



DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

DESCRIPTION OF DEVELOPMENT

DA No.	DA12/0897
Description of development	Staged Subdivision Creating 292 Lots and Associated Civil Works
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ N/A

DETAILS OF THE APPLICANT

Name & Address	Maryland Development Company Pty Ltd PO Box 1870 PENRITH NSW 2750
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NOTES

1. Your attention is drawn to the conditions of consent listed in Schedule 1 requiring compliance prior to the development consent becoming operational.

Council will issue an operational development consent on compliance of all conditions listed in Schedule 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

Legal Description: Lot 11 DP 1176163
Property Address: Lot 11 Lakeside Parade JORDAN SPRINGS NSW 2747

DECISION OF CONSENT AUTHORITY

Penrith Council has determined to grant a "Deferred commencement" consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. In accordance with Section 81(1) (a) of the Act, the "Deferred commencement" consent is granted subject to the conditions listed in this Notice.

The conditions listed in Schedule 1 are to be complied with prior to the commencement of the consent. On completion of all conditions in Schedule 1 that need to be satisfied before the consent can be commenced, Council will issue an operational consent for the development. If the conditions in Schedule 1 are approved by an accredited certifier, then a copy of the certification relating to the satisfaction of the Schedule 1 condition(s) are to be submitted to Council. [Note: this is to enable Council to issue the operational consent for the development as the accredited certifier cannot issue the operational consent.]

The conditions to be satisfied prior to commencement of the consent will need to be completed within (12) twelve months from 7 January 2013.

Date of the Notice 7 January 2013
Date of this decision 10 December 2012

Please note that this consent will lapse on expiration of 7 January 2014 unless the consent has become operational in that time.

OTHER APPROVALS

APPROVAL BODIES:

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Service	4 December 2012	D12/2115 DA12092484 4896 KV	2	Rural Fires Act 1997
NSW Office of Water	25 October 2012	10 ERM2012078 7	5	Water Management Act 2000

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

REVIEW OF DETERMINATION & RIGHTS OF APPEAL

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 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	Aimee Lee Senior Environmental Planner
Contact telephone number	(02) 4732 7429

SIGNATURE

Name	Aimee Lee
Signature	

For the Development Services Manager

SCHEDULE 1: CONDITIONS TO BE COMPLIED WITH PRIOR TO CONSENT BECOMING OPERATIONAL

- A. Within twelve (12) months from the date of decision of this Deferred Commencement, the applicant shall amend and re-submit to Penrith City Council all supporting documents incorporating a perimeter road in accordance with the revised layout.
- B. Within twelve (12) months from the date of decision of this Deferred Commencement, the applicant shall obtain a revised Bush Fire Safety Authority from NSW Rural Fire Service based on the revised layout.

SCHEDULE 2

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, and other plans or documents approved in respect to Schedule 1 by 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 Lot 11 In DP 1176163	D646-V4-001C Sheet 1	Whelans Insites	24-8-12
Plan of Subdivision of Lot 11 In DP 1176163	D646-V4-001C Sheet 2	Whelans Insites	7-2-12
Plan of Subdivision of Lot 3999 in a subdivision of Lot 11 In DP 1176163	D646-V4-002C Sheet 1	Whelans Insites	27-8-12
Plan of Subdivision of Lot 3999 in a subdivision of Lot 11 In DP 1176163	D646-V4-002C Sheet 2	Whelans Insites	31-8-12
Plan of Subdivision of Lot 4123 in a subdivision of Lot 3999 a subdivision of Lot 11 In DP 1176163	D646-V4-003C Sheet 1	Whelans Insites	27-8-12
Plan of Subdivision of Lot 3998 in a subdivision of Lot 11 In DP 1176163	D646-V4-004b Sheet 1	Whelans Insites	3-9-12
Plan of Subdivision of Lot 3998 in a subdivision of Lot 11 In DP 1176163	D646-V4-004b Sheet 2	Whelans Insites	11-11-12
Plan of Subdivision of Lot 4252 in a subdivision of Lot 3998 in a subdivision of Lot 11 In DP 1176163	D646-V4-005c Sheet 1	Whelans Insites	11-11-12
Plan of Subdivision of Lot 3996 A Subdivision of Lot 11 In DP 1176163	D646-V4-006b	Whelans Insites	4-6-12

- 2 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council and other plans or documents approved in respect to Schedule 1 by Council or an accredited Certifier, except as may be amended in red on the attached plans and by the following conditions.
- 3 A copy of the General Terms of Approval issued by the NSW Rural Fire Service and NSW Office of Water under the Rural Fires Act 1997 and Water Management Act 2000 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 proposed subdivision shall be in accordance with the provisions of the "Planning for Bushfire Protection" December 2001, and:
 - Bushfire Protection Assessment prepared by FPA Australia dated 11 September 2012
- 5 An Asset Protection Zone for protection from bushfire shall be provided and maintained to the subdivision approved herein in accordance with the recommendations outlined in the Bushfire Protection Assessment prepared by FPA Australia dated 11 September 2012.
- 6 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 7 Prior to the issue of a Construction Certificate, the applicant shall submit to Penrith City Council the following documents to achieve compliance with the Director General's Requirement:
 - (a) A detailed survey for *Grevillea juniperina* on the site taking into consideration the potential for higher numbers within the soil stored seedbank both of *Grevillea juniperina*, *Dillwynia tenuifolia*, *Pimelea spicata* and *Pultenaea parviflora* in the eastern quarter of the site
 - (b) Description and mapping of vegetation, flora and fauna surveys indicating the location of any of the threatened species, their habitats found on the site nor map their extent or the extent of potential habitat.
 - (c) management plan to minimise the potential impacts on the adjoining bushland. The area to be managed should entail the first 50 metres from the southern edge of the allotments to control any weed incursion, breaks in fencing and dumping of garden waste/rubbish into the bushland conservation area. The management plan should be in perpetuity and entail works annually to ensure the protection and enhancement of this bushland area.
- 8 The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Council.
- 9 The applicant shall at all times comply with the Bush Fire Safety Authority issued by NSW Rural Fire Service (Ref D12/2115 DA 12092484896 KV) dated 8 November 2012 and the following conditions:

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) The stipulated Asset Protection Zones (APZs) are to be provided within the proposed lots where they cannot be achieved by the perimeter road according to the

recommendations in 'Bushfire Protection Assessment - Proposed Subdivision: Jordan Springs Village 4' prepared by Ecological Australia dated 11 September 2012.

In accordance with section 88B of the Conveyancing Act 1919 a restriction to the land use shall be placed on these lots requiring the provision of this APZ which shall be maintained as outlined within 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'. This restriction can be extinguished upon commencement of any future proposed residential development on the adjacent lot but only if the hazard is removed as part of the proposal.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following condition shall apply:

- (b) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following condition shall apply:

- (c) Public roads shall comply with Section 4.1.3(1) of 'Planning for Bush Fire Protection 2006', except the requirement for a continuous perimeter road.

- 10 The proposed access points along sections of northern and southern interfaces without perimeter public road shall be provided as recommended in the 'Bushfire Protection Assessment - Proposed Subdivision ; Jordan Springs Village 4' prepared by Ecological Australia dated 11 September 2012 and the correspondence from Ecological Australia date 06 November 2012.
- 11 All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime Services.
- 12 A Construction Traffic Management Plan for the subdivision, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Penrith City Council prior to the issue of the Construction Certificate for the subdivision.
- 13 Traffic calming is to be incorporated into the proposed road servicing Lots 4001 to 4006 due to the acute left hand turn (adjacent to Lot 4015) and potential for high vehicle speeds in this area. The applicant shall consult Council's Traffic Engineer for the type and position of device required.
- 14 All bicycle path construction is to be in accordance with the relevant provisions of Roads and Maritime Services' NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice - Part 14 Bicycles.
- 15 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined in the Salinity Review prepared by Geotech Testing Pty Ltd Ref 7508/23-AA Final Revised dated 8 March 2012 are to be adopted and implemented as a part of the development.

- 16 The development and salvage works must be conducted in accordance with the Aboriginal Heritage Impact Permit (AHIP Permit No. 10996059) issued on 13 February 2009.
- 17 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 18 Prior to the issue of a Construction Certificate, Penrith City Council is to approve of the type of Gross Pollutant Traps (GPT's), the location of the GPT's, and the access arrangements for maintenance purposes.
- 19 Prior to the issue of a Construction Certificate provision is to be made for concrete access hardstand areas to all GPT's to allow maintenance vehicles to enter and leave in a forward direction. Full details are to be submitted with the application for a Construction Certificate.
- 20 The temporary on-site detention and erosion and sediment control basin as shown on plans by J Wyndham Prince, reference number 9408 sheets DA01-DA26, revision B, dated 10/09/2012 shall be relocated clear of the footprint of the proposed eastern lake.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An Operation and Maintenance Manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation. A copy of the Operation and Maintenance Manual shall be submitted to Penrith City Council if Council is not the Certifying Authority.

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

- 21 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.
- 22 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V4 STP sheets A1, A2, B, C, D, E & F, Issue A dated 11/09/2012.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's Development Services Unit on 4732 7777.

- 23 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality / detention system when completed.

24 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the proposed subdivision to enhance the safety and security of all users and minimise the crime risk associated with this development:

(a) Lighting

- All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
- All pedestrian and cycle networks shall be well lit in accordance with the abovementioned standards.
- Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.

(b) Landscaping

Planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.

The pedestrian / cycle pathways shall be marked and signposted to clearly delineate the portion pathway to be used by pedestrians and cyclists.

(c) Neighbourhood Park

- Any new planting within the local park must have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs will be avoided.
- Park furniture (i.e. seating, shelters) and play equipment must utilise vandal resistant treatments where possible, and should be constructed of sturdy materials to minimise opportunities for malicious damage, graffiti, vandalism and theft. Graffiti resistant coatings must be applied to any surfaces subject to graffiti to assist with removal.
- Future park furniture and playground equipment must be positioned in a location with good levels of surveillance to minimise the risk of vandalism or other forms of antisocial behaviour, particularly at night.

25 Prior to the issue of a Construction Certificate, the applicant must liaise with Council's Landscape Architecture Supervisor for the provision of a more suitable species for street tree planting on Roads No.1, 5 and 21.

DEMOLITION

26 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

27 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

HERITAGE/ARCHAEOLOGICAL RELICS

- 28 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

- 29 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.

- 30 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.
- 31 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.
- 32 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.

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

UTILITY SERVICES

- 34 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

- 35 **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 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.

- 36 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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

- 37 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

General

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

Prior to the Issue of a Construction Certificate

- 39 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

- 40 **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) 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).

- 41 Subdivision works shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J Wyndham Prince, reference number 9408 Sheets DA01-DA26, revision B, dated 10/09/2012.

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

- a) On-site detention system
- b) Roads and drainage
- c) Stormwater pre-treatment systems
- d) Overland flowpath
- e) Interallotment drainage
- f) Bus Stops
- g) Cycle Facilities
- h) Earthworks
- i) Retaining walls
- j) Paving works
- k) Laybacks
- l) Traffic calming

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:

- Stormwater management is implemented in accordance with the Interim Stormwater Management Strategy Report (Jordan Springs Village 4), prepared by J. Wyndham Prince Pty Ltd numbered 9442Rpt1D.doc issue D dated 04/09/2012.

- Salinity measures are incorporated into the Construction Certificate drawings in accordance with the requirements of the Salinity Review by Geotech Testing Pty Ltd reference 7508-23-AA Final Revised dated 8 March 2010 and the SKM report on water, soil and infrastructure for the St Marys Project, Western Precinct Plan dated May 2009.
 - Laybacks are to be provided and are to align with building envelope plan drawing no's. WP V4 BEP sheets A, B, C & D, Issue A dated 11/09/2012. All laybacks are to be located a minimum of 6m from the tangent point of any kerb return at intersections in accordance with AS2890.1:2004 and be located a minimum of 1m from any lintel of kerb inlet pits.
 - The location of bus stops and associated infrastructure has been indicated on the civil drawings.
 - Shared paths are 2.5m wide, 125 thick with F72 mesh and approved construction jointing. Shared path line marking and signage is to be in accordance with the relevant Australian Standards and Austroads Guidelines.
 - All bicycle facilities and paths are in accordance with the relevant provisions of the Roads and Maritime Services' NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice - Part 14 Bicycles.
 - Traffic calming is incorporated into Road No 1 on the acute bend at Ch 900. Council's Traffic Engineer is to be consulted for the type and position of device required.
- 42 **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 relevant criteria.
- 43 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.
- 44 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.

- 45 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.
- 46 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that all bus stops have been designed in accordance with the requirements of the Disability Discrimination Act 2002 (DDA), Disability Standards for Accessible Public Transport (DSAPT) and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.
- 47 Prior to the issue of a Construction Certificate, Penrith City Council is to approve of the type of Gross Pollutant Traps (GPT's), the location of the GPT's, and the access arrangements for maintenance purposes.
- 48 Prior to the issue of a Construction Certificate provision is to be made for concrete access forward direction. Full details are to be submitted with the application for a Construction Certificate.
- 49 The temporary on-site detention and erosion and sediment control basin as shown on plans by J Wyndham Prince, reference number 9408 sheets DA01-DA26, revision B, dated 10/09/2012 shall be relocated clear of the footprint of the proposed eastern lake.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An Operation and Maintenance Manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation. A copy of the Operation and Maintenance Manual shall be submitted to Penrith City Council if Council is not the Certifying Authority.

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

Prior to the Commencement of Works

- 50 **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.
- 51 **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.

52 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.

Requirements During Constructions

- 53 Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 54 All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities' regulations and standards.
- 55 Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.
- 56 All filling shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and 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.

- 57 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

Prior to the Issue of a Subdivision Certificate

- 58 Prior to the issue of select a Subdivision Certificate the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works

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.

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

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works

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.

60 **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.

61 **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.

62 **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.

- 63 **Prior to the issue of a Subdivision Certificate** a maintenance bond is to be lodged with Penrith City Council for subdivision works.

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.

- 64 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 hatchings, 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:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance
 - g) Structural Engineer's construction certification of all structures
- 65 Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.

- 66 Prior to the issue of the Subdivision Certificate street trees are to be planted in accordance with the street tree plan numbered WP V4 STP sheets A1, A2, B, C, D, E & F, Issue A dated 11/09/2012.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's Development Services Unit on 4732 7777.

LANDSCAPING

- 67 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.
- 68 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Development Control Plan 2006.
- 69 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
- 70 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.

SUBDIVISION (GENERAL)

- 71 **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.

- 72 Submission of the original Linen Plan and ten (10) copies. The Linen Plan must indicate that:
- (a) "It is intended to dedicate all new roads to the public as road"

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

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

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

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

- 73 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding 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) 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.
 - c) other

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

- 74 Soil Testing is to be carried out to enable each lot to be classified according to AS2870- "Residential Slabs and Footings". A copy of the report, including a plan showing the lot classification over the subdivision is to be submitted to Penrith City Council **prior to the issue of a Subdivision Certificate.**
- 75 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.

PAYMENT OF FEES

- 76 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 77 **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

- 78 **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.

- 79 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.

Advisory Condition

- 80 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.

Name: Aimee Lee

Signature:
For the Development Services Manager
