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 a Subdivision Certificate.

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

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

- 28 **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 an Occupation Certificate**, 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

### 29 Prior to the commencement of construction works:

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

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

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

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

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

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

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

### 30 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

- 31 All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
- 32 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 and 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 City Works Department on 4732 7777 or visit Penrith City Council's website for more information.

- 33 Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- a) Road openings for lead in public utilities
  - b) Road occupancy or road closures
  - c) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
  - d) Temporary construction access

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

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

Note:

- a) 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.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable

- 34 Prior to the issue of any Construction Certificate or Subdivision Works Certificate, the Certifying Authority shall ensure that a separate 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 roundabout and associated works in Werrington Road.
- Road and drainage works within Walkers Street and Landers Street at the intersection with Road No 07.
- Road and drainage works within Chapman Street
- Drainage works within the road reserve of Webb Street.
- Provision of an off road 2.5m wide shared path along Landers Street and Railway Street to link the shared path in Road No 07 to Werrington Railway Station.

The design of the roundabout in Werrington Road shall incorporate the following requirements:

- All vehicular turn paths are to include a 500mm clearance to any medians, kerbs, centre lines and adjacent lanes.
- The northern centre median in Werrington Road is to be extended a minimum of 7m past the intersection with Rance Road to prevent right turn movements into and out of Rance Road.
- The design of the roundabout shall consider flooding from South Creek for the 5% and 1% AEP flood events. Flood safe access to the development is to be accommodated.

The design of the road and drainage works in Chapman Street shall include the upgrade of the drainage line from Pit N01/1 to Pit ex01/2 to Pit ex01/1

Engineering plans are to be in accordance with the engineering plans by Cardno, reference 80219053-DA0001-CI, sheets 1001 to 3004, Revision 9, dated 13/11/2020 and 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 or Subdivision Works 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 or Subdivision Certificate as applicable.

- 35 Prior to the issue of any Construction Certificate, the Principal Certifying Authority and/ or Certifying Authority shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council for provision of an interallotment drainage system to service the rear courtyards of the existing townhouse development adjoining Stage 2B.

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 (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) All works associated with the S68 Local Government Act Approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- 36 A Subdivision Works Certificate is to be approved by the Certifying Authority for the provision of engineering works (road, drainage, earthworks, subdivision works).

A Subdivision Works Certificate shall be issued for any subdivision works.

Prior to the issue of any Subdivision Works Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Cardno, reference number 80219053-DA001-CI, sheets 1001-3004, revision 9, dated 13/11/2020 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
- Overland flow paths
- 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:

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

- 37 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:

Road Type	Road No.	Road Reserve Width	Carriageway Width	Verge Width	Footpath (1.5m wide) Min.	ESA
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Minor Local	01, 02, 03, 04, 05, 06, 10	16.6m	9.0m	3.8m	1.5m both sides	5 x 10 <sup>4</sup>
Local	09	17.5m	10.5m	3.5m	1.5m both sides	5 x 10 <sup>5</sup>
Local	08	18.1m	11.0m	3.3m (north) 3.8m (south)	1.5m both sides	5 x 10 <sup>5</sup>
Local	13 (Ch 0 - Ch 50)	Variable	10.5m	3.8m (west) Variable (east)	1.5m both sides	5 x 10 <sup>5</sup>
Local	13 (Ch 50 - Ch 81.818)	Variable	10.5m	Variable	1.5m (east)	5 x 10 <sup>5</sup>
Minor Collector	07	20.6m	12.0m	4.8m (east); 3.8m (west)	2.5m shared path (east); 1.5m (west)	5 x 10 <sup>5</sup>
Minor Collector	12	19.6m	12.0m	3.8m	1.5m both sides	5 x 10 <sup>6</sup>
Major Collector	11 (Ch 0 - Ch 540)	25.0m	14.0m	7.0m (north); min 4.0m (south)	2.5m shared path (north); 1.5m (south)	5 x 10 <sup>6</sup>
Major Collector	11 (Ch 540 - Ch 970.803)	24.0m	14.0m	6.0m (north); Min 4.0m (south)	2.5m shared path (north); 1.5m (south)	5 x 10 <sup>6</sup>

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

If Council is not the Certifying Authority, a cross section of the verges for road 08 and 09 shall be submitted to and approved by Council to ensure that the footpath offset provides sufficient areas within the verge for street tree planting and infrastructure.

- 38 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.

- 39 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Cardno, reference number 80219053-DA001-CI, sheets 1001-3004, revision 9, dated 13/11/2020.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared

by a suitably qualified person and shall accompany the application for a Construction Certificate.

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) policies.

- 40 Prior to the issue of any Subdivision Works Certificate, the Certifying Authority shall ensure that flood safe access is available from a public road to the subdivision development for all flood events up to and including the 1% AEP flood event from South Creek. Penrith Development Control Plan 2014 defines Flood Safe Access as access that is generally considered satisfactory when the depth of flooding over vehicular driveways and roads is limited to approximately 0.25 metres with low velocities. Any road upgrade works in Werrington Road will require a Section 138 Roads Act approval from Penrith City Council. Full details are to be submitted with the application for a Subdivision Works Certificate.
- 41 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.
- 42 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate or Subdivision Works Certificate, whichever occurs first, 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.
- 43 Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for the construction of a roundabout and associated works in Werrington Road and road and drainage works in Chapman Street.

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.

- 44 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.

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

- 46 Work on the subdivision shall not commence until:

- a Subdivision Works Certificate has been issued,
- a Principal Certifier 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.

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

- 48 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.

- 49 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.

- 50 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.

- 51 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.
- 52 Prior to the issue of any Subdivision 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.
- 53 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.
- 54 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

- 55 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:

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

- 56 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:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information

relating to bond requirements.

- 57 Prior to the issue of the Subdivision Certificate, Outstanding Works Bonds for the construction, landscaping and implementation of the final water quality basins are to be lodged with Penrith City Council.

The Outstanding Works bonds 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:

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

- 58 Prior to the issue of a Subdivision Certificate a Maintenance Bond is to be lodged with Penrith City Council for all subdivision works.

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.

- 59 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 Subdivision Works 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 Exceedance 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, private or public lands.

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 inter-allotment drainage lines indicating distances to boundaries and depths.

k) Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

60 Upon conversion of the sediment basins to bio-filtration basins, the stormwater water quality basins shall continue to be operated and maintained by the proponent for the agreed maintenance period 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. A copy of all inspection records and maintenance records shall be provided to Penrith City Council at the completion of the maintenance period and prior to handover of the assets to Penrith City Council.

61 Prior to the issue of a Subdivision Certificate for the first stage of development, being Stage 1A and/or 1B, the roundabout at Rance Road / Werrington Road shall be:

a) Constructed and operational for three legs, being the north and south Werrington Road legs and the Rance Road leg (the fourth leg of the roundabout may be delivered as a stub connection to the roundabout);  
or

b) A bond to the equivalent value of 175% of the roundabout works (three operational legs, as per point a) above) be lodged with Penrith City Council. The bond is conditional that the roundabout construction be commenced within 6 months from the issue of the Subdivision Certificate for Stage 1A and/or 1B and constructed within 12 months from the issue of the Subdivision Certificate for Stage 1A and/or 1B. The bond will be released once the roundabout has been completed and is operational.



No further subdivision certificates for subsequent stages can be issued prior to the construction and operation of the roundabout.

The construction and connection of Road No. 11 (from Road No. 7 to the roundabout), the fourth leg of the roundabout, is to be delivered prior to the issue of a Subdivision Certificate for Stage 2A.

62 Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that all proposed industrial lots are able to be adequately drained to the street stormwater system. Full details are to be submitted with the application for a Subdivision Works Certificate.

63 Prior to the handover of the stormwater treatment infrastructure, Council requires that all requirements outlined in section 2.7 of Council's Water Sensitive Urban Design (WSUD) Guidelines (Version 4) are met. These include (but are not limited to) the following:

- The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council
- The performance of the WSUD measure(s) has been validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure
- 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 and associated with the land complies with the approved design specification.
- Vegetation densities in bioretention systems and surrounding vegetated areas (i.e. batters) should have a coverage of >95% and be >95% weed free. This is to be certified by a suitably qualified ecologist / horticulturalist with 5 years relevant experience.
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided
- Inspection and maintenance forms provided.
- Vegetation establishment period successfully complete (3 years unless otherwise approved by Council).
- Copies of all required permits (both construction and operational) have been submitted.

Prior to the handover of the bioretention system, the following will must be completed:

A Geotechnical Engineer must be engaged by the developer to undertake in-situ Saturated Hydraulic Conductivity Testing of the bioretention system in accordance with Practise Note 1 of the FAWB guidelines.

Test points are to be spatially distributed. Where the hydraulic conductivity of the filter media differs from the rate specified in MUSIC of 125 mm/hr (tolerance -0% to a maximum of 400mm/hr), remediation works will be required over the whole filter area to restore the conductivity and the test repeated in different locations until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practise Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance of the rate specified in MUSIC for the bioretention system; and

· A Horticulturalist or ecologist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience, is to certify that the planting within the bioretention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced the area is free of rubbish and that any areas of scour or disrepair have been restored.

64 The bio-retention basin is to be maintained by the proponent as a sediment basin until 90% of housing construction is completed and retain in the ownership of the proponent. After 90% of housing has been constructed the sediment basin is to be decommissioned and the bio-retention basin completed. After completion of the bio-retention basin has occurred, the proponent is to maintain the bio-retention basin for a period of 3 years after which time handover is permitted (see separate conditions relating to handover).

65 **Prior to the issue of a Subdivision Works Certificate**, the following information is to be submitted to Council for review

- Council should be given an opportunity to review and approve the proposed GPT so that considerations of the life cycle costs can be made. The proponent should provide Council with a detailed operation and maintenance manual which includes estimated costing. This should also include details on any access bays for the maintenance of the GPTs
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application.

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

- a) 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.
- b) The on-maintenance period for all vegetated systems can be considered as on-maintenance once 90% of dwellings are substantially completed within the development sub-catchment associated with the relevant treatment measure.
- c) 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).
- d) 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:

- i. Installation of the overflow pit and bulking out / trimming profiling
- ii. Installation of under drainage
- iii. Installation of clean out points
- iv. Installation of drainage layer
- v. Installation of transition layer
- vi. Installation of filtration media
- vii. Final planting

- e) 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.
- f) During the establishment and maintenance period, regular maintenance must be undertaken on the stormwater treatment measures by suitably qualified contractors (i.e. horticulturists / ecologists) in accordance with an approved maintenance schedule. During the 3-year maintenance period, the developer is to submit to Council's Asset Management Department, a quarterly report outlining all maintenance activities undertaken on the Stormwater treatment measures. This is to be prepared by a suitably qualified engineer, ecologist / horticulturalist with 5 years relevant experience.

67 Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that:

- The vertical and horizontal design of Road No 13 aligns with and adjoins the North South No 3 road as approved by the Land and Environment Court under Development Application number DA15/0207.
- Drainage Basin A has been designed to accommodate stormwater drainage of the adjoining subdivision to the east as approved by the Land and Environment Court under Development Application number DA15/0207.

Full details are to be shown with the application for a Subdivision Works Certificate.

68 Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that:

- Any retaining wall and associated footings are wholly contained within the lot or road that the retaining wall supports.
- Any retaining wall adjoining a public road or public space shall incorporate appropriate pedestrian and vehicular safety barriers in accordance with Austroads, Australian Standards and the Building Code of Australia.
- Any retaining wall supporting a public road shall be designed as a block retaining wall or reinforced concrete wall. Any reinforced concrete wall shall incorporate a facade that is acceptable to Penrith City Council.

Full details are to be submitted with the application for a Subdivision Works Certificate.

69 The plan of subdivision is to be supported by an 88B Instrument requiring dedication of an easement for support and maintenance over private lands for any retaining wall supporting a public road. Full details are to be included with the application for a Subdivision Certificate.

70 The design of drainage Basin C and the drainage outlet at Pit A01/1 into Claremont Creek shall consider the tail water levels from South Creek flooding for the 5% and 1% AEP flood events. Full details are to be submitted with the application for a Subdivision Works Certificate.

71 Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure that the design of

any access bays for the maintenance of Gross Pollutant Traps (GPT's) are located clear of any pedestrian pathways. Full details are to be submitted with the application for a Subdivision Works Certificate.

- 72 Prior to the issue of a Subdivision Works Certificate the Certifying Authority shall ensure that all lots are serviced by a maximum 3.0m wide gutter crossing. Full details are to be submitted with the application for a Subdivision Works Certificate.

## Landscaping

- 73 All landscape works are to be constructed in accordance with the stamped approved plans and the requirements of Chapter C6 Landscape Design of Penrith Development Control Plan 2014.

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.

- 74 Upon completion of the landscape works associated with the development and **prior to the issue of an Subdivision Certificate** for the development, an Implementation Report must be submitted attesting to the satisfactory completion of the landscaping works for the development.

An Subdivision Certificate shall 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 Subdivision Certificate for the development.

- 75 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Chapter C6 Landscape Design of Penrith Development Control Plan 2014.
- 76 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.
- 77 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Chapter C6 Landscape Design of Penrith Development Control Plan 2014
- 78 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 and in accordance with Council's Tree Preservation Order and Policy.

- 79 No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.
- 80 **Prior to the issue of a Subdivision Certificate**, details and sections of fencing along the boundary of the subject site and Cobham Youth Justice Centre site for stages 4A & 4B shall be submitted to Penrith City Council for review and approval. The applicant is to liaise with Cobham Youth Justice Centre in addressing views into the site as well as security considerations. The fencing treatment shall also have regard to its presentation to the surrounding precinct and may contain sections that are open in nature.
- 81 The tree planting specification titled "Typical Advanced Tree Planting Detail - Tree in Paved Areas - Figure 1" as detailed in Penrith City Council's "Street and Park Tree Management Plan Appendix" is to be employed for all street tree planting.
- 82 **Prior to the issue of a Construction Certificate**, the street tree planting schedule shall be updated to remove the proposed street trees (*liquidambar styraciflua*, *jacaranda mimosifolia* & *linodendron tulipifera*) along the east west collector road or road 11 and replace with tree/s species from the following list with a minimum pot size of 100L;
- *Bauhinia variegata*
  - *Brachychiton populneus*
  - *Callistemon* cv.
  - *Cupaniopsis anacardioides*
  - *Lagerstroemia indica*
  - *Lophostemon confertus*
  - *Melaleuca bracteata*
  - *Melaleuca decora*
  - *Melaleuca linariifolia*
  - *Quercus ilex*
  - *Tristaniopsis laurina*
  - *Ulmus parvifolia*

## Subdivision

- 83 Work on the subdivision is not to commence until:
- a Construction Certificate 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.

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

- 84 The proposed subdivision shall not encroach on any statutory boundary clearances or setbacks. A plan prepared by a registered surveyor showing the relative position of all buildings to the proposed boundaries shall be submitted to the Principal Certifying Authority.

- 85 **Prior to the issue of the Subdivision Certificate**, the following is to be submitted:

An original plan of subdivision and two (2) copies of the plan. The plan of subdivision must indicate, where

relevant -

- All drainage easements, rights of way, restrictions and covenants.
- All proposed dedications of roads/drainage/public reserve, which 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.

**Prior to lodgement of the Subdivision Certificate Application, street address numbering must be obtained/approved by Penrith City Council's Rates Team. Proposed street addresses can be forwarded to council@penrith.city for approval.**

- 86 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding but not limited to the following:

**a)** Easement for support-the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.

**b)** Restriction as to User for Residue Allotments - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.

**c)** Restriction as to User -Proposed lots 3002, 3003 and 3006 to 3008 are to have open style fencing set behind a 1 metre landscape edge to the second street frontage.

**d)** Easement for right of carriageway - is to be created for the access off proposed road 01 for proposed lots 1211 and 1212. This is to be a private driveway for access to proposed lots 1211 and 1212. Maintenance and ongoing cost of this driveway is to be shared between proposed lots 1211 and 1212.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restrictions as to user.

- 87 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

- 88 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Werrington Enterprise Living and Learning (WELL) Precinct. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$7,493,800.00 is to be paid to Council prior to a Subdivision Certificate being** issued for this development (the rates are subject to quarterly reviews).

Alternatively, the proponent may seek to enter into a Voluntary Planning Agreement with Penrith City Council for the subject development/site

If a VPA is endorsed by Penrith City Council and Prior to the issue of a Subdivision Certificate, a matrix table shall be submitted to and endorsed by Penrith City Council detailing any infrastructure works, development contributions and/or land dedications required as a result of this development consent pursuant to the subject VPA. All applicable infrastructure works, development contributions and/or land dedications shall be completed prior to (or concurrently with, in the case of land dedications) the issue of a Subdivision Certificate or as detailed in the endorsed matrix table.

**N.B.** If the proponent opts to pay Section 7.11 Contributions Plan under the Werrington Enterprise Living and Learning (WELL) Precinct if contributions are not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions 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 S7.11 invoice accompanying this consent should accompany the contribution payment.

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

## Certification

- 89 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.
- 90 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
  - (b) submit a Notice of Commencement to Penrith City Council.

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

### Information to accompany the Notice of Commencement

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

- 91 Prior to the issue of a Construction Certificate or Commencement of Works (whichever occurs first), a Fauna

Management Plan (FMP) shall be prepared and submitted to Council for approval, incorporating actions that mitigate impacts on native fauna.

The FMP is to include clear measures that will be implemented by the proponent to facilitate fauna movement, including kangaroos. It shall also detail the timing of removal to minimise disturbance during target species breeding cycles.

The FMP shall also include details and procedures around the engagement with a local Wildlife rescue group in the case of any injured fauna.

The recommendations of the Fauna Management Plan are to be implemented for the development.

- 92 Prior to the issue of a Construction Certificate or Commencement of Works (whichever occurs first), a Cumberland Plain Woodland Seed Collection Strategy is to be developed and implemented under the guidance of an appropriately qualified ecologist and in compliance with seed collection licence and permit requirements.

- 93 The recommendations and requirements of the Construction Environmental Management Plan (CEMP) prepared by Niche Environment and Heritage, dated 12 November 2020, shall be implemented for the development.

- 94 No exotic perennial grasses listed on the Final Determination of the NSW Scientific Committee for the key threatening process 'Invasion of native plant communities by exotic perennial grasses', shall be introduced, planted, sown or laid for landscaping or other purpose.

- 95 Prior to the issue of a Construction Certificate or Commencement of Works (whichever occurs first), a Weed Management Plan shall be prepared and submitted to Council for approval for the areas proposed to be preserved and conserved as native vegetation on the site.

The recommendations of the Weed Management Plan shall be implemented for the development.

- 96 Prior to the issue of a Construction Certificate or Commencement of Works (whichever occurs first), a Feral Animal Control and Monitoring Plan is to be prepared and submitted to Council for approval.

The recommendations of the Feral Animal Control and Monitoring Plan shall be implemented for the development.

- 97 Prior to the issue of a Construction Certificate or Commencement of Works (whichever occurs first), a Bushfire Management Plan shall be prepared and submitted to Council for approval.

The area to be managed within the Asset Protection Zones (APZs) should be clearly indicated on a detailed plan to facilitate the undertaking of bushfire management actions within the APZ only and to prevent any modification to native vegetation beyond the APZ. A comprehensive risk management plan, incorporating mitigation measures to reduce the likelihood and impact of encroachment beyond the APZ, should be incorporated within the Bushfire Management Plan.

The recommendations of the Bushfire Management Plan shall be implemented for the development.



## SIGNATURE

Name:	Kathryn Sprang
Signature:	

For the Development Services Manager