

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

Application number:	DA18/1163
Description of development:	Upgrade and Extension to Links Road
Classification of development:	N/A

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 31908 Lot 6 DP 1248480 Lot 1 DP 1132380
Property address:	118 Links Road, ST MARYS NSW 2760 75 - 103 Links Road, ST MARYS NSW 2760 6 Wianamatta Parkway, JORDAN SPRINGS NSW 2747

### DETAILS OF THE APPLICANT

Name & Address:	Maryland Development Company 88 Phillip Street PARRAMATTA NSW 2151
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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	17 February 2021
Date the consent expires	17 February 2026
Date of this decision	5 February 2021

## POINT OF CONTACT

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

Assessing Officer:	Lucy Goldstein
Contact telephone number:	+61247328136

## NOTES

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### **Reasons**

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

### **Conditions**

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

### **Certification and advisory notes**

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

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

### **Review of determination**

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

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

### **Appeals in the Land and Environment Court**

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

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

### **Designated development**

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

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

### **Sydney Western City Planning Panels**

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

## OTHER APPROVALS

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### APPROVAL BODIES

<b>APPROVAL BODY NAME</b>	<b>DATE OF GENERAL TERMS OF APPROVAL</b>	<b>REF. NO.</b>	<b>NO. OF PAGES</b>	<b>RELEVANT LEGISLATION</b>
Natural Resources Access Regulator	02/04/19	IDAS1112820	2	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.

# **ATTACHMENT 1: CONDITIONS OF CONSENT**

## **General**

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

Description	Drawing No.	Revision	Prepared by	Dated
Civil Design Development Application Approval	General: PS111235-01-GE-DRG-- 00001 to PS111235-- 01-RD-DRG-00021  Road Alignment: PS111235-01-RD-DRG-00021 to PS111235-01-RD-DRG-00381  Pavement: PS111235-01-PV-DRG-- 00011 to PS111235-01-PV-DRG00204  Storm-water Management: PS111235-01-SM-DRG-00011 to PS111235-01--SM-DRG-00221  Utilities: PS111235-01-UT-DRG-- 00101 to PS111235--01-UT-DRG00104  Property Works: PS111235-01-PW--DRG-- 00101 to PS111235-01-PW-DRG-00104	2	WSP	7 October 2020

*Advisory: This consent does not approve the Line-marking and Signage Plans, which are to be lodged separately to Penrith City Council and be approved by the Local Traffic Committee. Refer to Condition 37 of this consent.*

- 2 The development must be carried out in accordance with the General Terms of Approval issued by the Natural Resources Access Regulator, Reference IDAS1112820, dated 2 April 2019.

A copy of the General Terms of Approval as referenced above shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the development.

- 3 The Links Road extension and connection through to Christie Street, inclusive of the intersection of Links Road/ Christie Street/ Lee Holm Road is to be subject of a separate approval.

**Advisory:** The works are subject to the provisions of the St Mary's 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 St Marys ADI development. All works shall be carried out in accordance with the requirements of the St Mary's Penrith Planning Agreement, as amended.

- 4 The development must be carried out in accordance with the requirements of National Parks and Wildlife Services as provided in their letter dated 7 March 2019:

**(a) Stormwater and Runoff**

In order to mitigate rubbish collection the installation of a rubbish collection net on the culvert leading into the Regional Park shall be provided.

**(b) Management Implications Relating Pests, Weeds and Edge Effects**

During the approved vegetation removal works, all vegetation and topsoil removed is to be disposed of appropriately and not stockpiled or dumped in any areas surrounding the subject site. This is required to avoid the spread of exotic vegetation through the immediately locality, including the Wianamatta Regional Park.

**(c) Boundary Encroachment and Access**

No temporary or permanent road infrastructure is to be located within any of the land zoned Regional Park, other than the shared-pathway which forms part of this consent.

- 5 This consent approves the upgrade of Links Road and associated works between Chainages 0 and 1020, and as shown as 'Section A' on the stamped approved plans.

- 6 Due to the proximity of the works to Sydney Water Assets, a Building Plan Approval for the development is to be obtained from Sydney Water **prior to the issue of any Construction Certificate.**

## Environmental Matters

- 7 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.

- 8 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.

- 9 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.

- 10 An appropriately qualified person/s must:

- Supervise all filling works; and
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
  - be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
  - clearly state the legal property description of the fill material source site and the total amount of fill tested,
  - provide details of the volume of fill material to be used in the filling operations,
  - provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
  - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment; and
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

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



circumstances the works shall be carried out prior to any further approved works.

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

11 Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.

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

13 **Prior to works commencing**, a Construction Environmental Management Plan (CEMP) is to be prepared by a suitably experienced / qualified person and submitted to Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

The CEMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CEMP is to address, but is not limited to the following:

- Water quality management,
- Noise control and hours of operation, including the incorporation of the mitigation measures detailed in Section 9 of the "Links Road Extension Operational and Construction Noise Impact Assessment" prepared by RCA Australia, dated November 2018 (Ref. 13810-401/2),
- Air Quality, including dust suppression,
- Waste management (including solid and liquid waste), and
- Erosion and sediment control.

All construction activities on the site are to be implemented and carried out in accordance with the Council approved CEMP.

14 The development is to be carried out in accordance with the recommendations of the submitted Biodiversity Assessment Report, prepared by WSP, dated 16 November 2018.

Particular attention is drawn to the following requirements:

- Woody debris from felled trees is to be translocated into proposed Vegetation Exclusion Zones; and
- All native trees with a trunk DBH (diameter at breast height) greater than 30cm that are scheduled for removal are to be stockpiled and transported for reuse in the following manner:
  - All logs and branches greater than 30cm in diameter are to be trimmed into 2-4m lengths. No foliage material may remain on the logs and branches. Root balls and soil are to be removed.
  - These logs are to be transported, delivered and installed under the guidance of a professional bush regenerator, by the applicant and at the applicants cost into the Vegetation Exclusion Zones.

- 15 Prior to the commencement of works, including the removal of any trees associated with approved development activities, an inspection for resident threatened fauna (including inspection of all hollows) is to be undertaken under the supervision of a fauna ecologist. Any fauna found are to be relocated. Should juveniles be contained within the affected tree then clearing is to be delayed until juveniles have vacated. WIRES are to be contacted in the case of any injured fauna.
- 16 All *Dillwynia tenuifolia*, *Grevillia juniperina* and *Pultanaea parviflora* plants and Threatened Ecological Communities located outside of the development footprint identified in the plans as the Vegetation Exclusion Zone included in the Biodiversity Assessment Report, prepared by WSP, November 2018, are to be protected during development of the site by a temporary fence. The fence must be erected prior to any works commencing, and is to exclude vehicles and all building materials from impacting on the threatened species.
- 17 **Prior to the commencement of any works on the site**, a targeted search for Cumberland Plain Land Snail is to be conducted. Any Cumberland Plain Land Snail found during this process are to be relocated to a nearby site approved by Council containing Vegetation Exclusion Zone. A Relocation Plan is to be prepared in accordance with the Office of Environment and Heritage's Policy for the Translocation of Threatened Fauna in NSW (2001), and is to be submitted to Penrith City Council's Biodiversity Officer for approval prior to issue of a Construction Certificate.
- 18 **Prior to the issue of a Construction Certificate**, a detailed Vegetation Management Plan for the short and long term management of the Vegetation Exclusion Zones as detailed in the Biodiversity Assessment Report dated 16/11/2018 is to be submitted to and approved by Penrith City Council. The plan is to include the following:
- Is consistent with relevant environmental legislation and policies, including, but not limited to, the NSW Biodiversity Conservation Act 2016, the Biosecurity Act 2015 the Water Management Act 2002, the Rural Fires Act 1997 as well as the federal Environment Protection and Biodiversity Conservation Act 1999, and guidelines such as the Rural Fire Services Planning for Bushfire Protection 2006 and Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005) and Guidelines for the Translocation of Threatened Plants in Australia 3rd Edition (Australian Network for Plant Conservation, 2018).
  - A detailed plan that clearly outlines how vegetation should be protected and managed during construction of proposed future development and the ongoing future management of the vegetation and any identified threatened species over the next 3 years, as well as in the longer term. The focus is to be on best practice bush regeneration methods and habitat improvement.
  - The VMP is to identify potential sites in the Vegetation Exclusion Zones as detailed in the Vegetation Exclusion Zones to translocate the thirty (30) 30 *Pultanaea parviflora* scheduled to be removed as part of the development proposal. The VMP must detail translocation techniques which are at best practice standards, and detail long term care until established (requiring not further care) and suitable sites within in the Vegetation Exclusion Zone.
  - The VMP is to identify potential future impacts on the vegetation from the development and road, including access, weed encroachment, pest animals, stormwater etc, and is to outline how these impacts will be managed in the long term.
  - The VMP is to include specifications for the management and maintenance of the APZ areas on each

side of the Biodiversity Corridor.

- Project tasks should be defined and described, including a schedule detailing the sequence and duration of works necessary for the implementation of the VMP.
- Costings for the implementation of all components and stages of the work including materials, labour, watering, maintenance, monitoring and reporting should be included.
- Processes for monitoring and review, including a method of performance evaluation should be identified. This should include replacing plant losses, addressing deficiencies, problems, climatic conditions and successful completion of works.

The Vegetation Management Plan as required by this condition is to be prepared by a suitably qualified Ecological Consultant and/or Bush Regenerator with theoretical and practical experience in bushland restoration and management on the Cumberland Plain. A Certificate IV in Conservation and Land Management is required as a minimum. All activities on site are to be implemented and carried out in accordance with the plan. Council may request a review and if necessary updating of the plan to reflect current environmental standards and site conditions. Council must be satisfied with any changes prior to the amendment of the plan.

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

The Protocol is to address, at minimum, the management of any contamination found on the site during the development, including at minimum, contaminated soils, groundwater, buried building materials, asbestos, odour and staining. The Protocol is also to include provisions for notifying Council of any unexpected finds.

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

The above Protocol is to be complied with at all times during the development.

## Construction

20 Construction 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 that 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

21 All roadworks, stormwater drainage works, associated civil works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

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

An application form together with an information sheet and conditions are available on Council's website.

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

23 **Prior to the issue of any Construction Certificate**, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Lead-in public service utilities
- b) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
- c) Road occupancy or road closures
- d) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
- e) Temporary construction access

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

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

Note:

- Where Penrith City Council is the Certifying Authority for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- 24 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for provision of roadworks (road, drainage and earthworks) in Links Road, St Marys.

Engineering plans are to be prepared in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines, and best engineering practice.

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

Note:

- Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate or Subdivision Works Certificate.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

- 25 A Construction Certificate is to be approved by the Certifying Authority for the provision of roadworks (road, drainage, earthworks).

**Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by WSP, reference number PS111235-01-GE-DRG-00001 to PS111235-01-GE-DRG-00007, PS111235-01-RD-DRG-00010 to PS111235-01-RD-DRG-00381, PS111235-01-PV-DRG-00011 to PS111235-01-PV-DRG-00204, PS111235-01-SM-DRG-00011 to PS111235-01-SM-DRG-00221, PS111235-01-UT-DRG-00101 to PS111235-01-UT-DRG-00104, PS111235-01-PW-DRG-00101 to PS111235-01-PW-DRG-00104, revision 2, dated 07 October 2020, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

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

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

Note:

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

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

Road No.	2.5m wide Shared Path	ESA
Links Road	Northern side	1 x 10 <sup>7</sup>
Links Road	Western side	1 x 10 <sup>7</sup>

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

- 27 A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

**Prior to the issue of the Construction Certificate or Section 138 Roads Act approval**, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifying Authority for information purposes.

**28 Prior to the commencement of any works onsite (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first,** a Construction Traffic Management Plan (CTMP) shall be submitted to Council's City Assets Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS). The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

**29 Prior to the issue of a Roads Act Approval,** a Performance Bond is to be lodged with Penrith City Council for roadworks (road, drainage, earthworks).

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

Note: Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

**30 Prior to commencement of any works associated with the development,** sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997 and Managing Urban Stormwater series from the Office of Environment and Heritage.

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

**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 Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services Traffic Controller.

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

Note:

- A 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 a Construction Certificate.

**32 Engineering works shall not commence until:**

- a Construction Certificate and S138 Roads Act approval 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 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 streets within the proposed subdivision to Penrith City Council's standards.

34 All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

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

35 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.

36 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.

37 **Prior to the installation of regulatory / advisory linemarking and signage**, 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 (02) 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

38 **At the completion of all the roadworks (roads, drainage, earthworks)** a Maintenance Bond is to be lodged with Penrith City Council.

The value of the bond shall be determined in accordance with Penrith City Council's adopted Fees and Charges.

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

39 **At the completion of works**, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifying Authority:



a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate and Sec138 Roads Act approval 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.
- Statement of Compliance.

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

40 Any Stormwater Quality Improvement Devices (SQID's), including Gross Pollutant Traps (GPT's), constructed as part of the development shall be operated and maintained by the proponent for a 12-month defect liability period following completion of the works.

Regular inspection records and evidence of cleaning regimes undertaken are required to be submitted to Penrith City Council at the completion of the defect liability period.

41 **Prior to the handover of the assets**, Council requires all of the following conditions to be met:

- The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council
- The performance of the WSUD measure(s) has been validated, which must include the provision

- of a Performance Validation Report supporting the performance of the WSUD measure
- Where applicable, the build up of sediment has resulted in no more than a 10% reduction of operational volume
- Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council
- The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)
- Design drawings have been supplied in a format acceptable to Council
- Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council
- Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)
- Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied)
- The condition of the infrastructure associated with the land complies with the approved design specification
- Filter media infiltration rates are within 10% of the rates of the design parameters for the filtration system concerned
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following
  - i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
  - ii. Site access description
  - iii. Likely pollutant types, sources and estimated loads
  - iv. Locations, types and descriptions of measures proposed
  - v. Operation and maintenance responsibility
  - vi. Inspection methods (including inspection checklists)
  - vii. Maintenance methods (frequency, equipment and personnel requirements);
  - viii. Landscape and weed control requirements
  - ix. Operation and maintenance costs;
  - x. Waste management and disposal options; and
  - xi. Reporting.

**42 Prior to the issue of a Construction Certificate**, the following information is to be submitted to and approved by Council:

- Council shall review and approve the proposed GPT's, so that consideration can be given to the life cycle costs. A detailed operation and maintenance manual which includes estimated costing as well as details on maintenance access is to be submitted to and approved by Council.
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application is to be submitted to and approved by Council.

- 43 All roadworks approved by this consent are subject to a 12 months defect period following the practical completion date.
- 44 **Prior to the handover (or dedication) of the shared-pathway located within the land zoned Regional Park**, provision is to be made for the performance and maintenance of the asset in accordance with all relevant legislative requirements, and to the satisfaction of National Parks and Wildlife Service and Penrith City Council.
- 45 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that no batters or the like encroach upon land zoned as Regional Park.
- 46 **Prior to the dedication of the private land as a public road**, the Certifying Authority shall ensure that all roadworks required by this consent have been satisfactorily completed or that suitable arrangement have been made with Penrith City Council for any outstanding works.
- 47 The developer shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifying Authority the dilapidation report shall be submitted to Council prior to Construction Certificate and then updated and submitted upon completion of all roadworks confirming no damage has occurred.
- 48 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the road is located above the 5% Annual Exceedance Probability flood event from South Creek. Full details are to be submitted with the application for a Construction Certificate.
- 49 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that details of flood depth gauges for the section of Links Road that is impacted by flooding, are provided. Full details are to be provided with the application for a Construction Certificate.
- 50 **Prior to the issue of a Construction Certificate**, Gross Pollutant Traps (GPTs) are required at the stormwater outlet points prior to the discharge into the downstream properties. The GPTs should be designed with a maintenance pad allowing for service vehicles to park clear of the road and shared path. The applicant is to contact Penrith City Council to discuss the design requirements of the maintenance pads. Full details are to be submitted with the application for a Construction Certificate.
- 51 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that all road drainage crossings have an unobstructed floodway capacity for a 10% AEP local flood event. Full details are to be submitted with the application for a Construction Certificate.
- 52 **Prior to the issue of a Construction Certificate**, a Street Tree Plan is to be submitted to and approved by Penrith City Council showing the location and type of street trees for the full length of the new road.
- 53 **Prior to the issue of a Construction Certificate**, the certifying Authority shall ensure that a temporary cul-

de-sac turning head is provided at the limit of section A works (CH1020) to accommodate for the turning of 26m long B-Double heavy vehicles. Full details are to be submitted with the application for a Construction Certificate.

## Landscaping

54 All trees that are required to be retained as part of the development must be protected in accordance with the minimum tree protection standards prescribed in Penrith Development Control Plan 2014, Chapter C6 Landscape Design.

55 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed development footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

## SIGNATURE

Name:	Lucy Goldstein
Signature:	

For the Development Services Manager