

## DETERMINATION OF DEVELOPMENT APPLICATION

### DESCRIPTION OF DEVELOPMENT

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DA No.	DA14/0151.01
Description of development	Section 96 Modification to Enabled Staged Subdivision Certificate Release for an Approved Subdivision into 25 Super Lots and Construction of a Car Parking Area
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none"><li>▪ N/A</li></ul>

### DETAILS OF THE APPLICANT

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Name & Address	Penrith Lakes Development Corporation Ltd 151 Old Castlereagh Road CASTLEREAGH NSW 2749
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### NOTES

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1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## DETAILS OF THE LAND TO BE DEVELOPED

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Legal Description:

- Lot 1 DP 120891
- Lot 1 DP 200839
- Lot 2 DP 200839
- Lot 1 DP 219895
- Lot 3 DP 219895
- Lot 1 DP 229462
- Lot 3 DP 235324
- Lot A DP 374807
- Lot B DP 374807
- Lot A DP 394967
- Lot X DP 421674
- Lot Y DP 421674
- Lot 1 DP 47720
- Lot 1 DP 519892
- Lot 21 DP 530256
- Lot 23 DP 530256
- Lot44 DP 545813
- Lot45 DP 545813
- Lot 42 DP 546220
- Lot 1 DP 60859
- Lot 300 DP 752021
- Lot 302 DP 752021
- Lot 304 DP 752021
- Lot 310 DP 752021
- Lot 325 DP 752021
- Lot 1 DP 87060
- Lot 2 DP 87060
- Lot1 DP436198
- Lot 2 DP 236125
- Lot 4 DP 2223
- Lot 1 DP 2223
- Lot 2 DP 348979
- Lot 305 DP 752021
- Lot 306 DP 752021
- Lot 307 DP 752021
- Lot 337 DP 752021
- Lot 338 DP 752021
- Lot 43 DP 752021
- Lot 1 DP 63308
- Lot 1 DP 120872
- Lot 1 DP 73955
- Lot 62 DP 581860
- Lot B DP 394967
- Lot 309 DP 752021
- Lot 308 DP 752021
- Lot 1 DP 236125
- Lot 1 DP 116082
- Lot 2 DP 116082
- Lot 3 DP 116082

Lot 303 DP 752021  
Lot 1 DP 128036  
Lot 2 DP 128036  
Lot 56 DP 78686  
Lot 481 DP 849952  
Lot 1 DP 882358  
Lot 57 DP 668807  
Lot 1 DP 882354  
Lot 2 DP 882361  
Lot 2 DP 882360  
Lot 2 DP 1013504  
Lot 3 DP 1013504  
Lot 4 DP 1013504  
Lot 5 DP 1013504  
Lot 6 DP 1013504  
Lot 7 DP 1013504  
Lot 8 DP 1013504  
Lot 9 DP 1013504  
Lot 16 DP 1013504  
Lot 17 DP 1013504  
Lot 18 DP 1013504  
Lot 19 DP 1013504  
Lot 101 DP 1043500  
Lot 2 DP 1042570  
Lot 14 DP 1013504  
Lot 15 DP 1013504  
Lot 102 DP 1043503  
Lot 68 DP 1111742  
Lot 421 DP 1130185  
Lot 44 DP 1130206  
Lot 460 DP 1130241  
Lot 461 DP 1130241  
Lot 540 DP 1131982  
Lot 541 DP 1131982  
Lot 82 DP 1129226  
Lot 6 DP 1148035  
Lot 11 DP 1188657  
Lot 12 DP 1188657  
Lot 105 DP 1143931  
Lot 2981 DP 128099  
Lot 1 DP 45727  
Lot 1 DP 129802  
Lot 1 DP 194699  
Lot 27 DP 234746  
Lot 28 DP 234746  
Lot 3 DP 235324  
Lot 1 DP 419190

Lot 470 DP 558416  
Lot 1 DP 653149  
Lot 1 DP 735602  
Lot 2 DP 735602  
Lot 4 DP 793163  
Lot 6 DP 793163  
Lot 8 DP 793163  
Lot 10 DP 793163  
Lot 3 DP 847895  
Lot 11 DP 859890  
Lot 1 DP 860391  
Lot 1 DP 882352  
Lot 1 DP 882354  
Lot 1 DP 882355  
Lot 2 DP 882358  
Lot 20 DP 1092147  
Lot 21 DP 1092147  
Lot 1 DP 1092607  
Lot 2 DP 1092607  
Lot 1 DP 1094333  
Lot 1 DP 1107181  
Lot 2 DP 1107181  
Lot 3 DP 1107181  
Lot 5 DP 1107181  
Lot 8 DP 1107181  
Lot 10 DP 1107181  
Lot 63 DP 1111742  
Lot 64 DP 1111742  
Lot 70 DP 1111742  
Lot 72 DP 1111742  
Lot 74 DP 1111742  
Lot 100 DP 1113830  
Lot 101 DP 1143931  
Lot 102 DP 1143931  
Lot 103 DP 1143931  
Lot 104 DP 1143931  
Lot 106 DP 1143931  
Lot 107 DP 1143931  
Lot 108 DP 1143931  
Lot 109 DP 1143931  
Lot 110 DP 1143931  
Lot 111 DP 1143931  
Lot 112 DP 1143931  
Lot 113 DP 1143931  
Lot 114 DP 1143931  
Lot 1 DP 1148035  
Lot 2 DP 1148035  
Lot 3 DP 1148035  
Lot 4 DP 1148035  
Lot 5 DP 1148035  
Lot 7 DP 1148035

Property Address:

1340-1772 Castlereagh Road CASTLEREAGH NSW 2749  
297- 305 Old Castlereagh Road, CASTLEREAGH NSW 2749  
1439 A Old Castlereagh Road, CASTLEREAGH NSW 2749  
63 Castlereagh Road, CASTLEREAGH NSW 2749  
1515-1583 Castlereagh Road, CASTLEREAGH NSW 2749  
1585- 1673 Castlereagh Road, CASTLEREAGH NSW 2749  
10 Castlereagh Road, CASTLEREAGH NSW 2749  
68 Castlereagh Road, CASTLEREAGH NSW 2749  
82 McCarthys Lane, CASTLEREAGH NSW 2749  
89-151 Old Castlereagh Road, CASTLEREAGH NSW 2749  
153 - 233 Old Castlereagh Road, CASTLEREAGH NSW 2749  
Old Castlereagh Road, CASTLEREAGH NSW 2749  
1-2 Old Castlereagh Road, CASTLEREAGH NSW 2749  
14-278 Old Castlereagh Road, PENRITH NSW 2750  
1439 a Closed Road Off Castlereagh Road, CASTLEREAGH NSW 2749  
307- 321 Cranebrook Road, CRANEBROOK NSW 2749  
1230- 1338 Castlereagh Road, CASTLEREAGH NSW 2749  
461 Castlereagh Road, CASTLEREAGH NSW 2749  
1185 - 1343 Castlereagh Road, CASTLEREAGH NSW 2749  
1676 Castlereagh Road, CASTLEREAGH NSW 2749  
Farrells Lane, CASTLEREAGH NSW 2749  
36 Farrells Lane, CASTLEREAGH NSW 2749  
485 Cranebrook Road, CASTLEREAGH NSW 2749  
167-233 a McCarthys Lane, CASTLEREAGH NSW 2749  
0 McCarthys Lane, CASTLEREAGH NSW 2749  
32 McCarthys Lane, CASTLEREAGH NSW 2749  
Wrights Lane, CASTLEREAGH NSW 2749  
108 - 110 Wrights Lane, CASTLEREAGH NSW 2749  
112 Wrights Lane, CASTLEREAGH NSW 2749  
47-65 Old Castlereagh Road, CASTLEREAGH NSW 2749  
7-37 Old Castlereagh Road, CASTLEREAGH NSW 2749  
314- 316 Old Castlereagh Road, CASTLEREAGH NSW 2749  
312 Old Castlereagh Road, CASTLEREAGH NSW 2749  
39-45 Old Castlereagh Road, CASTLEREAGH NSW 2749  
Old Castlereagh Road, CASTLEREAGH NSW 2749  
Old Castlereagh Road, PENRITH NSW 2750  
1643- 1655 Closed Road Off Castlereagh Road, CASTLEREAGH NSW 2749  
1439 a Closed Road Off Castlereagh Road, CASTLEREAGH NSW 2749  
1275- 1343 Closed Road Off Castlereagh Road, CASTLEREAGH NSW 2749  
1531 Closed Road Off Castlereagh Road, CASTLEREAGH NSW 2749  
1404 a Closed Road Off Castlereagh Road, CASTLEREAGH NSW 2749

## DECISION OF CONSENT AUTHORITY

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In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates	7 July 2014
Date the consent expires	7 July 2016
Date of this decision	7 July 2014 as amended on 11 December 2014 under Section 96 of the Environmental Planning and Assessment Act, 1979

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

## OTHER APPROVALS

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**APPROVAL BODIES:** *Delete this section if not applicable*

<b>APPROVAL BODY NAME</b>	<b>DATE OF GENERAL TERMS OF APPROVAL</b>	<b>REF. NO.</b>	<b>NO. OF PAGES</b>	<b>RELEVANT LEGISLATION</b>
NSW Rural Fire Service	27 March 2014	DA14/0502 DA14022791117	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.

## RIGHTS OF APPEAL

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1. 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.

2. If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's 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.
3. If the applicant appeals against Council's 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.
4. 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.

## REASONS

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## POINT OF CONTACT

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

Assessing officer	Gavin Cherry Principal Planner
Contact telephone number	(02) 4732 8125

## SIGNATURE

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Name	Gavin Cherry
Signature	

For the Development Services Manager

## ATTACHMENT 1: CONDITIONS OF CONSENT

### GENERAL

- 1 The development must be implemented substantially in accordance with the following stamped-approved plans/documents, the application form and any supporting information issued by Penrith City Council, except as may be amended in red on the attached plans and by the following conditions.

Drawing Title	Plan No.	Prepared By	Date
Plan of Subdivision of Various Lots	Surveyor's Ref: 068-13	Benjamin Meyer	undated
McCarthy's Cemetery Proposed Carpark	PLDC-11728 Revision c	Penrith Lakes	04/02/2014
Staging Plan - Superlots	PLDC 11873 Revision A	Penrith Lakes	13/11/2014

Note: Works approved as part of this consent must be completed prior to the release of the corresponding subdivision certificate as reflected within the approved Staging Plan.

**As amended by way of Section 96 Modification Application DA1410151.01, approved on 11 December 2014 under the provisions of Section 96(1A) of the Environmental Planning and Assessment Act, 1979.**

- 2 A copy of the Bush Fire Safety Authority (Ref D14/0502 DA 14022791117 MA) dated 27 March 2014 issued by the NSW Rural Fire Service under Section 100B of 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.
- 3 All civil engineering construction works shall be carried out substantially in accordance with Section 2.3 Engineering Works of the Penrith Development Control Plan 2006 and accompanying Guidelines for Engineering Works for Subdivisions and Developments Part 2-Construction.
- 4 Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

- 5 **The development shall not be used or occupied until an Occupation Certificate has been issued.**
- 6 **Condition No. 6 of the issued consent is deleted being a duplication of the requirements contained within Condition No. 9.**

**As amended by way of Section 96 Modification Application DA14/0151.01 approved on 11 December 2014 under the provisions of Section 96(1A) of the Environmental Planning and Assessment Act, 1979.**

- 7 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety Authority (Ref DA14/0502 DA 14022791117 MA) dated 27 March 2014 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.



- 8 A **Construction Certificate** shall be obtained prior to commencement of any works.
- 9 The applicant shall comply at all times with the Bush Fire Safety Authority (Ref D14/0502 DA 14022791117 MA) issued by the NSW Rural Fire Service dated 27 March 2014 and the following condition:-

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following condition shall apply:

- (a) At the issue of subdivision certificate, the land surrounding the proposed building envelopes as outlined on Pages 43 to 46 within Cityscape Planning + Projects Bushfire Hazard Assessment for Proposed Staged Subdivision of Penrith lakes Scheme DA No. 5- Stage 1 dated February 2014, shall be maintained as an inner protection areas on proposed Lots 3, 13, 14 and 16 as per section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones' until such time each Lot is further developed.
- 10 This development consent does not approve any fill, does not provide land set above the 1% AEP for urban purposes and does not approve the Stage 2 (Lot 4) concept subdivision plan.

#### **DEMOLITION**

- 11 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 12 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

#### **ENVIRONMENTAL MATTERS**

- 13 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 driveway and on-site parking areas have been completed for the development**. 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.

- 14 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 15 Before any works are commenced in the vicinity of proposed carparking area adequate fencing with star picket and wire fencing shall be installed to ensure that the adjoining McCarthy's Cemetery is not disturbed by the construction/demolition works or earthworks.
- 16 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

- 17 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.
- 18 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.

## **UTILITY SERVICES**

- 19 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 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.

## **CONSTRUCTION**

- 20 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.

- 21 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.

- 22 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 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.

23 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

24 **Prior to the issue of a Construction Certificate** for the car park construction works adjacent to McCarthy's Cemetery, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plans prepared by Penrith Lakes, drawing number PLDC-11728, revision C, dated 4 Feb 2014 and that all 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, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Stormwater management (quantity and quality)
- Private access driveways
- Sediment and erosion control measures
- Earthworks
- Landscaping and embellishment works

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

Note:

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

25 Stormwater drainage from the proposed carpark site shall be discharged to the existing site drainage system.

The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

The proposed method of stormwater discharge shall be detailed in the Construction Certificate issued by the Certifying Authority.

26 **Prior to the issue of a 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.

- 27 **Prior to commencement of works**, 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.

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

- 28 Work on the proposed carpark 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 is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

- 29 **Prior to the issue of an Occupation Certificate for the proposed carpark**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 30 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that the:
- a) Stormwater management systems
- 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.

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

## **SUBDIVISION (GENERAL)**

- 31 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.

32 Submission of the original Linen Plan and five (5) copies.

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.

33 The linen plan of subdivision is to be supported by an 888 instrument creating a Restriction as to User or easement regarding the following:

- a) Provision of Right of Carriageway within the proposed Lot 4 to ensure access to the existing lots Lot 2 DP 229462 and Lot 82 DP 1129226 from McCarthys Lane or Castlereagh Road is maintained.
- b) Residue Allotment- 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.

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

## **PAYMENT OF FEES**

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

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## **CERTIFICATION**

35 Prior to the commencement of any earthworks, construction or demolition 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.

36 An Occupation Certificate shall be sought from the Principal Certifying Authority prior to occupation of or commencement of use of each stage of the development. Before the Occupation Certificate can be issued for each stage of the development, a Compliance Certificate or other documentation suitable to the Principal Certifying Authority shall be sought indicating that all conditions of this development notice, but not those conditions relating to the operations of the development, commensurate with that stage of the development have been satisfied or met prior to the occupation or use of that stage of the development.

A copy of the Compliance Certificate or other documentation shall be submitted to Penrith City Council if obtained from an accredited certifier. A copy of the Occupation Certificate is also to be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

Gavin Cherry

Signature

For the Development Services Manager