

DETERMINATION OF DEVELOPMENT APPLICATION

DESCRIPTION OF DEVELOPMENT

| | |
|-------------------------------|---|
| DA No. | DA13/0288.02 |
| Description of development | Section 96(1) Modification to an Approved Subdivision - Modification of Condition 49 |
| Classification of development | The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ Class N/A |

DETAILS OF THE APPLICANT

| | |
|----------------|---|
| Name & Address | Whelans Insites Pty Ltd Level 9 17 York Street SYDNEY NSW 2000 |
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NOTES

1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if the modification of the development requires a Construction Certificate to reflect the modification to the development consent subsequently issued by Council.
3. It is recommended that you read the Advisory Note enclosed with this consent.

DETAILS OF THE LAND TO BE DEVELOPED

Legal Description: Lot 1 DP 1144668
Property Address: Corpus Christi Primary School 86-94 Andromeda Drive
CRANEBROOK NSW 2749

DECISION OF CONSENT AUTHORITY

In accordance with Sections 81(1) (a) and 96 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates 08 May 2014
Date the consent expires 08 May 2016
Date of this decision 07 May 2014 as amended on 03 October 2014 under Section 96 of the Environmental Planning and Assessment Act.

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

RIGHT OF APPEAL

1. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.
2. You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.
3. If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

REASONS

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

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

| | |
|--------------------------|---|
| Assessing officer | Hannah Van De Werff Senior Environmental Planner |
| Contact telephone number | (02) 4732 7714 |

SIGNATURE

| | |
|-----------|---------------------|
| Name | Hannah Van De Werff |
| Signature | |

For the Development Services Manager

ATTACHMENT 1: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the following plans and documents:
 - Subdivision Plan, reference Job No. I117, P12-1 Rev A, prepared by Insites and dated 18 October 2013;
 - Landscape Plans, reference 13633-LCD01-02-B, prepared by NBRS and Partners and dated 17 January 2014;
 - Vegetation Management Plan, reference 610.11706 V2.0, prepared by SLR Global Environmental Solutions and dated 16 January 2014;
 - Acoustic Assessment prepared by Acoustic Logic and dated January 2014;
 - Stormwater Drainage Strategy Report, prepared by Insites and dated November 2013;

stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

- 2 The 'road widening stormwater treatment area' indicated on the approved plan of subdivision is to be nominated as a residue allotment (and not road reserve or drainage reserve) on the final plan of subdivision.
- 3 Prior to the issue of a Subdivision Certificate the applicant is to enter into a deed of agreement with Penrith City Council for the maintenance of the erosion and sedimentation / bio retention basin. The deed shall indemnify Council against any claims made during the maintenance period.

ENVIRONMENTAL MATTERS

- 4 All land that has been disturbed by earthworks is to be spraygrassed or similarly treated to establish a grass cover.
- 5 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.
- 6 An 88B instrument is to be registered against all lots that stipulates the following:
 - Any future dwelling is to be constructed to comply with the noise levels obtained in the Acoustic Assessment prepared by Acoustic Logic (ref 20130425.2/101A/R1/YK, Rev 1 dated 10/10/2013);
 - Any future dwelling is to be constructed to comply with the acoustic construction treatments contained in Table 3 of the Acoustic Assessment prepared by Acoustic Logic (ref 20130425.1/2806A/R1/YK, Rev 1 dated 28/6/2013).

UTILITY SERVICES

- 7 All services (water, sewer, electricity, telecommunications 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

- 8 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 Subdivision Certificate has been issued for the development.**

- 9 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

- 10 The disposal of drainage to Lots 14-19 involves the provision of drains across the existing school site that is to be excised off and registered as a separate allotment. A drainage easement is to be registered over the school site to facilitate drainage and connection to Councils trunk drainage system for Lots 14-19.

The width of the drainage easement is to be in accordance with Penrith City Council's Engineering Works Development Control Plan and Guidelines for Engineering Works for Subdivisions and Developments, Part 1-Design and Part 2-Construction. The easement shall be registered with the Land and Property Information division of the Department of Lands **prior to the issue of a Construction Certificate**. A copy of the registered easement for drainage is to be submitted to the Certifying Authority and Penrith City Council, if Council is not the Certifying Authority.

- 11 All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.
- 12 **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
- a) Opening the road reserve for the provision of services including stormwater.
 - b) Placing of hoardings, containers, waste skips, etc. in the road reserve.
 - c) Replacement of damaged kerb and gutter for the full property frontage.
 - d) Utility lead in works.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 13 **Prior to the issue of a Construction Certificate** for building or subdivision works the Principal Certifying Authority and/ or Certifying Authority shall ensure that a Roads Act application, including the 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 the following works.
- The development is to upgrade the road drainage system in Cassar Crescent to cater for the additional stormwater flows as a result of the development. The installation of the upgraded pipe system will require the construction of new kerb and gutter.
 - New intersection at Cassar Crescent and proposed road 1, this shall include any associated line-marking and regulatory road signage
 - Adjustment of any access driveways and kerb alignments to effect the new intersection
 - All disturbed areas within the existing road reserve shall be turfed

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Note:

1. 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.
2. Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 to ascertain applicable fees.

- 14 Subdivision works shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Insites, reference number I117EG Sheet 1-3 Rev A, dated 8/10/2013.

Any Construction Certificate/s issued by the Certifying Authority shall include but not be limited to the following subdivision works.

- a) Roads and drainage
- b) Stormwater drainage
- c) Stormwater pre-treatment systems
- d) Interallotment drainage
- e) Earthworks
- f) Paving works

Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by suitably qualified people and must accompany the application for a Construction Certificate.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the subdivision works have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- 15 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works and the following criteria:

| Road No. | Road Reserve Width | Carriageway Width | Verge | Footpath (1.5m wide) | ESA |
|----------|--------------------|-------------------|-------|----------------------|---------------------|
| 1 | 14 | 7 | 3.5 | Northern side | 5 x 10 ⁴ |

- 16 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken 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 application.

Prior to the issue of the Construction Certificate, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the Construction Certificate.

- 17 The stormwater drainage system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Insites, reference number I117EG, sheet 2-3, revision A, dated 08.10.2013.

The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.

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

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- 18 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater - Environmental Targets/ Treatment Techniques- October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 19 **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.

- 20 Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a maximum pit spacing of 40m. A stub connection shall be provided for lots without a pit with location details to be provided on the works as executed drawings.

- 21 **Prior to the commencement of works on site**, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed 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.

- 22 **Prior to commencement of works** 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 Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority 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:

1. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

- 23 **Work on the subdivision shall not commence until:**

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

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

- 24 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 25 All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities regulations and standards.
- 26 Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.
- 27 **Prior to the connection of private drainage to Council's drainage system**, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.
- 28 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".
- 29 **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 30 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of 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.

- 31 Prior to the issue of select a Subdivision Certificate the Principal Certifying Authority shall ensure that the:
- a) Stormwater pre-treatment system/s
 - 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 been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 32 Prior to the issue of an Occupation Certificate a restriction as to user and positive covenant relating to the:

a) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 33 **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:

- 1) Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 for further information on this process.

Allow eight (8) weeks for approval by the Local Traffic Committee.

- 34 **Prior to the issue of a Subdivision Certificate** street signs are to be erected at road intersections.

Note:

Proposed road names can be selected from an approved list. An application for other names, in accordance with Penrith City Council's Street Naming Policy, can also be made. The regulations imposed under the Roads Act require that the proposed road names are advertised on two occasions; firstly as a proposal, and secondly as an official naming. This process means that you must pay the required advertising fee to Council before the Council can commence this process. Applications for road naming should be made as soon as possible to ensure that this process does not delay the issue of a Subdivision Certificate.

- 35 **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 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 Bond Policy. The bond will be administered in accordance with this policy.

Note:

- 1) Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 36 **Prior to the issue of the Subdivision Certificate** an Outstanding Works Bond for the construction, landscaping and implementation of the Bioretention Basin is to be lodged with Penrith City Council.

The Outstanding Works bond will be refunded once the stormwater pre-treatment treatment system works have been completed to 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 Bond Policy. The bond will be administered in accordance with this policy.

Note:

- 1) Contact Council's Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 37 **Prior to the issue of a Subdivision Certificate)** a maintenance bond is to be lodged with Penrith City Council for all civil works which includes a new road and intersection works, drainage upgrade in Cassar Crescent and the Bioretention system.

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

Note:

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

- 38 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 Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Design Guidelines.
- b) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatching, the depth of any fill within 0.3m depth ranges.
- c) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- d) 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.
- e) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
- f) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - 1 Compaction reports for road pavement construction
 - 2 Compaction reports for bulk earthworks and lot regrading.
 - 3 Soil classification for all residential lots
 - 4 Statement of Compliance

- 39 The bio-retention basin is to be maintained by the proponent as a sediment basin until 80% of housing construction is completed and retain in the ownership of the proponent. After 80% 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).

- 40 Prior to the release of the Subdivision Certificate, an outstanding works bond is required to be paid by the developer and will attract a 200% loading on the cost of works associated with the maintenance and conversion of the bio-retention basin. This will be returned upon completion of handover.

- 41 Prior to the handover of the assets, Council requires all of the following conditions to be met:
- 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.
 - Filter media infiltration rates are within 10% of the rates of the design parameters for the filtration system concerned)
 - Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following:
 - i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
 - ii. Site access description
 - iii. Likely pollutant types, sources and estimated loads
 - iv. Locations, types and descriptions of measures proposed
 - v. Operation and maintenance responsibility
 - vi. Inspection methods (including inspection checklists)
 - vii. Maintenance methods (frequency, equipment and personnel requirements);
 - viii. Landscape and weed control requirements
 - ix. Operation and maintenance costs;
 - x. Waste management and disposal options; and
 - xi. Reporting.
- 42 Prior to the issue of a Construction 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
 - 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, and
 - An Erosion and Sedimentation Control Plan.
- 41 The proponent is responsible for the construction of the bioretention basin and installation of the proposed GPT. The construction is to be done in a way which reflects the concept design and calculations outlined in the *Stormwater Drainage Strategy Report for the proposal Version 4 November 2013*.
- The developer is to construct the bioretention basin once 80% of the lots are constructed.
- 42 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure the civil plans are detailed with low-profile roll top kerb in accordance with Councils' engineering guidelines.

- 43 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the sag point shown at CH 20.072m is relocated to approximately CH 30.00m within the proposed road 1. The sag point shall align with the kerb inlet pits.
- 44 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that a concrete access driveway is detailed to the end of the access handle for proposed lot 19.

LANDSCAPING

- 45 The trees identified for retention shall be retained and duly protected during the construction of the development. Tree protection measures shall:
- be installed before any works can commence on site including the clearing of site vegetation, and
 - be certified by the author of the Vegetation Management Plan or a qualified Arborist) before any works can commence on site. The Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days **prior to the commencement of site works**. A copy of the Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".
- 46 All recommendation and activities of the approved Vegetation Management Plan prepared by SLR Global Environmental Solutions and dated 16/1/2014 form conditions of consent for this development. These are (full detail is located within the VMP):
- a. Initial Works - On approval of DA
 - i. Collect baseline monitoring data (photos and quadrat)
 - ii. Re-locate Cumberland Plain Land Snails and natural habitat from the development area to the *Vegetation Management Area (VMA)*
 - iii. Remove rubbish and refuse, and re-locate any detected Cumberland Plain Land Snails to the enhanced natural habitat within the *Vegetation Management Area*
 - iv. Collect and store seeds and seedlings of native plants from within the development area (in particularly the *Grevillea juniperina*)
 - b. Initial Works - From Release of *Subdivision Certificate*
 - i. Permanently fence and erect signage around the entire VMA. No other fences are to be in the VMA. The fence is to be of a welded see-trough metal style. Signage is to say: "The vegetation beyond this point is ecologically important (including trees, shrubs and groundcovers). ANY unauthorised disturbance (damage, pollution, dumping) is subject to significant fines AND/OR imprisonment."
 - ii. Implement an intensive weed removal program in the VMA as per the VMP.
 - iii. Prepare bare soil and highly disturbed portions of the VMA for replanting as per the VMP
 - iv. Plant those prepared areas with stored/translocated vegetation previously collected from the development area
 - c. Maintenance Period (Post Establishment Period - commencing 6 months from release of *Subdivision Certificate*)
 - i. Management of weeds, monitoring of natural regeneration and maintenance of plantings and replacement of failed plants
 - ii. Every 6 months for 2.5 years - collection of photo point and quadrat monitoring data as well as monitoring of the Cumberland Plain Land Snail, *Grevillea juniperina* and *Dillwynia tenuifolia*, and Cooks River Castlereagh Ironbark Forest.
 - iii. *Monitoring Reports* are to be sent to Council every 6 months for 2.5 years, as per the VMP.
 - d. Prior to Construction Works
 - i. Perform a site induction for site workers
 - ii. Install sediment fences around areas of earthworks, where relevant, to protect areas of retained vegetation and stormwater.
 - iii. Inspection of the pre-construction works

- 47 Threatened species including *Grevillea juniperina* and *Dillwynia tenuifolia* from Lots 10 and 11 and from the residue lot are to be translocated to the Vegetation Management Area in Lot 100 and then maintained as per the Vegetation Management Plan.
- 48 As outlined in the Landscape Concept Plan (prepared by NBRSPartners, 17/1/2014) 2 trees are to be planted for every one tree removed. These are to be located within the VMA in the school grounds and are to be species from the Cooks River Castlereagh Ironbark Forest vegetation community.
- 49 An 88b Restriction, noting that no trees are to be removed, is to be registered on the land and is to be applied to the areas outlined in orange in Figure 2 of the VMP "Proposed Subdivision Layout and Vegetation Management Area on the subject site at Cranebrook". The 88b Restriction is to span the entire length of the parent lot boundary from western boundary of proposed lot 1 through to the eastern boundary of proposed lot 8. This will be for a depth of 20 metres from the northern boundary and will form the basis of the 88b restriction for these lots.
- As amended under Section 96 of the Environmental Planning & Assessment Act 1979, dated 03 October 2014.**
- 50 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 on the approved plan prepared by NBRSPartners, 17/1/2014) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

SECTION 94

- 51 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$110,608 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 52 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$7860 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

CERTIFICATION

- 53 **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.

Hannah Van De Werff

Signature

For the Development Services Manager