

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

|                                |                                                                                                                                                                                                                                                                                                      |
|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application number:            | DA14/0935.01                                                                                                                                                                                                                                                                                         |
| Description of development:    | Section 96(1) Modification to Correct Plan Notations for an Approved Staged Subdivision (Village 5) which includes 244 x Residential Lots, 2 x Open Space Lots and 4 x Lots for Future Integrated Housing Developments and Associated Road Construction, Drainage, Earthworks and Landscaping Works. |
| Classification of development: | N/A                                                                                                                                                                                                                                                                                                  |

### DETAILS OF THE LAND TO BE DEVELOPED

|                    |                                                 |
|--------------------|-------------------------------------------------|
| Legal description: | Lot 3997 DP 1179646                             |
| Property address:  | 3997 Greenwood Parkway, JORDAN SPRINGS NSW 2747 |

### DETAILS OF THE APPLICANT

|                 |                                                                         |
|-----------------|-------------------------------------------------------------------------|
| Name & Address: | Maryland Development Company Pty Ltd<br>PO Box 4<br>PARRAMATTA NSW 2124 |
|-----------------|-------------------------------------------------------------------------|

### DECISION OF CONSENT AUTHORITY

In accordance with Sections 81(1) (a) and 96 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

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

|                                  |                                                                                                                 |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Date from which consent operates | 17 December 2014                                                                                                |
| Date the consent expires         | 17 December 2016                                                                                                |
| Date of this decision            | 10 December 2014 as amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act. |

## POINT OF CONTACT

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

|                           |                |
|---------------------------|----------------|
| Assessing Officer:        | Aimee Lee      |
| Contact telephone number: | (02) 4732 7429 |

## NOTES

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### **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

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### APPROVAL BODIES(Delete this section if not applicable)

| APPROVAL BODY NAME     | DATE OF GENERAL TERMS OF APPROVAL | REF. NO.                          | NO. OF PAGES | RELEVANT LEGISLATION      |
|------------------------|-----------------------------------|-----------------------------------|--------------|---------------------------|
| Office of Water        | 29 August 2014                    | 10<br>ERM2014/0710                | 4            | Water Management Act 2000 |
| NSW Rural Fire Service | 5<br>September 2014               | DA14/2251<br>DA 14080693255<br>CC | 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 and/or installed substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

| Drawing Title                                                                                                                                                                 | Plan No.                                    | Prepared By | Date      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------|-----------|
| Village 5 – Proposed Subdivision of Lot 3997 in DP 1179646                                                                                                                    | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 1 of 8 | RPS         | 19.2.2015 |
| Stage 5A – PPNDP1199731 (Plan of Subdivision of Lot 3997 in DP 1179646)                                                                                                       | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 2 of 8 | RPS         | 19.2.2015 |
| Stage 5B - PPNDP1199872 Plan of Subdivision of Lot 5016 in PPNDP1199731 (A Subdivision of Lot 3997 in DP 1179646)                                                             | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 3 of 8 | RPS         | 19.2.2015 |
| Stage 5C - PPNDP1199873 – Page 1/2<br>Plan of Subdivision of Lot 5054 in PPNDP1199872 (A Subdivision of Lot 5016 in PPNDP 11799731 in a Subdivision of Lot 3997 in DP1179646) | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 4 of 8 | RPS         | 19.2.2015 |
| Stage 5C - PPNDP1199873 – Page 2/2<br>Plan of Subdivision of Lot 5054 in PPNDP1199872 (A Subdivision of Lot 5016 in PPNDP 11799731 in a Subdivision of Lot 3997 in DP1179646) | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 5 of 8 | RPS         | 19.2.2015 |
| Stage 5D - PPNDP1199874 – Page 1/2<br>Plan of Subdivision of Lot 5133 in PPNDP1199873 (A Subdivision of Lot 5054 in PPNDP 1199872 in a Subdivision of Lot 3997 in DP1179646)  | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 6 of 8 | RPS         | 19.2.2015 |
| Stage 5D - PPNDP1199874 – Page 2/2<br>Plan of Subdivision of Lot 5133 in PPNDP1199873 (A Subdivision of Lot 5054 in PPNDP 1199872)                                            | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 7 of 8 | RPS         | 19.2.2015 |

|                                                                                                                                                |                                             |            |           |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|------------|-----------|
| Stage 5E - PPNDP1201223<br>– Page 1/1<br>Plan of Subdivision of Lot<br>5000 in PPNDP1199731<br>(A Subdivision of Lot 3997 in<br>PPNDP 1179646) | D646-S5-P01M.dwg<br>Issue Q<br>Sheet 8 of 8 | RPS        | 19.2.2015 |
| Location Plan                                                                                                                                  | WP V5 Loc Issue D                           | Lend Lease | 08.10.14  |
| Village 5 DA<br>Concept Plan                                                                                                                   | WP V5 and WP<br>Concept Issue D             | Lend Lease | 08.10.14  |
| Village 5DA<br>Staging Plan                                                                                                                    | WP V5 Stg Issue G                           | Lend Lease | 08.10.14  |
| Village 5a DA<br>Building Envelope Plans<br>Sheet 1 of 5 Issue D                                                                               | WP V5 BEP Sheet 1<br>of 5 Issue D           | Lend Lease | 08.10.14  |
| Village 5b DA<br>Building Envelope Plans<br>Sheet 2 of 5 Issue D                                                                               | WP V5 BEP Sheet 2<br>of 5 Issue D           | Lend Lease | 08.10.14  |
| Village 5c DA<br>Building Envelope Plans<br>Sheet 3 of 5 Issue D                                                                               | WP V5 BEP Sheet 3<br>of 5 Issue D           | Lend Lease | 08.10.14  |
| Village 5d DA<br>Building Envelope Plans<br>Sheet 4 of 5 Issue D                                                                               | WP V5 BEP Sheet 4<br>of 5 Issue D           | Lend Lease | 08.10.14  |
| Village 5e DA<br>Building Envelope Plans<br>Sheet 5 of 5 Issue D                                                                               | WP V5 BEP Sheet 5<br>of 5 Issue D           | Lend Lease | 08.10.14  |
| Village 5 DA<br>Bus Route & Bus Stop Plan<br>Issue D                                                                                           | WP V5 BusStop Issue<br>D                    | Lend Lease | 08.10.14  |
| Dwelling Typology Plan                                                                                                                         | WP V5 DTP Issue D                           | Lend Lease | 08.10.14  |
| Village 5a DA<br>Existing Conditions Plan<br>Sheet 1 of 5                                                                                      | WP V5 EC Sheet 1 of<br>5 Issue D            | Lend Lease | 08.10.14  |
| Village 5b DA<br>Existing Conditions Plan<br>Sheet 2 of 5                                                                                      | WP V5 EC Sheet 2 of<br>5 Issue D            | Lend Lease | 08.10.14  |
| Village 5c DA<br>Existing Conditions Plan<br>Sheet 3 of 5                                                                                      | WP V5 EC Sheet 3 of<br>5 Issue D            | Lend Lease | 08.10.14  |
| Village 5d DA<br>Existing Conditions Plan<br>Sheet 4 of 5                                                                                      | WP V5 EC Sheet 4 of<br>5 Issue D            | Lend Lease | 08.10.14  |

|                                                                                     |                                   |                   |          |
|-------------------------------------------------------------------------------------|-----------------------------------|-------------------|----------|
| Village 5e DA<br>Existing Conditions Plan<br>Sheet 5 of 5                           | WP V5 EC Sheet 5 of<br>5 Issue D  | Lend Lease        | 08.10.14 |
| Lot Type Plan                                                                       | WP V5 LT Issue D                  | Lend Lease        | 08.10.14 |
| Pedestrian Cycle Plan                                                               | WP V5 PedCycle<br>Issue D         | Lend Lease        | 08.10.14 |
| Street Hierarchy Plan                                                               | WP V5 St Hierarchy<br>Issue D     | Lend Lease        | 08.10.14 |
| Village 5a DA<br>Street Tree Plan Sheet 1 of 5                                      | WP V5 STP Sheet 1<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5b DA<br>Street Tree Plan Sheet 2 of 5                                      | WP V5 STP Sheet 2<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5c DA<br>Street Tree Plan Sheet 3 of 5                                      | WP V5 STP Sheet 3<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5d DA<br>Street Tree Plan Sheet 4 of 5                                      | WP V5 STP Sheet 4<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5e DA<br>Street Tree Plan Sheet 5 of 5                                      | WP V5 STP Sheet 5<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5a DA<br>Tree Plan Sheet 1 of 5                                             | WP V5 TRP Sheet 1<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5b DA<br>Tree Plan Sheet 2 of 5                                             | WP V5 TRP Sheet 2<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5c DA<br>Tree Plan Sheet 3 of 5                                             | WP V5 TRP Sheet 3<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5d DA<br>Tree Plan Sheet 4 of 5                                             | WP V5 TRP Sheet 4<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Village 5e DA<br>Tree Plan Sheet 5 of 5                                             | WP V5 TRP Sheet 5<br>of 5 Issue D | Lend Lease        | 08.10.14 |
| Locality Sketch                                                                     | 9343/03DA01 Issue F               | J. Wyndham Prince | 02/10/14 |
| Jordan Springs Village 5<br>Typical Road Cross Sections<br>and Catch Drain Sections | 9343/03DA02 Issue E               | J. Wyndham Prince | 02/10/14 |
| Jordan Springs Village 5<br>Road Layout Plan                                        | 9343/03DA03 Issue F               | J. Wyndham Prince | 02/10/14 |
| Jordan Springs Village 5<br>Stormwater Layout Plan                                  | 9343/03DA04 Issue F               | J. Wyndham Prince | 02/10/14 |
| Jordan Springs Village 5<br>Cut/Fill Plan and Tree<br>Removal                       | 9343/03DA05 Issue E               | J. Wyndham Prince | 02/10/14 |

|                                                                                       |                                      |                                   |               |
|---------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------|---------------|
| Jordan Springs Village 5<br>Road Longitudinal Sections<br>Road 1                      | 9343/03DA06 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Road Longitudinal Sections<br>Road 1 & 2                  | 9343/03DA07 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Road Longitudinal Sections<br>Road 3 & 4                  | 9343/03DA08 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Road Longitudinal Sections<br>Road 5 & 6                  | 9343/03DA09 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Road Longitudinal Sections<br>Road 7 & 8                  | 9343/03DA10 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Site Section 1                                            | 9343/03DA11 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Site Section 1                                            | 9343/03DA12 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>GPT Access Plan                                           | 9343/03DA13 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Soil & Water Management<br>Plan                           | 9343/03DA14 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Box Culvert Sections and<br>Inlet Detail                  | 9343/03DA15 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Jordan Springs Village 5<br>Vehicle Manoeuvring Plan                                  | 9343/03DA16 Issue E                  | J. Wyndham Prince                 | 02/10/14      |
| Stormwater Management<br>Strategy                                                     | Ref:9343-03 Village 5<br>SWMS 071014 | J. Wyndham Prince                 | October 2014  |
| Species Impact Statement                                                              | Report No. 8143RP23                  | Cumberland Ecology                | 19 May 2014   |
| Aboriginal Heritage Report                                                            | 11-8116aal1                          | GML Heritage & Jo<br>McDonald CHM | 23 April 2014 |
| Bushfire Protection<br>Assessment<br>Proposed Subdivision Jordan<br>Springs Village 2 | 09SUTBUS-0001                        | Eco Logical                       | 19 June 2014  |
| Salinity Review                                                                       | 7508/23-AA Final<br>Revised          | Geotech Pty Ltd                   | 8 March 2010  |
| Traffic Impact Assessment                                                             | Ref : 12S1267302<br>Issue A          | GTA Consultants                   | 25/06/14      |
| Waste Management Plan                                                                 |                                      | Lend Lease                        | 22/08/2014    |
| Construction Traffic<br>Management Plan                                               | Ref : 12S1267311<br>Issue A          | GTA Consultants                   | 25/06/14      |

**As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act, 1979.**

- 2 A copy of the General Terms of Approval (ref 10 ERM2014/0710) dated 29 August 2014 issued by the NSW Office of Water under the Water Management Act 2000 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 3 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety Authority (ref D14/2251 DA14080693255 CC) date 5 September 2014 for the said development are to be completed prior to the issue of a Subdivision Certificate.
- 4 The applicant must apply to the NSW Office of Water for a Controlled Activity Approval prior to commencement of any works or activities on waterfront land. Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Penrith City Council.
- 5 The soil salinity management measures outlined within the Western Precinct Plan and the measures and recommendations outlined in the Salinity Review prepared by Geotech Testing Pty Ltd Ref 7508/23-AA Final Revised dated 8 March 2012 are to be adopted and implemented as a part of the development.
- 6 All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy and relevant Australian Standards and requirements.
- 7 The applicant shall implement and observe the recommendations of the Bushfire Protection Assessment Project Number 09SUTBUS-0001 Version 1 prepared by Eco Logical Australia Pty Ltd dated 19 June 2014 at all times.
- 8 The applicant must comply with the conditions imposed in the Bush Fire Safety Authority issued by NSW Rural Fire Service (ref D14/2251 DA14080693255 CC) dated 5 September 2014 and they are outlined below:
  - (a) The development proposal is to comply with the subdivision layout identified in the drawing prepared by J.Wyndham Prince Pty Ltd Surveyors numbered 9434/03DA03 dated 15 July 2014.

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- (b) At the issue of Subdivision Certificate and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined with Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of fire and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- (c) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following condition shall apply:

(d) Public road access shall comply with Section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

- 9 Prior to the commencement of any proposed works within the future regional park, the applicant must consult with National Parks and Wildlife Services and carry out appropriate environmental assessment.
- 10 The applicant shall provide and maintain at all times access to the future Regional Park as identified on the Bus Route and Bus Stop Plan Drawing No. WP V5 Busstop Issue D dated 08.10.14.
- 11 Prior to the issue of the Subdivision Certificate, the applicant shall submit details of boundary fencing details in accordance with the Landscape Strategy to Penrith City Council for approval.
- 12 All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:
  - 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 demolition [*and construction*] works.

- 13 Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.
- 14 Prior to the handover of GPTs, a Draft Operation and Maintenance manual for the proposed stormwater treatment measures shall be submitted to Council for approval. The manual should include details on the cleaning / maintenance requirements as well as provide an estimation on the annual and lifecycle costs associated with the proposed treatment measures.
- 15 Erosion and sediment controls are to be applied in accordance with Appendix C of the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5SWMS 071014, dated 7 October 2014.

### **Demolition**

- 16 Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.
- 17 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

## Environmental Matters

- 18 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 19 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 20 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.
- 21 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.

- 22 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 (as defined in the Penrith City Council Contaminated Land Development Control Plan) 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 not be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines 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.”}

- 23 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statement relating to the Western Precinct.
- 24 No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained as identified on the Village 5 tree Plan prepared by Lend Lease. Tree protection measures are to be implemented as outlined in Australian Standard AS 4970-2009 'Protection of trees on development sites'.
- 25 Due to the lack of recent and detailed surveys within the Village 5 area, pre-clearance surveys are to be undertaken by a qualified ecologist for:
- Cumberland Plain Land Snail (*Meridolum corneoviens*)
  - Aboreal mammals and birds
  - Microbats
  - Slender Rice-flower (*Pimelea spicata*)

Any Cumberland Plain Land Snails found are to be translocated to appropriate habitat within the Regional Park under the guidance of a qualified Ecologist.

If Microbats are found, tree removal is to be done once the bats have vacated the roost for the evening and prior to their return in the morning. This is to be done under the guidance of a qualified Ecologist.

If aboreal mammals or birds are found, the trees are to be felled and lowered to the ground slowly to allow any resident fauna time to escape/fly off and to ensure they aren't injured by the falling trees. This is to be done under the guidance of a qualified Ecologist.

If *Pimelea spicata* plants are identified on site, these are to be translocated into the Regional Park. This is to be done under the guidance of a qualified Ecologist.

- 26 The following plans are to be implemented in their entirety:
- The approved St Marys Macrofauna Management Plan (Cumberland Ecology, 2004);
  - The Western Precinct Weed Management Plan (Cumberland Ecology, 2008);
  - The Western Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008);

- The Western Precinct Landscape Concept Plan (Environmental Partnership, 2009);
- Vegetation Management Plan for Riparian Corridors (Environmental Partnership, 2008).

27 Only the following species which are native to Cumberland Plain Woodland are to be used in the Bushland Interface area:

- *Eucalyptus crebra*
- *Eucalyptus sideroxylon*

## Utility Services

28 All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

## Construction

29 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.

## Roads Act Requirements

30 The applicant shall provide a Bicycle Warning sign type W8-200 in Road 1 at the approach to Road 6.

## 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 lead in public utility services
- Road occupancy or road closures

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. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

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 Penrith City Council (being the Roads Authority under the Roads Act), for the full replacement of kerb and gutter with laybacks and stormwater kerb outlet adaptors for the entire development frontage in 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 (02) 4732 7777 to ascertain applicable fees.

**As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act, 1979.**

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 plans prepared by J Wyndham Prince, reference number 9343/03, sheets DA01 - DA16, revision F, dated 02/10/2014 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, 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

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

- The southern intersection of Road No 1 and Greenwood Parkway shall be designed to accommodate a 12.5m single unit truck in accordance with AS2890.2:2002
- Salinity measures are incorporated into 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 building envelope plan No WP V5 BEP, issue D, dated 08/10/2014. All laybacks are to be located a minimum of 6m from the tangent point of any kerb return at intersections in accordance with AS2890.1:2004. All laybacks are to be located a minimum of 1m from the lintel of any stormwater kerb inlet pit.
- The location of all bus stops and associated infrastructure has been indicated on construction certificate drawings.
- Shared path linemarking and signage is in accordance with relevant Australian Standards and Austroads Guidelines.
- All bicycle facilities are in accordance with relevant provisions of the RMS NSW Bicycle Guidelines and Austroads Guide to Engineering Practice - Part 14 Bicycles.
- Kerb inlet pits are not located within kerb returns.
- The type of Gross Pollutant Traps is approved by Penrith City Council.

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.

**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, 3, 4, 5, 6, 7 & 8 | Local Street | 5 x 10 <sup>4</sup> |

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

**Prior to the issue of the Construction Certificate or Roads Act approval**, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

- 37 The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J Wyndham Prince, reference number 9343/03, sheets DA01 - DA16, revision F, dated 02/10/2014 and the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5 SWMS 071014, dated 7 October 2014.

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

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

- 38 **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.

- 39 **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.

- 40 **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.

- 41 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.

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

43 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.

44 Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

45 **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.

46 **Prior to the issue of select 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.

47 **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.

48 **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.

**49 Prior to the issue of nominate 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.

**50 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

i) Structural Engineer's construction certification of all structures

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

51 The stormwater management systems, including the temporary on-site stormwater detention and erosion and sediment control system and flow paths from the basin outlet shall continue to be operated and maintained for the life of the development in accordance with Appendix C of the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5SWMS 071014, dated 7 October 2014. Maintenance shall continue until stormwater runoff from the development site is stabilised and conveyed to the ultimate water quality / stormwater detention system and the temporary system has been decommissioned. A minimum maintenance period of 36 months shall apply to the ultimate water quality / stormwater detention system and shall be maintained in accordance with the final operation and maintenance management plan.

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 Certifying Authority shall ensure that pedestrian safety fencing and vehicular safety crash barriers are to be installed along the perimeter roads and retaining walls adjoining the regional park boundary in accordance with Austroads Guidelines.

54 **Seven (7) days prior to the commencement of works**, a copy of the pavement design report is to be submitted to Penrith City Council.

## Landscaping

- 55 All landscape works are to be constructed in accordance with the stamped approved plan Street Tree Plan Drawing No. WP V5 STP Sheet 1 to Sheet 3 Issue A dated 14.07.14, and Section 2.6 Landscape of the Penrith Development Control Plan 2006.

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.

- 56 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register assuitable to construct category 3 landscape works.
- 57 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 landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

### i. Implementation Report

Upon completion of the landscape works associated with the developmentand 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 landscape professional listed in Council's Approved Landscape Consultants Registeras suitable to design category 3 landscape works.

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 a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

- 58 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Section 2.6 Landscape of the Penrith Development Control Plan 2006.
- 59 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.

- 60 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 2.6 Landscape of the Penrith Development Control Plan 2006.
- 61 No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

## Subdivision

- 62 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.

- 63 Submission of the original Linen Plan and five (5) copies. The Linen Plan must indicate that:
- a) "It is intended to dedicate all new roads to the public as road"
  - b) "It is intended to create Lot 5149 as a public reserve".

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.
- 64 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) Easement for support-the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.
  - b) Residue Allotment - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.
  - c) other

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

## Section 94

- 65 **Prior to the issue of a Subdivision Certificate**, a matrix table shall be submitted to and endorsed by Penrith City Council detailing any infrastructure works, development contributions and/or land dedications required as a result of this development consent pursuant to the St Marys Penrith Planning Agreement and St Marys (State) Development Agreement. All applicable infrastructure works, development contributions and/or land dedications shall be completed **prior to (or concurrently with, in the case of land dedications) the issue of a Subdivision Certificate** or as detailed in the endorsed matrix table.

## Payment of Fees

- 66 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 67 Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## Certification

- 68 A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

## SIGNATURE

|            |           |
|------------|-----------|
| Name:      | Aimee Lee |
| Signature: |           |

For the Development Services Manager