

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA20/0566
Description of development:	Torrens Title Subdivision of Lot 12 into 3 Rural-Residential Lots, Construction of New Road and Fire Trail and Stormwater Works
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot A DP 392643
Property address:	2 b Aldington Road, KEMPS CREEK NSW 2178

DETAILS OF THE APPLICANT

Name & Address:	Calibre Consulting Level 2 2 Burbank Place Norwest Business Park BAULKHAM HILLS NSW 2153
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DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

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

Date from which consent operates	25 May 2021
Date the consent expires	25 May 2026
Date of this decision	24 May 2021

POINT OF CONTACT

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

Assessing Officer:	Sandra Fagan
Contact telephone number:	+612 4732 7992

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

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

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 56 days after the date of this notice.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Service	3/11/20	DA20200925003502-Original-1	4	S100B Rural Fires Act 1997

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the following plans and documents, the application form and any supporting information received with the application, **in so far as those plans and documents relate to the subject development, being the three new lots**, and by the following conditions.

Drawing Number	Revision	Drawing Title - Project Number 19-000555.P	Prepared By	Date
000	3	Cover Sheet	Calibre	05/02/2020
001	3	General Arrangement & Sheet Layout Plan	Calibre	05/02/2020
002	3	General Notes and Legend	Calibre	05/02/2020
101	3	Soil and Water Management Plan 01 of 03	Calibre	05/02/2020
102	3	Soil and Water Management Plan 02 of 03	Calibre	05/02/2020
103	3	Soil and Water Management Plan 03 of 03	Calibre	05/02/2020
301	3	Engineering Plan 01 of 05	Calibre	05/02/2020
302	3	Engineering Plan 02 of 05	Calibre	05/02/2020
303	3	Engineering Plan 03 of 05	Calibre	05/02/2020
304	3	Engineering Plan 04 of 05	Calibre	05/02/2020
305	3	Engineering Plan 05 of 05	Calibre	05/02/2020
401	3	Road No. 01 Longitudinal & Typical Cross Sections	Calibre	05/02/2020
402	3	Road No. 01 Longitudinal Sections	Calibre	05/02/2020
403	3	Roads No. 01 & No. 02 Longitudinal & Typical Cross Sections	Calibre	05/02/2020
801	3	Catchment Plan	Calibre	05/02/2020
Drawing Number	Revision	Drawing Title - Project Number 19-000555-ST-2	Prepared By	Date
1 OF 2	7	Proposed Rural/Residential Subdivision Overall Plan	Calibre	16/06/2020
2 OF 2	7	Proposed Rural/Residential Subdivision - Stage 2 Subdivision Layout	Calibre	16/06/2020

- Bushfire Hazard Assessment prepared by Blackash Bushfire Consulting, Version 1.1, dated 1 October, 2019;
- Landfill Gas Risk Assessment, Kemps Creek, NSW prepared by Environmental Risk Sciences Pty Ltd, dated 09 February 2021;
- Report on Detailed Site Investigation with Limited Intrusive Investigation, prepared by Douglas Partners, Project No. 92240.01, Revision 1, dated 18 October 2019;
- Letter titled " Stormwater Management Plan - Lot 12 DP 392643, Stage 2 Aldington Rd, Kemps Creek, NSW", prepared by Calibre Professional Services Pty Ltd, dated 17 November 2020;
- General Terms of Approval and Bush Fire Safety Authority from NSW Rural Fire Service dated 3 November 2020;
- Statement of Environmental Effects, prepared by Calibre Professional Services Pty Ltd, dated 4 September 2020;
- DA Noise Assessment prepared by Wilkinson Murray, Project No. 10196-X, dated 10 October, 2019;
- On-Site Effluent Disposal Assessment prepared by Douglas Partners, Project No. 92240.01, Document No. R.003.Rev0, Revision 0, dated 14 October, 2019;
- Amended Ecological & Riparian Issues & Assessment Report prepared by F Dominic Fanning, dated January, 2020;

- Salinity Investigation and Management Plan prepared by Douglas Partners, Project No. 92240.01, Document No. R.002.Rev1, Revision 1, dated 18 October, 2019; and
- Waste Management Plan accompanying the application, undated.

- 2 This Development Consent is not to be construed as derogating from the Development Consent and Conditions of Consent within the Concept Approval for Major Project 10_0129, as modified. The onus is on the applicant and/or landowner to ensure that this Development Consent DA20/0566 is not contrary to the Concept Approval, as relevant.
- 3 The onus is on the landowner and the Principal Certifier to ensure that the relevant obligations under any relevant Planning Agreement between the land owner and the Minister for Planning are met. This development consent does not permit contravention of any Planning Agreement.

The Principal Certifying Authority is to ensure, that if a Planning Agreement specifies that particular requirements of an Agreement are to be completed prior to the issue of a Subdivision Certificate, that those requirements have been complied with or are met, **prior to the issue of a Subdivision Certificate**.

- 4 Prior to any works commencing on the site, a pre-works survey is to be conducted by a fauna ecologist and subject to their recommendations, a fauna exclusion zone is to be established. All affected fauna are to be managed according to the recommendations of the fauna ecologist, to ensure the faunas' persistence on or nearby the site.
- 5 No fill, machinery, or materials are to be placed or stored within the drip line of the scattered tree/s that is/are to be retained. Tree protection measures are to be implemented according to Australian Standard AS 4970-2009 "Protection of trees on development sites'.
- 6 **Prior to the issue of a Subdivision Certificate**, documentary evidence is to be provided to Penrith City Council that demonstrates that the stormwater, road, roadworks and fire trail associated with Development Consents DA445.1/2019, issued by Fairfield City Council, and DA19/0785, issued by Penrith City Council, have been completed to the satisfaction of the relevant local Council.

The purpose of this condition is to ensure that correct and suitable public access, fire access, and stormwater drainage is provided to the lots approved under this Development Consent, DA20/0566.

- 7 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or willfully destroyed without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 8 The applicant / landowner is to ensure that all conditions and requirements from the NSW Rural Fire Service, as stated in their General Terms of Approval and Bush Fire Safety Authority letter dated 3 November 2020 are complied with.

- 9 A revised Water Sensitive Urban Design (WSUD) Strategy for the subdivision, which demonstrates compliance with Council's Water Sensitive Urban (WSUD) Policy 2013, is to be submitted to Penrith City Council for its consideration and approval **prior to the issue of a Subdivision Works Certificate**. If Council is not the certifier issuing the Subdivision Works Certificate, then a copy of the report approved by Council should be submitted to the Certifier.

The WSUD Strategy must be prepared by a suitably qualified engineer in accordance with Council's Water Sensitive Urban Design (WSUD) Policy 2013 and associated WSUD Technical Guidelines and shall be supported by MUSIC modelling and include details of the proposed stormwater treatment measures for lots created by the subdivision.

Heritage/Archaeological relics

- 10 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

- 11 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.

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, has 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.

- 12 Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding properties.
- 13 Mud and soil from vehicular movements to and from the site must not be deposited on the road.
- 14 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.
- 15 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to, considered and

approved by Council. The Validation Certificate shall:

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

Note: An appropriately qualified person is "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."

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

- 16 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.
- 17 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.

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

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility. The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

- 19 **Prior to any works commencing on the new road extension**, the proponent is to submit to Penrith City Council, a detailed street tree plan that provides for street trees species suitable to Western Sydney. This

plan shall be accompanied by clarification from the bushfire consultant confirming that the tree species and spacing are appropriate for bushfire prone land. The street trees shall be planted **prior to the issue of a Subdivision Certificate**.

Utility Services

- 20 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at www.sydneywater.com.au then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

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

- 22 **Prior to the issue of a Subdivision Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co’s standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority and a copy submitted to Penrith City Council with the application for a Subdivision Certificate.

Construction

23 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 works are completed.

24 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; and
- 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

25 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

- 26 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate or Subdivision Works Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website. Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

- 27 Prior to any works commencing, or the issue of any Subdivision Certificate, or Subdivision Works Certificate, whichever occurs first, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Road openings for lead in public utility services and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage);
- b) Road occupancy or road closures;
- c) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve;
- d) Temporary construction access.

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice. Contact Penrith City Council's Asset Management Department on 4732 7777 or visit Penrith City Council's website for more information.

- 28 A Subdivision Works Certificate (previously a Construction Certificate) is to be approved by the Certifier for the provision of any subdivision works (road, drainage, earthworks).

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that engineering plans are consistent with the stamped approved plan/s prepared by Calibre, reference number 19-000555.P, revision 3, dated 05 February 2020, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure the engineering plans include the following:

- All roads are to be designed with a central crown and two way crossfall at a nominal 3%.
- No retaining walls are permitted within the public road reserve areas.
- Maximum batter slopes within public road reserve areas shall be 1 in 5 (vertical to horizontal).
- Appropriate treatment is provided to stormwater outlets to minimise scour and erosion.
- Any table drain that exceeds 6% in longitudinal grade shall be constructed with kerb and gutter.
- Any batters shall not have any adverse impact upon adjoining properties through the concentration or diversion of existing stormwater sheet flows.

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

- Public and private roads

- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Flood control measures
- Overland flow paths
- Traffic facilities
- Earthworks Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note: Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

- 29 Prior to the issue of any Subdivision Works Certificate, or commencement of work, the Certifier shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Full Depth Pavement Width	Sealed Shoulder Width	Carriageway Width	Verge Width	ESA
01	20m and Variable	9.0m	2 x 1.0m	2 x 4.0m	6.0m (min)	5 x 10 ⁴

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

- 30 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Subdivision Works Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.
- 31 Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites, and certified by an appropriately accredited TfNSW Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138

of the Roads Act by Penrith City Council prior to the issue of any Construction Certificate or Subdivision Works Certificate.

32 Work on the subdivision shall not commence until:

- a Subdivision Works Certificate has been issued;
- a Certifier has been appointed for the project, and;
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

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

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

34 All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

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

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

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

37 All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities' regulations and standards.

38 Prior to the issue of a Subdivision Certificate, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

39 Prior to the issue of any Subdivision Certificate, the Principal Certifier shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

- 40 Prior to the issue of a Subdivision Certificate, the final plan of subdivision shall include easements for drainage over the inlet and outlet of any drainage structure crossing under any public road.

The final plan of subdivision shall also be supported by an 88B Instrument nominating a Restriction as to User over the 1% AEP overland flow paths in the locations shown on the Building Pad Plans prepared by Calibre, reference 19-000555-DA-18, issue 11, dated 06-05-2020. Standard wording for the overland flow path is available from Council's website in the document 'Stormwater Drainage Specification for Building Developments'.

- 41 Prior to the issue of a Subdivision Certificate and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

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

- 42 Prior to the issue of any Subdivision Certificate, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site. The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:

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

- 43 Prior to the issue of any 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 be placed without the written consent of Penrith City Council. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

- 44 Prior to the issue of a Subdivision Certificate, a Maintenance Bond is to be lodged with Penrith City Council for all civil subdivision works. The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

- 45 Prior to the issue of any Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier:

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

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

c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire

development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.

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

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

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

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

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

- Compaction reports for road pavement construction.
- Compaction reports for bulk earthworks and lot regarding.
- Soil classification for all residential lots.
- Statement of Compliance.

i) Structural Engineer's construction certification of all structures.

j) A slope junction plan for inter-allotment drainage lines indicating distances to boundaries and depths.

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

46 Prior to the issue of any Subdivision Certificate, the following easements shall be created on the plan of subdivision:

- a) Easements for drainage; and
- b) Right of carriageway for Fire Trail access.

47 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 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.

48 Prior to the issue of a Subdivision Works Certificate, the Certifying Authority shall ensure the design of the perimeter property access road for fire fighting purposes is in accordance with the requirements of the NSW Rural Fire Service document 'Planning for Bushfire Protection' November 2019. Full details, including pavement design, shall be shown on engineering plans submitted with the application for a Subdivision Works Certificate.

49 Prior to the issue of a Subdivision Certificate, the final plan of subdivision shall include dedication of an easement for support over any road batter within private lots that are steeper than 1 in 5 (vertical to horizontal). The easement for support shall benefit Penrith City Council.

Subdivision

50 **Prior to the issue of a Subdivision Certificate**, the final plan of subdivision must indicate that:

- a) It is intended to dedicate all new roads to the public as road;
- b) All required drainage easements, rights of way, restrictions and covenants are to be included on the linen plan; and
- c) All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council is to be shown on the plan.

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

Section 94

52 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$1,710 is to be paid to Council prior to a Subdivision Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

- 53 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$19,130 is to be paid to Council prior to a Subdivision Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

- 54 This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$6,919 is to be paid to Council prior to a Subdivision Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.11 Contributions plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

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

Payment of Fees

- 55 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 56 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

57 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.

58 Prior to the commencement of any 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 1979, 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 of 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.

SIGNATURE

Name:	Sandra Fagan
Signature:	

For the Development Services Manager