

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0099.03
Proposed development:	Modification of Building Envelope Plan for Two Stage Subdivision Creating 183 Residential Lots and 1 Drainage Lot, with Associated Road and Drainage, Utility services & Landscaping Works
Property address:	185 Caddens Road, CADDENS NSW 2747 129 - 141 OConnell Street, CADDENS NSW 2747 117 - 127 OConnell Street, CADDENS NSW 2747 143 OConnell Street, CADDENS NSW 2747 187 Caddens Road, CADDENS NSW 2747
Property description:	Lot 12 DP 522660 Lot 11 DP 522660 Lot 5 DP 1229889 Lot 1 DP 1225593
Date received:	24 August 2017
Assessing officer	Gannon Cuneo
Zoning:	Zone R1 General Residential - LEP 2010 RE1 Public Recreation - LEP 2010
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for modification to an approved staged residential subdivision comprising 183 x residential lots and 1 drainage lot and associated road construction, landscaping works, utility services works and drainage infrastructure. The subject site comprises a number of properties which are identified in detail in the section to follow.

The subject site is zoned R1 General Residential and RE1 Public Recreation under Penrith Local Environmental Plan 2010. The subject site forms part of the eastern precinct within the Caddens Release Area.

The application has been notified to adjoining properties and advertised between 9 September and 22 September 2017. Council received no submissions in response.

The application is integrated development in accordance with the Rural Fires Act 1997 and the Water Management Act 2000. The NSW Rural Fire Service has provided a response with conditions attached relating to servicing and access. The NSW Office of Water has provided a response and do not require a controlled activity approval. Both agencies raise no objection to the proposal.

An assessment under Sections 79BA, 79C, 91 and 96 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to the modified conditions of consent.

Site & Surrounds

Properties of the site

The subject site comprises the following properties

- Lot 11 DP 522660 - 117-127 OConnell Street, Caddens;
- Lot 12 DP 522660 - 129-141 OConnell Street, Caddens;
- Lot 5 DP 1229889 - 143 OConnell Street, Caddens;
- Lot 101 DP 564332 - 185 Caddens Road, Caddens; and
- Lot 1 DP 515678 - 187 Caddens Road, Caddens.

The subject site is irregular in shape and is bound by O'Connell Street to the north. Existing residential development known as Claremont Meadows and the State Archives site are located to the east.

The subject site is vacant land which has an existing approval for bulk earthworks on the site which was approved under DA16/1166 by Sydney West Planning Panel on 22 February 2017. DA14/1122 approved the demolition of a dwelling fronting OConnell Street and a review of aerial photography has identified that the works have been undertaken.

To the west of the development site, an existing residential subdivision development consisting of 71 residential lots (DA11/0125) has been constructed. There are also three vacant lots adjoining the western boundary of the subject site, two of which are subject to a Court approved subdivision (DA15/0992) for 99 residential allotments and will form Stage 1 of the 'Caddens Hill' development. The third lot on the corner of O'Connell Street and O'Connell Lane contains a residential dwelling and rural sheds.

Proposal

The development application as lodged seeks modification of the approved consent to amend the building envelope plan to include building setbacks into the 'patio' lots. This is a result of the changes in ground levels near the boundary which therefore cannot accommodate a zero lot line.

Plans that apply

- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

- **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the items below have been identified for further consideration.

- **Section 91- Integrated development**

Water Management Act 2000

The previous application was integrated development with NSW Office of Water due to a number of tributaries from Werrington Creek being located within the subject site. The current modification does not seek to change any physical approved works other than the future location of buildings on an approved residential site. Based on previous advice provided by NSW Office of Water, the proposed development does not require a controlled activity permit under the Water Management Act 200 and no further action or assessment is required.

Rural Fires Act 1997

The previous application was integrated development with the NSW Rural Fire Service. The proposal does not seek to increase the number of future residents and does not alter any access to / within the site or servicing of the site. Based on Council's assessment of the proposed development, the proposal does not require reassessment by NSW Rural Fire Service.

- **Section 96(1A) - Modifications involving minimal environmental impact**

The development has been assessed in accordance with the matters for consideration under Section 79C and Section 96(1A) of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration.

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The proposed modifications seek to amend the building envelope plan to include building setbacks to the nominated patio lots. This is as a result of changes in ground levels near the boundary. The proposed modifications also seek to amend Conditions 1 of consent only. The proposed modification has no implication on the future development of the land which will proceed under DA16/1166 and DA17/0099. The applicant has satisfactorily addressed the requirements of Section 96(1) of the Act. There will be no adverse impacts on adjoining properties or the natural environment resulting from the development. When considering the minimal environmental impact and the above matters, Council is satisfied that the development is substantially the same development for which the original consent was granted.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy No 55—Remediation of Land

In accordance with Clause 7 of State Environmental Planning Policy No. 55 - Remediation of Land, a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site comprises a number of individual lots and some of these lots have been identified as requiring remediation. The remediation requirements were addressed through the previous approvals (DA16/1166 and DA17/0099). The conditions of consent will satisfactorily address the requirements of SEPP 55 in ensuring the site is suitable for residential use.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney REP No. 20 integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas), except for land covered by *Sydney REP No. 11 - Penrith Lakes Scheme*. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The proposed development is in accordance with the general planning considerations set out in Clause 5 of the REP and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures to ensure sediment as a result of the development is not deposited in the Hawkesbury-Nepean River via the stormwater system.

Stormwater run-off from the proposed development will be via drainage easements leading to three detention basins within the Caddens Hill development. Overflows from Basin C will be treated before being discharged to the existing pipe in OConnell Street.

Council's Development Engineer has reviewed the proposed development with regard to stormwater drainage and is satisfied with this aspect of the proposal.

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft Environmental Planning Instruments that apply to the proposal.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	Complies
C8 Public Domain	Complies
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	Complies
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E1 Caddens controls	Complies

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There is currently no voluntary planning agreement in place that relates to the proposed development.

Section 79C(1)(a)(iv) The provisions of the regulations

The proposal does not contravene the Environmental Planning and Assessment Regulations.

Section 79C(1)(b) The likely impacts of the development

No adverse impacts are anticipated from the proposed modification.

Section 79C(1)(c) The suitability of the site for the development

The subject site is zoned R1 General Residential and RE1 Public Recreation and the proposal is for the subdivision of land in accordance with the Caddens Release Area Structure Plan. The previous application adequately addressed key concerns such as flooding, bushfire, traffic, drainage and landscaping. The proposed modification does not seek to amend the layout of the subdivision as approved. The site is within close proximity to services and amenities such as Penrith city centre, public transport, educational establishments and recreation. The proposed development is compatible with surrounding and adjoining land uses, therefore Council can be satisfied that the site is suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with the Act and Regulations, consideration has been given to any necessary referrals and any submissions made.

Community Consultation

In accordance with Appendix F4 of Penrith Development Control Plan 2014, the proposed development was notified to nearby and adjoining properties and advertised between 9 September and 22 September 2017. Council has received no submissions in response.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 79C(1)(e)The public interest

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The approved development has demonstrated that the site is suitable for the proposed development and the proposed amendments will not contravene this. The proposal promotes the residential subdivision of land to accommodate the growth predicted in the NSW Governments metropolitan strategy, *A plan for growing Sydney*. The proposed development is located in close proximity to public facilities including a future park and land dedicated to sporting fields and associated amenities. In addressing the above, Council is satisfied that the proposal is in the interest of the public.

Section 94 - Developer Contributions Plans

The following Section 94 plans apply to the site:

- Section 94 - District Open Space Facilities
- Section 94 - Cultural Facilities
- Section 94 - Werrington Enterprise Living and Learning (WELL) Precinct

Pursuant to Section 94E of the Environmental Planning and Assessment Act 1979 and in accordance with the Ministerial Direction dated 15 September 2010, the consent authority, being Council, cannot impose a consent requiring payment of a monetary contribution for the subdivision of land exceeding \$30,000 for each lot authorised by the consent. Therefore, a \$30,000 contribution is required for each lot to be created from the development.

Conclusion

In assessing this application against the current relevant instruments being Environmental Planning and Assessment Act 1979, Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River, Penrith Local Environmental Plan 2010 and Penrith DCP 2014, with appropriate conditions, the proposal satisfies the requirements.

With the conditions of consent, the development will provide a suitable outcome for the site which is unlikely to have a negative impact on the surrounding area and environment. The information submitted with the application has demonstrated that the site is suitable for the development proposed and provides an outcome which addresses the burgeoning demand for housing in western Sydney.

Recommendation

1. That DA17/0099.03 for modification to an approved staged residential subdivision at Caddens Road and OConnell Street be approved subject to the attached conditions.

CONDITIONS

General

1 A001

The development must be implemented substantially in accordance with the plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions. Amendments in red including the deletion of the hard and soft landscape embellishment works from this consent.

Plan	Plan/Drawing No.:	Issue:	Prepared By:	Dated:
Site Layout Plan	110358/DA501	A	J. Wyndham Prince	12/01/17
Engineering Plan	110358/DA502	A	J. Wyndham Prince	12/01/17
Site Sections – Sheet 1	110358/DA503	A	J. Wyndham Prince	12/01/17
Site Sections – Sheet 2	110358/DA504	A	J. Wyndham Prince	12/01/17
Typical Road Cross Sections	110358/DA505	A	J. Wyndham Prince	12/01/17
Road Longitudinal Sections – Sheet 1	110358/DA506	A	J. Wyndham Prince	12/01/17
Road Longitudinal Sections – Sheet 2	110358/DA507	A	J. Wyndham Prince	12/01/17
Road Longitudinal Sections – Sheet 3	110358/DA508	A	J. Wyndham Prince	12/01/17
Stormwater Plan	110358/DA509	A	J. Wyndham Prince	12/01/17
Detention Basin and Raingarden C – Plan	110358/DA510	A	J. Wyndham Prince	12/01/17
Basin Sections & Details	110358/DA511	A	J. Wyndham Prince	12/01/17
Soil and Water Management Plan	110358/DA512	A	J. Wyndham Prince	12/01/17
Lot Calculation Stage Five Caddens Hill Estate	20467-5L(A)	-	Vince Morgan Surveyors	18.01.17
Lot Calculation Stage Six Caddens Hill Estate	20467-6L(A)	-	Vince Morgan Surveyors	18.01.17
BEP Key Masterplan	11494/DA2000	B	DKO Architecture	13/04/2017
BEP Key Masterplan	11494/DA2001	B	DKO Architecture	13/04/2017
Type A Lots BEP	11494/DA2002	B	DKO Architecture	13/04/2017

Type B & C Lots BEP	11494/DA2003	B	DKO Architecture	13/04/2017
Type D, E, F & G Lots BEP	11494/DA2004	B	DKO Architecture	13/04/2017
Type H, I, J & K Lots BEP	11494/DA2005	B	DKO Architecture	13/04/2017
Type L, M, N & O Lots BEP	11494/DA2006	B	DKO Architecture	13/04/2017
Caddens Hill Design Guidelines for 10m Lots	-	A	Legacy Property	December 2016
Stages 5 & 6 Master Plan	Page 7	-	Place Design Group	April 2017
Detention Basin C	Page 8	-	Place Design Group	April 2017
Boundary Fence Details	Page 9	-	Place Design Group	April 2017
Section A	Page 10	-	Place Design Group	April 2017
Section B	Page 11	-	Place Design Group	April 2017
Section C	Page 12	-	Place Design Group	April 2017
Typical Plant Schedule	Page 15	-	Place Design Group	April 2017
Maintenance Program	Page 16	-	Place Design Group	April 2017

Amended by the following architectural plans:

Plan	Plan/Drawing No.:	Issue:	Prepared By:	Dated:
BEP Masterplan	11494/DA2000	F	DKO Architecture	17/08/2017
BEP Masterplan	11494/DA2001	F	DKO Architecture	17/08/2017
Type A Lots BEP	11494/DA2002	F	DKO Architecture	17/08/2017
Type B & C Lots BEP	11494/DA2003	F	DKO Architecture	17/08/2017
Type D, E, F & G Lots BEP	11494/DA2004	F	DKO Architecture	17/08/2017
Type H, I, J & K Lots BEP	11494/DA2005	F	DKO Architecture	17/08/2017
Type L, M, N & O Lots BEP	11494/DA2006	F	DKO Architecture	17/08/2017
Type P, G, R & S Lots BEP	11494/DA2007	F	DKO Architecture	17/08/2017

As amended under Section 96(1A) of the Environmental Planning and Assessment Act 1979 on 16 October 2017.

2 [A044 - Compliance with NSW Rural Fire Service conditions of consent](#)

Evidence of compliance with all conditions of the bush fire safety authority issued by NSW Rural Fire Service (reference D17/718 & DA17031006379 LD, dated 10 March 2017) shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the development. A copy of the documentation provided shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

3 [A Special \(BLANK\)](#)

The following shall be registered on the title of the relevant properties at each stage:

- 1) a positive covenant is to be registered against all lots identified on the stamped approved Building Envelope Plan (Drawing No. DA2000 & DA2001, Prepared by DKO, Dated 02/02/2017) which requires all development on those lots to be in accordance with the Building Envelope Plan and Design Guidelines.
- 2) A restriction as to user and positive covenant relating to the stormwater management systems (including on-site detention and water sensitive urban design). The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.

4 [A Special \(BLANK\)](#)

Prior to commencement of works, a public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

5 [A Special \(BLANK\)](#)

Prior to the issue of the final staged Subdivision Certificate, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

Demolition

6 [B002 - AS FOR DEMOLITION AND DISPOSAL TO APPROVED LANDFILL SITE](#)

All works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures".

Prior to the commencement of works, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

All excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority **prior to commencement of works**.

7 [B003 - ASBESTOS](#)

Prior to commencement of works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

- Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

Heritage/Archaeological relics

8 [C003 - Uncovering relics](#)

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

9 **D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill operations)**

An appropriately qualified person/s shall:

- 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 (as defined in the Penrith Development Control Plans) 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" 2009;

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."

10 **D009 - Covering of waste storage area**

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.

11 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.

Dam water resulting from dewatering of the dams is to be disposed of off-site to a lawful waste management facility or is to be used and contained within the boundaries of the property. Dam water is not permitted to enter Council's stormwater system and is not to impact adjoining properties.

12 **D Special (BLANK)**

Dust suppression techniques are to be employed when earthworks are being undertaken to reduce any potential nuisances to surrounding properties.

13 **D Special BLANK**

A Construction Waste Management Plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before a Construction Certificate can be issued for the development.

The Construction Waste Management Plan shall be prepared in accordance with the Penrith Development Control Plan and with consideration to the NSW Waste Avoidance and Recovery Act 2001, and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and /or landfill site.

The approved Construction Waste Management Plan must be implemented on-site and adhered to throughout all stages of the development, with supporting documentation/receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

14 **D Special BLANK**

An Unexpected Finds Protocol (the Protocol) is to be developed by an appropriately qualified environmental consultant. **Prior to the issue of the Construction Certificate**, 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, but not be limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, rubbish and incinerated rubbish, and soils impacted by on-site sewage management system(s).

The Protocol is to acknowledge that 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 and that should any contamination be found during development works, and should remediation be required, approval 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 construction phase of the development.

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."

15 **D Special BLANK**

Site remediation works, including asbestos removal works, shall be carried out **prior to the commencement of any other works on Lot 11 DP 522660, Lot 101 DP 564332, Lot 1 DP 515678 and Lot 2 DP 502333**, in accordance with the following:

- "Detailed Contamination Assessment & Remedial Action Plan" (Report No 12486/2-AA) prepared by Geotechnique Pty Ltd and dated 10 October 2011,
- Document titled "Re: Review of RAP and Remediation Requirements - 117 O'Connell Street, Caddens, NSW 2747" prepared by DLA Environmental Services and dated 27 January 2017 (**with the exception of point 5 contained within Attachment 3**)

as well as Penrith Development Control Plan, the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPM 2013], the Guidelines for the Assessment, Remediation and Management of Asbestos-Contaminated Sites in Western Australia, May 2009, and applicable NSW Environment Protection Authority Guidelines.

On completion of the site remediation works, the following documentation is to be submitted for approval to the Principal Certifying Authority and Penrith City Council, if Council is not the Principal Certifying Authority:

- Written notification that the site remediation works have been completed is to be submitted **within 30 days of the said works having been completed**.
- A Validation Report, including Asbestos Clearance Certificates, prepared by an appropriately qualified person, is to be submitted **prior to the issue of the Construction Certificate**. The report shall certify that the remediation and asbestos removal works have been carried out in accordance with the approved documents listed above and shall certify that the entire site is suitable for the proposed residential land use.

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."

16 **D Special BLANK**

Contaminated topsoil shall not be mixed with uncontaminated underlying natural soils.

17 **D Special BLANK**

An appropriately qualified person/s shall:

- Supervise the remediation and asbestos removal works.
- Supply Council with a copy of any relevant documentation for further testing carried out during the remediation works.
- Address off site impacts and proposed management strategies where relevant.
- (after completion of works) Certify by way of a Clearance Certificate or other written documentation that remediation works have been carried out in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment (this information can be included in the Validation Report). A copy of the Clearance Certificate or other written documentation is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council if it is not the PCA.

The contact details of any appropriately qualified person/s engaged for the works shall be **provided with the notice of commencement**.

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."

18 **D Special BLANK**

All contaminated soil and material that does not meet residential land use criteria as defined by the National Environment Protection (Assessment of Site Contamination) Measure 1999 is to be removed from the site and is to be disposed of at a licensed waste management facility. No contaminated or asbestos containing soil or material is permitted to be retained on site.

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.

The Validation Report and Asbestos Clearance Certificate(s) are to detail the amount, characteristics and classification of waste material disposed of and detail the location of disposal of this material, and are to include copies of receipts and supporting documentation.

19 **D Special BLANK**

Site watering and dust suppression works are to be carried out to ensure no runoff leaves the site. Watering activities associated with asbestos removal and remediation works are to be carried out to ensure they do not cause contamination elsewhere on the site and outside of the asbestos impacted areas.

20 **D Special BLANK**

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

Utility Services

21 **G001 - Installation of services and Service Clearances (subdivision)**

All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works. Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Prior to the release of the linen plan for each stage of the development, 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.

22 **G006 -**

Prior to the issue of a Construction Certificate for roads and drainage, 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.

Prior to the issue of a Subdivision Certificate, 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.

Construction

23 H001 - Stamped plans and erection of site notice

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- the name of the Principal Certifying Authority, their address and telephone number,
- the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- that unauthorised entry to the work site is prohibited,
- the designated waste storage area must be covered when the site is unattended, and
- all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details is to be erected:

- at the commencement of, and for the full length of the, construction works onsite, and
- in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed when the Subdivision Certificate has been issued for the development.

24 H002 - All forms of construction

Prior to the commencement of works:

(a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a standard flushing toilet connected to a public sewer, or
- if that is not practicable, an accredited sewage management facility approved by the council, or
- alternatively, any other sewage management facility approved by council.

(b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

(c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and
- any such hoarding, fence or awning is to be removed when the work has been completed.

25 [H041 - Hours of work \(other devt\)](#)

Remediation, earthworks 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

26 [K101 - Works at no cost to Council](#)

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 unless a Voluntary Planning Agreement is executed by Penrith City Council which is agreed to and executed by Council which negates the items contained within this condition.

27 [K201 - Infrastructure Bond](#)

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 the issue of any Construction Certificate. 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 (02) 4732 7777 or visit Penrith City Council's website for more information.

28 [K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS](#)

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 for the reconstruction of O'Connell Street in accordance with Penrith Development Control Plan 2014.

29 **K205 - Construction Certificate for Subdivision Works**

Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the Stormwater Management Strategy prepared by J. Wyndham Price, reference number 110358_Rpt2B, dated 27 January 2017; and Engineering plans prepared by J. Wyndham Price, Plan numbers 110358/DA500-DA512, Revision A, dated 12/1/17, and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Penrith Council's Water Sensitive Urban Design Policy, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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;
- Overland flowpaths;
- Flood control measures;
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.;
- Earthworks;
- Bridges, culverts, retaining walls and other structures; and
- 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.

30 **K207 - Road design criteria table**

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.	Road Reserve Width	Carriageway Width	Verge Width	Footpath (1.5m wide) Min.	ESA
12 (CH405-525)	17.8	8.0	4.0 west 5.8 var east	1.5 both	5x10 ⁴
9	17.25	8.0	4.0 west 5.25 east	1.5 west 2.5 east	5x10 ⁴
10,11,(Road 12,Ch525-End) Road 20 (CH210-End)	16.0	8.0	4.0 both	1.5 both	5x10 ⁴
13	21.0	10.5	5.25 both	1.5 west 2.5 east	5x10 ⁵

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

31 [K208 - Road Safety Audit](#)

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.

32 [K209 - Stormwater Concept Plan](#)

The stormwater management system for the development shall be provided generally in accordance with the commitments made in the stamped approved Stormwater Management Strategy prepared by (J. Wyndham Price), reference number (110358_Rpt2B), dated (January 2017); and Engineering plans prepared by J. Wyndham Price, Plan numbers 110358/DA500-DA512, Revision A, dated 12/01/17.

The engineering drainage plans lodged for development approval, shall include a GPT as specified in approved stormwater management strategy and the bioretention system which must have a minimum filter area of 780m² area and minimum extended detention of 300mm and rainwater tanks as outlined in the Stormwater Drainage Strategy. The plans must include details of how the bioretention system and GPTs can be accessed and maintained including hardstand areas to allow for maintenance vehicles.

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

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Water Sensitive Urban Design Policy

33 [K301 - Sediment & Erosion Control](#)

Prior to commencement of works, sediment and erosion control measures shall be installed in accordance with the approved Construction Certificate and to ensure compliance with the Protection of the Environment Operations Act 1997.

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

34 [K303 - Matters to be addressed prior to commencement of Subdivision Works](#)

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 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.

35 [K402 - Street Lighting](#)

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

36 [K403 - Major Filling/ Earthworks](#)

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.

37 [K405 - Turf to Verge](#)

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.

38 [K501 - Penrith City Council clearance – Roads Act/ Local Government Act](#)

Prior to the issue of any Occupation Certificate, the Principal Certifying Authority 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 [K501A - Completion of subdivision works](#)

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority 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 [K509 - Linemarking & Signage](#)

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:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges

41 [K512 - Street Naming](#)

Prior to the issue of a 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:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for advice regarding the application process and applicable fees.
- b) Allow eight (8) weeks for notification, advertising and approval.

42 [K513 - Bond for final wearing course](#)

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 Penrith City 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 adopted Fees and Charges.

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

43 [K515 - Maintenance Bond](#)

Prior to the issue of a Subdivision Certificate, a Maintenance Bond is to be lodged with Penrith City Council for civil works.

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 (02) 4732 7777 for further information relating to bond requirements.

44 **K516 - Subdivision Compliance documentation**

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 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 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 Exceedence 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.
- 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 interallotment drainage lines indicating distances to boundaries and depths.
- k) Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

45 **K601 - Stormwater Management system operation and maintenance**

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

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

46 K - Waterways - Commissioning and Handover

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.

47 K - Waterways - Storm water Management – sediment basin

The bio-retention basin (for each stage) is to be maintained by the proponent as a sediment basin until 90% of housing construction is completed and retain in the ownership of the proponent. After 90% of housing has been constructed the sediment basin is to be decommissioned and the bio-retention basin completed. After completion of the bio-retention basin has occurred, the proponent is to maintain the bio-retention basin and Gross Pollutant Traps for a period of 3 years after which time handover is permitted (see separate conditions relating to handover).

48 K - Waterways - Stormwater Management – GPT Design

Prior to the issue of a Construction Certificate, the following information is to be submitted to Council for review:

- Council should be given an opportunity to review and approve the proposed GPT so that considerations of the life cycle costs can be made. The proponent should provide Council with a detailed operation and maintenance manual which includes estimated costing
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application

49 [K - Waterways - Vegetated Stormwater Management systems - compliance prior to Council accepting works following maintenance period](#)

Handover of assets to Council will not occur until Council is satisfied that they are constructed in with the approved plans, conditions of approval and all certification requirements have been complied with:

1. Vegetated systems (e.g. bioretention measure/s) are required to remain 'on maintenance' for a minimum period of three (3) years or as otherwise approved and a performance-based inspection has been undertaken with Council.
2. The on-maintenance period for all vegetated systems can be considered as on-maintenance once 80% of dwellings are substantially completed within the development sub-catchment associated with the relevant treatment measure.
3. Certification is required to be provided for the installation of the filter media to demonstrate that the media complies with the approved specifications. At a minimum compliance is required with the "Guidelines for Soil Filter Media in Bioretention Systems" (Facility for Advancing Water Biofiltration).
4. Photographs of the construction of the vegetated system are required as part of certification. A minimum of one labelled, date stamped photograph is required to be provided following each of the following construction phases:
 - i. Installation of the overflow pit and bulking out / trimming profiling
 - ii. Installation of under drainage
 - iii. Installation of cleanout points
 - iv. Installation of drainage layer
 - v. Installation of transition layer
 - vi. Installation of filtration media
 - vii. Laying of geofabric protection for build-out phase
 - viii. Laying of turf temporary protection layer
 - ix. Final planting

A licensed surveyor is required to undertake an 'as constructed' survey of the bioretention device elements. The survey data is to demonstrate that design grades and levels have been achieved to the required tolerances. A copy of the survey is required to be lodged as part of the certification.

50 [K Special \(BLANK\)](#)

Prior to the issue of a Subdivision Certificate for Stage 5 of the development, Basin B (approved under DA16/1166) is to be fully constructed and operational. Documentation is to be submitted with the application for a Subdivision Certificate confirming that the Basin is operational.

51 [K Special \(BLANK\)](#)

In the event that Stage 5 proceeds ahead of Stage 3 (as approved under DA16/1166), a stub easement is to be created at the end of Road 12 (CH390.00) to cater for overland flow discharge.

52 [K Special Condition BLANK](#)

Prior to issue of a Subdivision Certificate for Stage 6, suitable access to internal subdivision roads and lots fronting O'Connell Street shall be available at the final finished levels of the ultimate O'Connell Street upgrade as required by Chapter E1 'Caddens' of Penrith Development Control Plan 2014, noting that this will require O'Connell Street to be reconstructed.

Landscaping

53 [L Special \(BLANK\)](#)

Prior to the release of a Subdivision Certificate, a report detailing the soil and ground conditions is to be undertaken upon the completion of cut and fill operations and once benched levels are established. The report is to be submitted to and approved by Council and is to include details on site amelioration, revised design, methods and details for planting and species schedules.

54 [L Special \(BLANK\)](#)

Prior to the release of a Construction Certificate, details of retaining wall materials and associated tiered vegetation are to be submitted to and approved by Council.

55 L Special (BLANK)

Upon completion of the bulk earthworks and once benched levels have been established for the site, a geotechnical assessment is to be undertaken to determine the soil and ground conditions of the site. A tree report detailing the methodology of how street trees will thrive within the site is to be prepared and reviewed by an independent Arborist. The report should also consider the use of root barriers to prevent long term damage to surrounding infrastructure from street trees and confirm if this is required on a street by street basis depending on the space available and intended design outcomes.

A copy of the geotechnical assessment, tree report and independent arborist review of these reports is to be submitted to Penrith Council prior to the approval of a street tree planting scheme.

Subdivision

56 M001 - Prior to subdivision work (Applies to subdivision except strata)

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.

57 M008 - Linen Plan

Submission of the original Linen Plan and six (six) 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.

58 M013 - Street trees

Prior to the issue of a Subdivision Certificate for each stage of the development, street trees are to be planted at a rate of one (1) super advanced tree per 10 metre road frontage. Street tree planting is to be undertaken in accordance with the Guidelines for Engineering Works for Subdivisions and Developments and Penrith City Council's Development Control Plan.

Before the street trees are planted, approval of the plant species and location of the street trees in the form of a street tree planting scheme are to be approved by Penrith City Council (as the relevant Roads Authority). In this regard, please contact Council's Development Services Unit on 4732 7777.

59 M014 - Surveyors certificate

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.

Development Contributions

60 **N001 - Section 94 contribution (apply separate condition for each Contribution Plan)**

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Werrington Enterprise Living and Learning (WELL) Precinct. Based on the current rates detailed in the accompanying schedule attached to this Notice, contributions **are to be paid to Council prior to a Subdivision Certificate** being issued for that stage of the development (the rates are subject to quarterly reviews). The rates and stages are outlined in the table below. If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Stage	Contribution	Existing lot/Credit	Total
5	\$3,150,000	\$60,000	\$3,090,000
6	\$2,340,000	\$60,000	\$2,280,000

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Werrington Enterprise Living and Learning (WELL) Precinct. may be inspected at Council's Civic Centre, 601 High Street, Penrith.

The abovementioned contributions are to be paid **prior to the release of a Subdivision Certificate** unless a Voluntary Planning Agreement is executed by Penrith City Council which negates the payment of the above contributions.

Certification

61 **Q008 - Subdivision Certificate**

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.