

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA19/0811
Description of development:	Vegetation Removal and Construction of a Stormwater Detention Basin (Basin I)
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1002 DP 1215087
Property address:	1002 Wianamatta Parkway, JORDAN SPRINGS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Lendlease C/- Maryland Development Company Pty Ltd 88 Phillip Street PARAMATTA NSW 2150
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DECISION OF CONSENT AUTHORITY

In accordance with Section 2.17 and 4.18(1) (a) of the Environmental Planning and Assessment Act 1979 (as amended), consent is granted subject to the conditions implementation 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	27 July 2021
Date the consent expires	27 July 2026
Date of this decision	21 July 2021

POINT OF CONTACT

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

Assessing Officer:	Lucy Goldstein
Contact telephone number:	+61247328136

NOTES

Reasons

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

Conditions

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

Certification and advisory notes

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

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

Review of determination

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

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

Appeals in the Land and Environment Court

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

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

Designated development

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

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

Sydney Western City Planning Panels

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

OTHER APPROVALS

APPROVAL BODIES

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
Natural Resource Access Regulator	11/02/20	IDAS1121401	3	Section 91 of the Water Management Act 2000
Heritage NSW	01/04/21	DOC21/68014-4	3	Section 90 of the National Parks and Wildlife 1974 Act

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

ATTACHMENT 1: CONDITIONS OF CONSENT

General

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

Description	Drawing No.	Revision	Prepared by	Dated
Proposed Regional Basin I 'Plans for Updated DA'	IA016600- ECC-DG-001 to IA016600- ECC-DG-0008	Revision B	Jacobs	9 November 2020

2 The development must be carried out in accordance with the General Terms of Approval issued by the Natural Resources Access Regulator, Reference IDAS1121401, dated 11 February 2020, as outlined below:

- **Design of works and structures**

Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.(GT0009-00010)
- **Erosion and sediment controls**
 - Erosion and Sediment Controls Plan must be:
 - (a) prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time; and
 - (b) submitted with an application for a controlled activity approval. (GT0006-00001)
 - The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised. (GT0021-00004)
- **Plans, standards and guidelines**
 - NRAR's General Terms of Approval (GTAs) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator. Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required. (GT0002-00665)
 - The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan. (GT0003-00002)
 - All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person. (GT0010-00006)
 - Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator. (GT0010-00004)
 - The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities> (GT0030-00006)
- **Rehabilitation and maintenance**

When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator. (GT0007-00006)
- **Reporting requirements**

The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed. (GT0020-00004)

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

3 The development must be carried out in accordance with the following requirements, as recommended by Transport for NSW:

(a) A temporary deceleration lane along the Northern Road shall be provided. The temporary deceleration lane along The Northern Road shall be designed to meet TfNSW requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTRROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works. Please send all documentation to development.sydney@transport.nsw.gov.au. The developer is required to enter into a Works Authorisation Deed (WAD) for the above mentioned works. The deceleration is to be constructed and operational prior to any access (including construction access) from The Northern Road. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

(b) The proposed temporary construction access is to be removed at no cost to TfNSW, when no longer required

(c) A Road Occupancy Licence (ROL) is to be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on The Northern Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

(d) The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS.

(e) All vehicles are to enter and leave the site in a forward direction.

(f) All vehicles are to be wholly contained on site before being required to stop.

4 **Prior to the handover of assets**, suitable arrangements must be in place to provide Council legal access to the development, to enable the maintenance of the assets in perpetuity.

5 The development must be carried out in accordance with the General Terms of Approval issued by Heritage NSW, Reference DOC21/68014-4, dated 1 April 2021, as outlined below:

- An Aboriginal Heritage Impact Permit (AHIP) under section 90 of the National Parks and Wildlife Act 1974 must be sought and granted by Heritage NSW prior to the commencement of works.
- The AHIP application must include appropriate management and mitigation measures for all Aboriginal objects subject to direct and indirect impacts as a result of this development.
- The long term management of Aboriginal objects recovered during archaeological investigations must be determined in consultation with the Registered Aboriginal Parties and documented in the AHIP application.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants (OEH 2011) available online at: <https://www.heritage.nsw.gov.au/assets/Uploads/files/Applying-for-an-AboriginalHeritage-Impact-Permit-Guide-for-applicants..pdf>.

- Consultation with the Aboriginal community undertaken as part of the AHIP application must be documented in the application and must be in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010) available online at: <https://www.heritage.nsw.gov.au/assets/Uploads/files/Aboriginal-CulturalHeritage-Consultation-Requirements-for-Proponents.pdf>.
- The AHIP application must address the requirements of the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011) Available online at: <https://www.heritage.nsw.gov.au/assets/Uploads/files/Guide-to-InvestigatingAssessing-and-Reporting-on-Aboriginal-Cultural-Heritage-in-New-South-Wales.pdf>.
- The application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) available online at: <https://www.heritage.nsw.gov.au/assets/Code-of-Practice-for-ArchaeologicalInvestigation-in-NSW.pdf>

Note:

- Evidence of adequate Aboriginal cultural heritage assessment must be provided with the AHIP application. The AHIP application must adequately assess the Aboriginal cultural heritage values of all works areas, including any ancillary construction areas, access tracks and haul roads. We note that GML (2021b, p.116) recommend that additional test excavation may be required based on the final alignment of the proposed access track. All archaeological test excavation must be completed before submitting the AHIP application. The AHIP application must include a methodology for archaeological salvage excavation and community collection as recommended by GML (2021b, pp.116-117)

- Consultation with the Registered Aboriginal Parties needs to be maintained. Consultation with the Registered Aboriginal Parties (RAPs) needs to be maintained. The AHIP application must demonstrate continuous consultation. Breaks in consultation of over 6 months may not constitute continuous consultation and may require the applicant to restart the consultation process. It is recommended the applicant provide updates on the project to the RAP group every six months to ensure the consultation is continuous.

- The AHIP application must not overlap with previously issued AHIP areas. Heritage NSW notes that the development application is close to existing approved AHIP areas. Heritage NSW does not issue overlapping AHIPs. The applicant must ensure that any AHIP application for this development does not overlap with an existing AHIP area. Similarly, the applicant must consider how to manage any future AHIP application requirements for subsequent stages of this development.

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

6 The development must be maintained by the Applicant for a minimum period of three (3) years. The maintenance period shall commence upon completion of the following:

- lodgement of relevant bonds
- satisfactory completion of works as determined by Council
- entering into a Deed of Agreement

At the satisfactory completion of the maintenance period as determined by Council, the development shall be delivered to Penrith City Council, at no cost to Council. *Note:* refer to separate conditions in this consent relating to handover requirements.

7 The development must be carried out in accordance with National Parks and Wildlife Services requirements, as outlined in their referral response dated 10 February 2020 and as outlined below:

(a) The applicant undertakes a 3-year maintenance period of the basins to ensure;

- The basins successfully service the intended water
- The change in water regimes results in no negative impacts on Wianamatta Regional Park, such as weeds, nutrient loading, erosion or rubbish

(b) A detailed landscaping plan including planting schedules and materials is approved by NPWS prior to construction.

(c) Macrofauna Fencing must always be maintained around the construction site to prevent the movement of macrofauna outside the Regional Park.

(d) Prior to works commencing the proponent consult with NPWS regarding the use of fire trails within the park for haulage; and NPWS access and fencing strategies post construction.

(e) That the development provides appropriate access suitable for Category 1 firefighting vehicles.

(f) The proponent is to remediate fire trails to the satisfaction of NPWS once construction activities have been completed.

8 **Prior to the issue of a Construction Certificate** a detailed Operation and Maintenance manual and a Water Quality and Wetland Monitoring Program for the proposed stormwater treatment measures is to be submitted to and approved by Council's Development Services Manager. The manual should include details on the cleaning / maintenance requirements as well as provide details on the estimated annual and lifecycle costs associated with the proposed treatment measures. The plan should include details including but not limited to, the following:

(a) Site description (area, imperviousness, land use, annual rainfall, topography etc)

(b) Site access description

(c) Likely pollutant types, sources and estimated loads

(d) Locations, types and descriptions of measures proposed

(e) Operation and maintenance responsibility

(f) Inspection methods (including inspection checklists)

(g) Maintenance methods (frequency, equipment and personnel requirements);

(h) Landscape and weed control requirements

(i) Operation and maintenance costs;

(j) Waste management and disposal options; and

(k) Reporting.

A Draft Water Quality and Wetland Monitoring Program shall also be prepared by a suitably qualified expert and be submitted to and approved by Council's Development Services Manager. The monitoring program must be undertaken at no cost to Council, for the duration of the 3-year establishment and maintenance period.

The monitoring program shall provide sufficient details to demonstrate that the operation of the lake is performing as designed with regards to water quality, identify emerging management issues (e.g. algae / unwanted vegetation etc.) as well as demonstrate that the vegetation has established to a satisfactory standard and is in a condition consistent with the design, and to Council's satisfaction at the time of handover.

Heritage/Archaeological relics

9 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

10 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.

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

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

12 An appropriately qualified person/s shall:

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

- 13 All works will 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.

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

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

- 15 Prior to issuing a Construction Certificate, a Vegetation Management Plan (VMP) is to be submitted to and approved by Council's Development Services Manager. The VMP must:

(a) Be consistent with relevant environmental legislation and policies, including, but not limited to, the NSW Biodiversity Conservation Act 2016, the Biosecurity Act 2015 the Water Management Act 2000, the Rural

Fires Act 1997 as well as the federal Environment Protection and Biodiversity Conservation Act 1999, and guidelines such as the Rural Fire Services Planning for Bushfire Protection 2006 and Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005). It is to also have regard to any Recovery Plans and recovery actions that are relevant.

(b) Identify ongoing management and maintenance of the conservation areas in terms of impacts of flora and fauna and vegetation management requirements. The focus is to be on the protection and conservation of native vegetation and fauna habitats on the site and on maintaining connectivity.

(c) Clearly outline how vegetation will be protected and managed during construction of proposed future development.

(d) Identify potential impacts from the development of the site (both during construction and post construction) on the on-site and adjacent vegetation and habitats, and how these impacts will be managed and mitigated throughout the life of the development. Impacts include (but are not limited to) weeds, erosion and sedimentation, recreation, on-going under scrubbing and tree removal, and other disturbance.

(e) Identify ongoing future management of the vegetation that is to be retained on site and any identified threatened species.

(f) Identify a suitable style of boundary fence, and fence for the protected vegetation that permits fauna movement to assist with maintaining connectivity and minimises the requirement to remove any further vegetation.

(g) Identify habitat improvement measures that are to be undertaken across the site.

(h) Detail monitoring and reporting requirements.

(i) Address the implementation of any recommendations detailed in the Species Impact Statement (Prepared by Cumberland Ecology, Dated 26 October 2020 and addendum to the Species Impact Statement, dated 13 April 2021).

(j) The VMP is to include a clear outline of works to be undertaken along with timing of works and estimated costs. It is also to include details on how the VMP will be implemented across multiple lots.

(k) Management actions suggested by the VMP should be as cost effective and sustainable as possible to ensure ongoing implementation by the lot owners. The VMP is to have specific sections (or similar) for each Lot to make it simpler for each future landowner to understand the requirements for their Lot.

(l) The VMP is to be prepared by an Ecological Consultant or Bush Regenerator with a minimum of 5 years practical experience in bushland restoration and management on the Cumberland Plain. They are required to hold a Certificate IV in Conservation and Land Management or equivalent tertiary qualifications, as a minimum.

(m) All activities on site are to be implemented and carried out in accordance with the VMP. Council may request a review and if necessary updating of the VMP to reflect current environmental standards and site conditions. Council must be satisfied with any changes prior to the amendment of the VMP.

(n) The VMP, once it is approved by Council, must be implemented in its entirety. All reports specified in the VMP are to be submitted to Manager of Development Services at Penrith City Council within 2 months of the time frame specified in the VMP

16 **Prior to the commencement of works**, a compliance inspection of tree protection measures implemented within the site is to be undertaken by a Penrith Council Officer unless otherwise specified in an approved Site specific Tree Protection Plan (Specification) and Drawing.

During works, no fill, machinery, or materials are to be placed or stored within the designated Tree Protection Zone (TPZ) as calculated using AS4970 – 2009, Protection of trees on development sites or as defined in the Species Impact Statement (Regional Drainage Detention Basin I - The Northern Rd, Llandillo (Lot 1002 DP 1215087) - Application for Approval as Integrated and Designated Development - Species Impact Statement, Cumberland Ecology, 26/10/20) and Addendum to the Species Impact Statement (Cumberland Ecology, 13/4/21) of any tree that is to be retained.

During works, tree protection measures are to be implemented as outlined in the above referenced Species Impact Statement and Addendum, OR AS4970 – 2009, Protection of trees on development sites. Prior to the commencement of works, a compliance inspection of tree protection measures implemented within the site is to be undertaken by a Penrith Council Officer unless otherwise specified in an approved Site specific Tree Protection Plan (Specification) and Drawing.

17 **Prior to the commencement of works**, the auxiliary areas of the subject site (including haul roads, access roads, channels and head walls) are to be investigated and assessed for contamination.

This investigation is to supplement the 'Environmental Site Assessment - Basin I, Links Road, St Marys, NSW' prepared by JBS&G Australia Pty Ltd (dated 12 June 2018 Ref. 54614/114674 (Rev 0)), and is to consider the requirements of the National Environment Protection (Assessment of Site Contamination) Measure 1999 [NEPC 2013], relevant NSW Environment Protection Authority Guidelines and Australian Standards and be prepared by an appropriately qualified person.

Documentation is to be submitted to Penrith City Council for approval, certifying that these areas of the site are suitable for their intended use, in accordance with State Environmental Planning Policy 55 - Remediation of Land. Should it be identified in the assessment that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation 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”.

18 **Prior to the issue of the Construction Certificate**, a Construction Management Plan (CMP) is to be prepared by a suitably experienced / qualified person and submitted to and approved by Council's Development Services Manager. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

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

- Noise and vibration control, incorporating the recommendations included in Section 5.3, 6.3 and 7.4 of the 'St Marys Development Site - Basins I & B: Noise & Vibration Assessment' (dated June 2020,

- Report No. 14145-E-NV Version B, prepared by Wilkinson Murray Pty Ltd);
- Dust suppression, incorporating the recommendations included in Section 6 of the 'St Marys Development Site - Basins B & I: Air Quality Impact Assessment' (dated November 2019, Report No. 14145-E-AQ Version A, prepared by Wilkinson Murray Pty Ltd);
- Water quality management, including erosion and sediment control; and
- Waste management (including solid and liquid waste).

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

The CMP is to provide for weekly reporting to Council of monitoring results, identification of any exceedance and performance criteria and responsive measures where needed. Provision is to be made for a complaints hotline. In the event that substantial and ongoing complaints are received in relation to the construction of the development from adjoining and surrounding properties, the developer and contractor is to meet with Council to review the CMP, and revise the document where relevant to address concerns. Any variations to the CMP must be submitted to and approved by Council's Development Services Manager.

- 19 Measures to mitigate impacts on fauna and flora during construction are to be implemented in accordance with the following sections of the Species Impact Statement (Cumberland Ecology, 26/10/20) & Addendum to the Species Impact Statement (Cumberland Ecology, 13/4/21):

Species Impact Statement

7.2.7 Installation of Compensatory Nest Boxes

7.3.1.1 Seed Collection

7.3.1.2 Retention of Significant Trees

7.3.1.3 Environmental Considerations

Addendum to the Species Impact Statement

A.2.4.1 Pre-clearing Surveys

A.2.4.2 Demarcating the Area of Clearing,

A.2.4.3 Tree Protection Fencing,

A.2.4.4 Hygiene Protocols,

A.2.4.5 Bush rock, Log and Felled Tree Reuse,

A.2.4.6 Clearing Supervision,

A.2.4.7 Stop Works Procedures

A.2.4.8 Artificial Lighting.

- 20 Should any "unexpected finds" occur during site works including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified person consultant.

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

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".

Engineering

- 21 All roadworks, stormwater drainage works, signage, linemarking, associated civil works and dedications, required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.
- 22 An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to commencement of any works on site or prior to the issue of any Construction Certificate and Subdivision Works Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

- 23 **Prior to the issue of any Construction Certificate**, a Section 138 Roads Act applications, including payment of application and inspection fees together with any applicable bonds, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:
- a) Vehicular crossing(s) for the access track.
 - b) Concrete footpaths and or cycleways
 - c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
 - d) Road occupancy or road closures
 - e) The placement of hoardings, structures, containers, waster skips, signs etc. in the road reserve
 - f) Temporary construction access
 - g) Temporary ground anchors (for basement construction)

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

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

Note:

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

- Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

24 A Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved plan/s prepared by Jacobs, reference number IA016600-ECC-DG-0001 to IA016600-ECC-DG-0008, revision B, dated 09.11.2020, and commitments made in the Surface Water Quality Report Regional Basin I, Jordan Springs, prepared by Jacobs, Revision 2, dated June 2018 and that all engineering works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

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

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

Note:

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

25 A Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved plan/s prepared by Jacobs, reference number IA016600-ECC-DG-0001 to IA016600-ECC-DG-0008, revision B, dated 09.11.2020, and that all engineering works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater management (quantity and quality)

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

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

Note:

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

26 Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the access tracks to the basin are as following:

- a) Off street access, grades, transitions and maneuverability complies with AS2890 for a 12.5m Heavy Rigid vehicle.
- b) Maximum ramp grades of 1:6.5 (15.4%) and maximum cross fall of 3%.
- c) A minimum of 4m wide access track and ramps should be provided to the basin.
- d) The access ramps should be of a minimum 225mm thick 32MPA concrete with 2 layers of F82 mesh on a 150mm compacted DGB base.
- e) The pavement design for the access tracks shall be designed for a Heavy Rigid 25T GVM vehicle.

27 Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) is to be submitted to and approved by Council's Development Services Manager. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS). The CTMP shall include details of any required road closures, work zones, loading zones and the like.

The CTMP is not to include routes that would permit heavy rigid vehicles to access the site via the St Marys Development Site (Jordan Springs East and Central Precinct). Further, the CTMP is not to rely on the use of the East West Connector Road (for small rigid vehicles only) unless it is demonstrated that this road is delivered and available for use at the time of construction of the development. No vehicles will be permitted to enter the existing park located on Jubilee Drive.

Note: Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's City Assets Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

28 Prior to the issue of a Construction Certificate, a Geotechnical investigation and testing shall be undertaken on the permeability of the proposed basins. The permeability of the basins shall be designed to ensure that a permanent water level is maintained in all weather events to sustain the growth of the macrophyte zone. The test results of the geotechnical investigations shall be submitted to Penrith City Council for approval prior to the issue of the Construction Certificate. If the geotechnical testing indicates the

basin floor is not within acceptable permeability limits then a geotechnical designed liner is to be constructed. Details of the liner area to be submitted to Penrith City Council prior to the of a Construction Certificate.

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

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

30

Works shall not commence until:

-
- a Construction Certificate (if required) has been issued;
- a Principle Certifier has been appointed for the project, and;
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

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

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

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

- 32 Upon completion of works and prior to hand over of the basin to Penrith City Council, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval have been inspected and signed off by Penrith City Council.

- 33 At the completion of works and prior to the hand over of the basin to Council, Works As Executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of Works As Executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council where Penrith City Council is not the Principal Certifying Authority.

- 34 Prior to the handover of the basin to Penrith City Council the following easements shall be created:

- a) Any easements for drainage as required;

b) A Right of Carriageway to be provided over a permanent access track benefiting Penrith City Council. The Right of carriage way shall be accessible from the public road and extended up to the basin.

35 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.

36 Prior to the handover of the stormwater treatment infrastructure, Council requires that all requirements outlined in section 2.7 of Council's WSUD Technical Guidelines (Version 4) are met. These include the following:

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

(a) 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

(b) Where applicable, the build-up of sediment has resulted in no more than a 10% reduction of operational volume

(c) Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council

(d) 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)

(e) Design drawings have been supplied in a format acceptable to Council

(f) Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council

(g) Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)

(h) 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)

(i) The condition of the infrastructure and associated with the land complies with the approved design specification.

(j) Vegetation densities in the wetlands and surrounding vegetated areas (i.e. batters) should have a coverage of >95% and be >95% weed free. This is to be certified by a suitably qualified ecologist / horticulturalist with 5 years relevant experience.

(k) Comprehensive operation and maintenance manuals (including indicative costs) have been provided.

(l) Inspection and maintenance forms provided

(m) Vegetation establishment period successfully complete (3 years unless otherwise approved by Council)

(n) Copies of all required permits (both construction and operational) have been submitted.

(o) A detailed report on the Water Quality and Wetland Monitoring Program undertaken during the 3-year establishment and maintenance period, shall be submitted to Council.

Prior to the handover of the wetland, the following is to be completed:

A Horticulturalist or ecologist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience, is to certify that the planting within the wetlands and associated vegetated areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced, the area is >95% free of weeds, rubbish, and that any areas of scour or disrepair have been restored.

37 **Prior to the issue of a Construction Certificate**, the following information is to be submitted to Council's Development Services Manager for review

(a) 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 and outlines required maintenance frequencies for cleaning. The GPT shall be sized to store pollutants and require cleaning no more than 4 times per year.

(b) 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

38 Handover of the 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:

(a) Vegetated systems (e.g. wetlands / lakes) 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. **Note:** This period may be extended in the case the wetlands have not satisfactorily established to an agreed performance standard.

(b) The on-maintenance period for all vegetated systems can be considered as on-maintenance once constructed and planted with vegetation.

(c) A licensed surveyor is required to undertake an 'as constructed' survey of the lake. 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.

(d) During the establishment and maintenance period, regular maintenance must be undertaken on the stormwater treatment measures by suitably qualified contractors (i.e. horticulturists / ecologists) in accordance with an approved maintenance schedule.

During the 3-year maintenance period, the developer is to submit to Council's Asset Management

Department, a quarterly report outlining all maintenance activities undertaken on the Stormwater treatment measures. This is to be prepared by a suitably qualified engineer, ecologist / horticulturalist with 5 years relevant experience.

A final report shall be prepared by a suitably qualified engineer, ecologist / horticulturalist with 5 years relevant experience on completion of the establishment period, and be submitted to and approved by Council's Development Services Manager.

39 **Prior to the issue of a Construction Certificate**, the following is to occur:

(a) The Proponent is to provide clarification regarding the adequacy of a 300mm maintenance pipe, to the satisfaction of Council's Development Services Manager. Noting that Council's preference is that a minimum pipe size of 375mm be provided.

(b) Energy dissipators at the end of pipes are to be provided to suitably reduce flow velocities, to the satisfaction of Council's Development Services Manager.

40 The developer shall undertake a dilapidation report for all surrounding Council owned infrastructure on the haulage route that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development then the dilapidation report shall be submitted to Council prior to the issue of any Construction Certificate and then updated and submitted at the completion of works confirming no damage has occurred during construction.

41 Prior to issue of a Construction Certificate by a Principle Certifying Authority, a permanent all weather access track 3m wide shall be designed and detailed on the civil drawings as a link between the public road and the basin. A Right of Carriageway shall be created over the access track upon the handover of the basin to Penrith City Council.

Landscaping

42 No trees are to be removed, ring barked, cut, topped or lopped or willfully destroyed (other than those permitted by this consent) without the prior consent of Penrith City Council and in accordance with Part C, C2 Vegetation section of Penrith Development Control Plan 2014.

SIGNATURE

Name:	Lucy Goldstein
Signature:	

For the Development Services Manager