

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA14/1528
Description of development:	Staged Integrated Housing Development Including Subdivision into 58 x Torrens Title Residential Lots (Stage 1) and Dwelling House Construction (Stage 2) with associated Earthworks, Road Construction, Landscaping and Drainage Works (Village 13)
Classification of development:	Class 1a , Class 2 , Class 10a

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 21 DP 1194338
Property address:	2 - 20 Lakeside Parade, JORDAN SPRINGS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Ancon Development Group Pty Ltd C/- Wyndham Prince Pty Ltd PO Box 4366 WESTFIELD PENRITH NSW 2750
-----------------	--

DECISION OF CONSENT AUTHORITY

In accordance with Section 81(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	22 September 2015
Date the consent expires	22 September 2017
Date of this decision	21 September 2015

POINT OF CONTACT

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

Assessing Officer:	Belinda Borg
Contact telephone number:	(02) 4732 7505

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a State Significant Development.

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

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 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

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

Joint Regional Planning Panels

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

OTHER APPROVALS

APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Department of Primary Industries - Office of Water	16 January 2015	ERM2014/1198	4	Water Management Act 2000
Rural Fire Service	2 July 2015	D14/3785 DA14121895137 MA	2	Rural Fires Act 1997

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance with the plans listed below and 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.

Drawing Title	Plan Number	Issue	Prepared By	Date	External Colour Palette
Master Site Plan	01	E	Planmaster Design Consultants	31.3.2015	-
Plan of Subdivision	19170-C	-	Vince Morgan Surveyors	21.4.2015	-
Landscape Concept	Job 3926 Sheets1 - 11	-	Monaco Design Pty Ltd	7 November 2014 / April 2015	-
Village 13 Engineering Plans - Cover Sheet	9892/DA01	B	J. Wyndham Prince	11/5/2015	-
Village 13 Engineering Plans - Typical Section	9892/DA02	B	J. Wyndham Prince	11/5/2015	-
Village 13 Engineering Plans - Engineering Plan	9892/DA03	B	J. Wyndham Prince	11/5/2015	-
Village 13 Engineering Plans - Cut/Fill Plan	9892/DA04	B	J. Wyndham Prince	11/5/2015	-
Village 13 Engineering Plans - Road Longitudinal Sections	9892/DA05	B	J. Wyndham Prince	11/5/2015	-
Village 13 Engineering Plans - GPT Access Plan	9892/DA06	B	J. Wyndham Prince	11/5/2015	-

Village 13 Engineering Plans - Soil and Water Management Plan	9892/DA07	B	J. Wyndham Prince	11/5/2015	-
Village 13 Engineering Plans - Site Sections	9892/DA08	B	J. Wyndham Prince	11/5/2015	-
Penrith Sewerage Plan	Case No. 141579WW Sheet 1 of 2	A	Sydney Water	21.4.2015	-
Lot 1 Housing Plans	020, 030,040,050,060,070,	C	Planmaster Design Consultants	18/10/2014	30
Lot 2 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	25/11/2014	29
Lot 3 Housing Plans	020,030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	33
Lot 4 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	34
Lot 5 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	32
Lot 6 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	33
Lot 7 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	30
Lot 8 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	29
Lot 9 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	31
Lot 10 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	34
Lot 11 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	32

Lot 12 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	33
Lot 13 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	33
Lot 14 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	32
Lot 15 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	34
Lot 16 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	30
Lot 17 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	29
Lot 18 Housing Plans	020, 030,040,050,060, 070,080	A	Planmaster Design Consultants	18/10/2014	31
Lot 19 Housing Plans	020, 030,040,050,060	C	Planmaster Design Consultants	18/10/2014	30
Lot 20 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	29
Lot 21 Housing Plans	020,021,030,040,050, 060,070,080	C	Planmaster Design Consultants	18/10/2014	31
Lot 22 Housing Plans	020,021,030,040,050, 060, 070,080	C	Planmaster Design Consultants	18/10/2014	34
Lot 23 Housing Plans	020,021,030,040,050, 060,070	C	Planmaster Design Consultants	18/10/2014	32
Lot 24 Housing Plans	020,021, 030,040,050, 060,070	C	Planmaster Design Consultants	18/10/2014	33
Lot 25 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	29
Lot 26 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	33

Lot 27 Housing Plans	020,030,040,050,060, 070,080	A	Planmaster Design Consultants	18/10/2014	32
Lot 28 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	34
Lot 29 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	33
Lot 30 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	32
Lot 31 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	31
Lot 32 Housing Plans	020,030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	29
Lot 33 Housing Plans	020,021,030,040,050, 060,080,080	B	Planmaster Design Consultants	18/10/2014	30
Lot 34 Housing Plans	020,021,030,040,050, 060,070,080	B	Planmaster Design Consultants	18/10/2014	31
Lot 35 Housing Plans	020,030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	30
Lot 36 Housing Plans	020,030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	33
Lot 37 Housing Plans	020,030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	32
Lot 38 Housing Plans	020, 030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	34
Lot 39 Housing Plans	020,030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	31
Lot 40 Housing Plans	020,030,040,050,060,070	C	Planmaster Design Consultants	18/10/2014	30
Lot 41 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	29

Lot 42 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	33
Lot 43 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	32
Lot 44 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	34
Lot 45 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	29
Lot 46 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	30
Lot 47 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	31
Lot 48 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	29
Lot 49 Housing Plans	020, 030,040,050,060, 070,080	B	Planmaster Design Consultants	18/10/2014	32
Lot 50 Housing Plans	020, 030,040,050,060,070	B	Planmaster Design Consultants	18/10/2014	34
Statement of Environmental Effects	-	-	Think Planners	28/11/2014	-
Bushfire Assessment Statement	150891	-	Building Code and Bushfire Hazard Solutions	7/4/2015	-
Traffic and Transport Assessment	14-082-2	-	Thompson Stanbury Associates	May 2015	-
Salinity Review	7508/23-AA Final Revised	-	Geotech Testing Pty Ltd	8 March 2010	

- 2 The work must be carried out in accordance with the requirements of the Building Code of Australia. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

- 3 All construction works shall be in accordance with Penrith Development Control Plan-Residential Construction Works.

4 The development shall not be used or occupied until an Occupation Certificate has been issued.

- 5 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of an Occupation Certificate or in the case of subdivision, a Subdivision Certificate.

- 6 A **Construction Certificate** shall be obtained prior to commencement of any building works.

- 7 Lot 1 - 12 are to place general waste, green waste and recycling bins within Lakeside Bins for collection.

Lot 13 - 15 & 19 - 21, 57 & 58 are to place general waste, green waste and recycling bins within Greenwood Parkway for collection.

- 8 The development is required to comply with the General Terms of Approval (GTA) dated 16 January 2015, Reference10 ERM2014/1198 issued by the NSW Office Of Water, as outlined below:
 1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/1528 and provided by Council:
 - (i) Site plan, map and/or surveys.

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.

2. Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CM) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

3. The consent holder must prepare or commission the preparation of:

- (i) Erosion and Sediment Control Plan
 - (ii) Soil and Water Management Plan.

4. All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at www.water.nsw.gov.au/Waterlicensing/Approvals/default.aspx

- (i) Riparian Corridors
 - (ii) Outlet structures.

5. The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.

6. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
 7. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
 8. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
 9. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
 10. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
 11. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
 12. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
 13. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
- 9 The development is required to comply with the General Terms of Approval (GTA) dated 2 July 2015, issued by the NSW Rural Fire Service as outlined below:
1. At the issue of subdivision certificate the entire property shall be managed as an inner protection areas (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standard for asset protection zones' until such time each future Lot is developed.

Environmental Matters

- 10 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

11 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.

12 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.

13 No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

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

An appropriately qualified person/s shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- 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 as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils science, eco-toxicology,

sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

In addition, any approved imported fill material is to be tested by a qualified Geotechnical Engineer for salinity prior to importation to ensure that approved imported fill consists of non-saline to slightly saline soils that are in accordance with the conclusions and recommendations contained in the document "Western Precinct - Jordan Springs The Northern Road, Cranebrook Salinity Review" Prepared by Geotech Pty Ltd dated 8 March 2010.

- 14 The Contamination Management Plan Western Precinct Development Phase prepared by URS Australia Pty Ltd dated July 2008 is to be implemented during the course of site development works to ensure safe and appropriate actions in the event of encountered potential chemical or explosive ordnance. All remediation works in 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 be required, development consent is to be sought from Penrith City Council before the remediation works commence.
- 15 Dust suppression techniques are to be employed during site preparation and development works and construction activities to reduce any potential nuisances to surrounding properties.
- 16 Details are to be submitted with the Construction Certificate that detail the proposed storage location of the stockpiles of excessive soil (as referenced in the Waste Management Plan) that is not to be used in this development and that is to be stockpiled and reused in future stages within the Jordan Springs Development. These details are to include proposed dust control and erosion and sediment control measures that are to be employed in the management of stockpiled material.

BCA Issues

- 17 All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:
 - (a) complying with the deemed to satisfy provisions, or
 - (b) formulating an alternative solution which:
 - complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
 - (c) a combination of (a) and (b).

Health Matters and OSSM installations

- 18 The rainwater tank must be maintained so as not to create a nuisance and it must be protected against mosquito infestation.

Utility Services

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

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

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

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

Construction

- 21 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 are 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 Occupation Certificate has been issued for the development.

22 Prior to the commencement of construction works:

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

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

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

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

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the 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.

23 The building shall be set out by a registered surveyor. A Survey Certificate shall be undertaken and submitted to the Principal Certifying Authority when the building is constructed to ground floor slab level.

24 The building is to be painted internally and externally.

25 Clothes drying facilities are to be positioned and screened from public view.

26 The rainwater tank(s) is to be:

- erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- structurally sound and constructed in accordance with AS/NZS 3500 1.2- 1998: National Plumbing and Drainage - Water Supply - Acceptable Solutions,
- fully enclosed and all openings sealed to prevent access by mosquitoes,
- fitted with a first flush device,
- fitted with a trickle system to top up from mains water,
- provided with an air gap, and
- installed by a licensed plumber in accordance with Sydney Water's "Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003" and the NSW Code of Practice: Plumbing and

Drainage.

Additionally, the following are to be provided:

- A back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- The rainwater tank(s) and associated piping is to be labelled 'Rainwater - Not for Drinking' in accordance with Sydney Water requirements.
- The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

Before a rainwater tank(s) can be used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- the Manufacturer's Specifications, and
- Sydney Water and NSW Health requirements.

This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted prior to the issue of the Occupation Certificate.

27 The catchment area (for the rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- roof catchment areas must be kept clear of overhanging vegetation,
- gutters must have sufficient fall to downpipes to prevent pooling of water,
- overflow, discharge from bleed off pipes from roof mounted appliances such as airconditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- for roofs containing lead based, tar based or asbestos material the tank supply must not be connected to drinking, bathing and gardening tap water outlets,
- appropriate measures must be installed to prevent foreign materials from contaminating the water which enters the rainwater tank.

28 The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

29 The rainwater tank pump must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

30 Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm if inaudible on neighbouring residential premises, otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

Engineering

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

32 **Prior to the issue of a Construction Certificate**, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road. These works may include but are not limited to the following:

- Road opening for utilities and stormwater (including stormwater connection to Council infrastructure)
- Road occupancy or road closures

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, Engineering Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **City Works Department** on telephone (02) 4732 7777 to ascertain applicable fees.

33 **Prior to the issue of a Construction Certificate** for subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the following works:

- Road pavement connection and kerb return/verge modification works to Greenwood Parkway
- Pram ramp on the northern side of Greenwood Parkway opposite proposed road 1 shall be removed and reinstated with upright kerb and gutter
- Provision of kerb and gutter replacement with laybacks and stormwater kerb outlet adaptors for entire development frontage along Lakeside Parade and Greenwood Parkway

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, Engineering Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **Engineering Services Department** on telephone (02) 4732 7777 to ascertain applicable fees.

34 **Prior to the issue of a Construction Certificate** for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J Wyndham Prince, reference number 9892, sheets DA01-DA08 revision B, dated 11/05/2015 and plan/s prepared by Planmaster Design Consultants, drawing no 01, issue E, dated 31/03/2015. 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, 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
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- 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.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- Salinity measures are incorporated in the construction certificate drawings in accordance with the recommendations of the Salinity Review report by Geotech Testing, reference 7508/23-AA Final Revised, dated 8 March 2010 and the report by SKM on water, soil and infrastructure for the St Marys Project, Western Precinct dated May 2009.
- Laybacks are provided on construction certificate drawings generally to align with the Master Site Plan drawing no 01, issue C, dated 03/11/2014. All laybacks are to be located a minimum 6m from the tangent point of any kerb return at intersections in accordance with AS2890.1:2004. All laybacks are to be located 1m from the lintel of any stormwater kerb inlet pit and 1m from pram ramps.
- Widths of the driveways for lot 18 & 45 are to be reduced to 3m.
- Kerb inlet pits are located a minimum of 1m from the tangent point of a kerb return.
- The Gross Pollutant Trap and hardstand service area is approved by Penrith City Council. Hardstand area shall be adequately separated from the private driveway of Lot 53 and shall be detailed as a heavy duty concrete pavement.
- Shared driveway for proposed lots 1-4 & 11-12 shall be detailed as light commercial concrete pavements.

Note:

1. Contact Penrith City Council's **Engineering Services Department** on telephone (02) 4732 7777 to ascertain applicable fees.

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

following criteria:

Road No.	Road Type	ESA
1 & 2	Local Street	5x10 ⁴

36 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

37 **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.

38 **Prior to commencement of works**, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

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

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

39 Work on the subdivision shall not 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.

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

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

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

- 42 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".
- 43 **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.
- 44 **Prior to the issue of a Subdivision Certificate**, and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.

- 45 **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 Council's Street Naming Policy.

Notes:

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

- 46 **Prior to the issue of the Subdivision Certificate**, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Council (Consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

- 47 **Prior to the issue of a Subdivision Certificate**, a maintenance bond is to be lodged with Penrith City

Council for all subdivision works.

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

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

48 Prior to the issue of a Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's 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 fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- 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 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 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 Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance

49 Prior to release of the Subdivision Certificate, a "Give Way" sign is to be placed in Road 1, at the

intersection of Greenwood Parkway, to give priority to traffic in Greenwood Parkway.

- 50 **Prior to the release of the Subdivision Certificate**, a turning facility is to be provided at the end of the access driveway in the north east corner of the site.
- 51 Prior to the release of a Construction Certificate, amended plans are to be provided detailing the relocation of the pedestrian crossing and associated pedestrian pathway within the northern side of Greenwood Parkway. The relocation of the crossing is to be directly opposite the proposed crossing within the southern side of Greenwood Parkway.

The amended plans are to include the provision of replacement landscaping adjacent the pedestrian path linking Northbridge Road to Greenwood Parkway.

- 52 All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of the works.

- 53 **Prior to the issue of a Construction Certificate**, the Principal Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J Wyndham Prince, reference number 9892 DA01 - DA07, revision A, dated 4 September 2014 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
- Landscaping and embellishment works

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

Note:

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

- 54 **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

55 **Prior to commencement of works on site**, 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.

56 **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.

57 **Prior to the issue of a Construction Certificate**, an Operational Management and Maintenance Manual for the proposed Gross Pollutant Trap shall be prepared and submitted to Council for approval. The manual is to provide details of the proposed long term operational management and maintenance requirements of all elements of the stormwater management system for the development.

Landscaping

58 All landscape works are to be constructed in accordance with the stamped approved plan, Sections F5 "Planting Techniques", F8 "Quality Assurance Standards" and F9 "Site Management Plan" of Penrith Development Control Plan 2014. Council's Landscape Development Control Plan.

Landscaping shall be maintained:

- in accordance with the approved plan, and
- in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity as the vegetation which died or was removed.

59 The approved landscaping for the site must be constructed by an appropriately qualified landscape professional.

60 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified landscape professional.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development. The report is to be prepared by a suitably qualified landscape professional.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory

Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by suitably qualified landscape professional.

- 61 All plant material associated with the construction of approved landscaping is to be planted in accordance with Section 2.9 Landscape Technical Specifications in Appendix F5 Technical Information of Penrith Development Control Plan 2014.
- 62 All landscape works are to meet industry best practice and the following relevant Australian Standards:
- AS 4419 Soils for Landscaping and Garden Use,
 - AS 4454 Composts, Soil Conditioners and Mulches, and
 - AS 4373 Pruning of Amenity Trees.
- 63 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section F4 of Councils Landscape Development Control Plan.
- 64 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
- 65 Prior to the release commencement of landscaping works, an amended landscape plan is to be submitted to Council for approval which details the following:
- Fifteen (15) trees that attains a minimum height of 8m are to be planted within Lot 22 DP 1194338, No. 14 - 28 Cullen Avenue Jordan Springs within filled area along the northern boundary of the site.
 - Ten (10) trees that attain a minimum height of 5m, are to be planted within Lot 22 DP 1194338, No. 14 - 28 Cullen Avenue Jordan Springs within filled area along the northern boundary of the site.
 - Additional landscaping (including ground cover and shrubs) within the filled area of Lot 22 DP 1194338, No. 14 - 28 Cullen Avenue Jordan Springs.

The trees are to have a minimum pot size of 50L and are to be selected from the recommended plant list within Appendix 5 of Penrith Development Control Plan 2010.

Subdivision

- 66 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.

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

Prior to the issue of a Subdivision Certificate, 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.

- 68 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:
- a) Any dwelling on is in accordance with the approved architectural plans under Development Consent No. DA14/1528.
 - b) Any future dwellings on Lots 34, 51 - 58 is to be consistent with the building footprints outlined on the approved Master Site Plan under Development Consent No. DA14/1528.
 - c) Studios located within Lots 1, 3, 5, 7, 9 and 11 are to be used in conjunction with the dwelling and not as a separate domicile.

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

- 69 Soil Testing is to be carried out to enable each lot to be classified according to AS2870-"Residential Slabs and Footings". A copy of the report, including a plan showing the lot classification over the subdivision is to be submitted to Penrith City Council prior to the issue of a Subdivision Certificate.
- 70 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.

Certification

- 71 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the dwellings. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the above mentioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

72 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 relating to the subdivision of the land (including roadworks and drainage) in this consent are outstanding.

- 73 Prior to the commencement of any earthworks or construction works on site, the proponent is to:
- (a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
 - (b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

SIGNATURE

Name:	Belinda Borg
Signature:	

For the Development Services Manager