

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DEVELOPMENT APPLICATION DETAILS

Application number:	DA20/0782
Description of development:	Torrens Title Subdivision into 88 Residential Lots, 1 Public Reserve Lot, 1 Drainage Corridor Lot & 3 Residue Lots including Bulk Earthworks, Construction of New Roads, Landscaping in Roads & Riparian Corridor, Retaining Walls, Stormwater Management Works & New Services (Stages 7-8, Precinct H, Glenmore Park Stage 2)
Classification of development:	N/A
Name of Applicant:	Vianello Holdings Pty Ltd

### DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 2000 DP 1204777 Lot 445 DP 1268480 Lot 701 DP 1275647 Lot 702 DP 1275647 Lot 637 DP 1266411 Lot 638 DP 1266411 Lot 700 DP 1275647
Property address:	2000 Bradley Street, GLENMORE PARK NSW 2745 445 Hereford Avenue, GLENMORE PARK NSW 2745 19 Middlebrook Rise, GLENMORE PARK NSW 2745 Gunyah Drive, GLENMORE PARK NSW 2745 Gunyah Drive, GLENMORE PARK NSW 2745 Riverflat Drive, GLENMORE PARK NSW 2745 Riverflat Drive, GLENMORE PARK NSW 2745 Gunyah Drive, GLENMORE PARK NSW 2745 Gunyah Drive, GLENMORE PARK NSW 2745 Gunyah Drive, GLENMORE PARK NSW 2745

### 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.

Decision	Approve
Date from which consent operates	24 February 2022
Date the consent expires	24 February 2027
Date of this decision	23 February 2022

## POINT OF CONTACT

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

Assessing Officer:	Lauren Van Etten
Contact telephone number:	+61247328222

## NOTES

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### **Reasons**

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

### **Conditions**

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

### **Certification and advisory notes**

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

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

### **Review of determination**

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

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

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

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

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

### **Designated development**

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

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

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

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

## OTHER APPROVALS

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

<b>APPROVAL BODY NAME</b>	<b>DATE OF GENERAL TERMS OF APPROVAL</b>	<b>REF. NO.</b>	<b>NO. OF PAGES</b>	<b>RELEVANT LEGISLATION</b>
NSW Rural Fire Service	15/02/2022	DA20201204004546-CL55-2	4	Section 100B of the Rural Fires Act 1997
Natural Resources Access Regulator	18/12/2020	IDAS1130380	3	Water Management Act 2000 s91 controlled activity

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 plans stamped approved by Council, the application form, and any supporting information received with the application, except as may be amended in red on the approved plans and documents and by the following conditions.

Drawing	Drawing Ref.	Revision	Prepared By	Dated
Subdivision Plan	CCLGP-3-009-1	N	Design and Planning	16/02/2022
<b>Landscaping Plans - Streetscape and Riparian Corridor</b>				
Cover Sheet	LD-DA7000	H	Scott Carver	16/12/2021
Landscape Notes & Plant Schedule	LD-DA7001	H	Scott Carver	16/12/2021
Public Domain Plan - Stage 7	LD-DA7100	I	Scott Carver	16/12/2021
Public Domain Plan - Stage 8	LD-DA7101	G	Scott Carver	07/10/2021
Riparian Corridor Plan	LD-DA7104	F	Scott Carver	16/12/2021
Riparian Corridor Plan	LD-DA7105	F	Scott Carver	16/12/2021
Riparian Corridor Planting Schedules	LD-DA7106	F	Scott Carver	16/12/2021
Riparian Corridor Schedule and Detail	LD-DA7107	B	Scott Carver	16/12/2021
Public Domain Detail Plan - Stage 7	LD-DA7110	A	Scott Carver	16/12/2021
Public Domain Elevation	LD-DA7111	A	Scott Carver	16/12/2021
Sight Mounds Landscape Plan	LD-DA7200	A	Scott Carver	17/09/2021
Sight Mounds Canopy Cover Plan	LD-DA7201	A	Scott Carver	17/09/2021
Riparian Corridor Landscape Sections	LD-DA7300	F	Scott Carver	16/12/2021
Sight Mounds Landscape Sections	LD-DA7310	A	Scott Carver	17/09/2021
Basin E Plan	LD-DA7400	A	Scott Carver	29/10/2021
Basin E Schedule	LD-DA7401	A	Scott Carver	29/10/2021
Sight Mounds Typical Details	LD-DA7510	A	Scott Carver	17/09/2021
<b>Engineering Plans</b>				
Cover Sheet	9784-13 - DA001	C	J. Wyndham Prince	17/12/2021
Site Plan & Cut and Fill Plan	9784-13/DA002	C	J. Wyndham Prince	17/12/2021
Engineering Plan Sheets 1 and 2	97841-13/DA003-DA004	C	J. Wyndham Prince	17/12/2021
Soil & Water Management Plan	9784-13/DA005	D	J. Wyndham Prince	17/12/2021
Basin Plan	9784-13/DA006	B	J. Wyndham Prince	17/09/2021
Retaining Wall Plan	9784-13/DA007	B	J. Wyndham Prince	17/12/2021
Site Sections Sheet 1	9784-13/DA010	B	J. Wyndham Prince	15/04/2021
Site Sections Sheet 2	9784-13/DA011	B	J. Wyndham Prince	15/04/2021
Site Sections Sheet 3	9784-13/DA012	A	J. Wyndham Prince	19/11/2021
Site Sections Sheet 4	9784-13/DA013	A	J. Wyndham Prince	19/11/2021
Site Sections Sheet 5	9784-13/DA014	B	J. Wyndham Prince	15/04/2021
Typical Sections Sheet 1	9784-13/DA015	C	J. Wyndham Prince	17/12/2021
Typical Sections Sheet 2	9784-13/DA015A	A	J. Wyndham Prince	17/12/2021
Basin Top Longitudinal and Site Sections	9784-13/DA016	A	J. Wyndham Prince	15/04/2021
Road Longitudinal Sections Sheet 1	9784-13/DA020	C	J. Wyndham Prince	17/12/2021
Road Longitudinal Sections Sheet 2	9784-13/DA021	A	J. Wyndham Prince	19/11/2021
Road Longitudinal Sections Sheet 3	9784-13/DA022	B	J. Wyndham Prince	15/04/2021

Road Longitudinal Sections Sheet 4	9784-13/DA023	C	J. Wyndham Prince	17/12/2021
Retaining Wall Longitudinal and Standard Detail Sections Sheet 1	9784-13/DA024	B	J. Wyndham Prince	15/04/2021
Retaining Wall Longitudinal Sections Sheet 2	9784-13/DA025	B	J. Wyndham Prince	17/12/2021
Retaining Walls Sections Sheets 1 and 2	9784-13/DA026- 9784-13/DA027	B	J. Wyndham Prince	17/09/2021 & 17/12/2021
The Northern Road Sight Lines Layout Sheets 1 and 2	9784-13/DA030 - 9784-13/DA031	B	J. Wyndham Prince	17/12/2021
Longitudinal Section of Sight Lines 1-20	9784-13/DA032- 9784-13/DA053	A	J. Wyndham Prince	15/04/2021

#### Documents:

- Data Gap Investigation Highland Views, prepared by EDP, Reference S02624.DGI.001, dated February 2021
- Bushfire Protection Assessment prepared by Peterson Bushfire, Reference 17138, dated 8 April, 2021, and Addendum dated 20 December 2021
- Biodiversity Development Assessment Report prepared by Australian Wetlands Consulting Pty Ltd, Project No. 3-211373, Revision D, dated 16 December 2021
- Vegetation Management Plan prepared by Australian Wetlands Consulting Pty Ltd, Project No. 3-17857, Revision G, dated 14 December 2021
- Road Traffic Noise Impact Assessment prepared by Renzo Tonin & Associates, Revision 4, dated 25 October 2021
- Geotechnical and Salinity Assessment prepared by Geotechnique Pty Ltd, Job No. 13602/2-AA, dated 4/12/2015
- Review of Geotechnical and Salinity Assessment Report prepared by Ground Technologies Pty Ltd, Reference GT3231-ENG1, dated 23 February 2021
- Road Safety Audit for Road Network prepared by Transport & Urban Planning Pty Ltd, Reference 21011rsa, dated 24 June 2021
- Stormwater Management Strategy Report, prepared by J. Wyndham Prince, Issue B, dated 15 April 2021
- Waste Management Plan, prepared by Jason Stephenson, dated 18 November 2020
- Department of Primary Industries (Water) General Terms of Approval, Reference No. IDAS1130380, dated 18 December 2020
- NSW Rural Fire Service General Terms of Approval, Reference No. DA20201204004546-CL55-1, dated 15 February 2022

2 All requirements of any General Terms of Approval obtained shall be satisfied **prior to the issue of any Subdivision Works Certificate and/or Subdivision Certificate**, as relevant. This includes the General Terms of Approval from the Natural Resources Access Regulator, reference CNR-15349 A-17762, dated 18 December 2020, and from the NSW Rural Fire Service, reference DA20201204004546-CL55-2, dated 15 February 2022. The GTA conditions are appended to this consent.

3 **Prior to the issue of any Subdivision Works Certificate, the landscape plan shall be amended to incorporate the southern 20m of the western riparian corridor in accordance with the Glenmore Park Stage 2 Voluntary Planning Agreement (VPA).**

**Prior to the issue of a Subdivision Certificate for the 225th lot in Precinct H, the biodiversity corridor planting works, as approved, are to be completed in accordance with the Glenmore Park Stage 2 VPA.**

Further, 2 years and 3 months after the completion of these works, Surveyors Creek, including the western tributary, within Highland Views is to be dedicated to Council.

**Prior to the issue of the relevant Subdivision Certificate**, works to the corridor edge park and Pinnacle Park, as approved, are to be completed as per Annexure E of the Second Glenmore Park Stage 2 VPA.

- 4 The recommendations and necessary works outlined in the letter prepared by Geotechnique dated 24 November 2015 in regards to salinity management shall be implemented for the development.
- 5 **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 dedication required as a result of this development consent pursuant to the Glenmore Park Stage 2 Planning Agreement (No. 1), Second Council Planning Agreement and State Planning Agreement. All applicable infrastructure works, development contributions and/or land dedication shall be completed **prior to** (or concurrently with, in the case of land dedication) **the issue of a Subdivision Certificate or as detailed in the endorsed matrix table**.
- 6 Any proposed retaining walls shall be constructed of masonry or rock materials and to the heights specified on the approved plans. This detail shall be reflected on the Subdivision Works Certificate plans.
- 7 **Prior to the issue of any Subdivision Works Certificate**, the Highland Views Design Guidelines are to be amended to detail steep lot controls and nominate affected lots. Further, the guidelines shall also be amended to include information regarding the restricted access and function of the widened verge area on Road 113 adjacent to Lots 708-713. Details in this regard shall be approved by Council.
- 8 Riparian corridor equipment plans and details are to be submitted to, and approved by Council **prior to the issue of the relevant Subdivision Works Certificate**.

**Prior to the issue of the relevant Subdivision Certificate**, compliance documentation, including installation sign-off and warranties, shall be provided to Council.

## Heritage/Archaeological relics

- 9 If any archaeological relics are uncovered during the course of the approved works, 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 Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding properties.
- 11 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 12 A completed waste management plan shall be submitted to Council for consideration and approval prior to

the issue of any Subdivision Works Certificate

The waste management plan shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and/or landfill site.

No waste materials are allowed to enter the natural areas, stormwater system or neighbouring properties.

Regular inspections of the natural areas must be conducted and adaptive management undertaken should a problem be identified.

The approved waste management plan must be implemented and adhered to with supporting documentation/receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

- 13 All waste materials stored on-site during construction works are to be contained within a designated area to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas are to be fully enclosed when the site is unattended.
- 14 All excavated material and other wastes generated as a result of the development 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 any Subdivision Works 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.

- 15 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.
- 16 **Prior to the issue of any Subdivision Works Certificate**, a Construction Noise and Vibration Impact Assessment and Management Plan, prepared by a suitably qualified acoustic consultant, is to be prepared and submitted to Penrith City Council for approval. This assessment is to consider the noise and vibration impacts associated with the construction phase, as well as details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the Council approved Management Plan are to be implemented and adhered to during construction of the development.

{Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.}

- 17 The Subdivision Certificate application is to be supported by an 88B instrument creating a positive covenant burdening Lots 714, 727, 728, 743, 744, 745, 746, 811, 812, 813, 814, 822, 828, 829, 830, 831 and 832 that refers to the 'Highland Views Stages 7-8, Glenmore Park DA Acoustic Report' prepared by Renzo Tonin & Associates and dated 25 October 2021 [Ref. TL773-01F02 Road Traffic Noise Impact Assessment (r4)].

The covenant is to:

- stipulate the project noise criteria as outlined in Table 3 of the above Acoustic Report;
- provide advice on the mechanisms required for each lot to meet the noise criteria, as outlined in



- Appendix B of the Acoustic Report;
- provide advice to ensure ventilation requirements are met in accordance with the recommendations of the Acoustic Report; and
- ensure that the noise criteria be achieved through the implementation of the recommendations of the 'Highland Views Stages 7-8, Glenmore Park DA Acoustic Report' prepared by Renzo Tonin & Associates and dated 25 October 2021 [Ref. TL773-01F02 Road Traffic Noise Impact Assessment (r4)].

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

An appropriately qualified person/s shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

{Note: For the purpose of this condition, 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, soilscience, 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."}

19 Should any "unexpected finds" occur during site excavation and earthworks 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 environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy No. 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.

- 20 **Prior to the commencement of works (including clearing of native vegetation)**, the following ecosystem and species credits listed in the tables below must be retired.

The developer must purchase and retire credits which may be satisfied by sourcing credits from the Biodiversity Credit market or payment to the Biodiversity Conservation Trust of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offset Payment Calculator (the amount payable to discharge an offset obligation will be determined at the time of payment).

**Table 1: Ecosystem credits required to be retired**

<b>Impacted plant community type</b>	<b>Number of ecosystem credits</b>	<b>Offset option</b>	<b>IBRA subregion</b>	<b>Plant community type(s) that can be used to offset the impacts from development</b>
PCT 849 Cumberland Plain Woodland in the Sydney Basin Bioregion	4	Like-for-like	Cumberland, Burratorang, Pittwater, Sydney Cataract, Wollemi and Yengo Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site	Cumberland Plain Woodland in the Sydney Basin Bioregion (3 credits for scattered trees, 2 x no HBT, 1x with HBT)

**Table 2: Species credits required to be retired**

<b>Species credit</b>	<b>Number of species credits</b>	<b>Offset option</b>	<b>Approved variation species credit species that can be used to offset the impacts from the development</b>	<b>IBRA region</b>

<i>Dillwynia tenuifolia</i> (Dillwynia tenuifolia)	1	Like-for-like	<i>Dillwynia tenuifolia</i> (Dillwynia tenuifolia) Or Any species with the same or higher category of listing under Part 4 of the BC Act	Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site
<i>Pterostylis saxicola</i> (Sydney Plains Greenhood)	1	Like-for-like	<i>Pterostylis saxicola</i> (Sydney Plains Greenhood) Or Any species with the same or higher category of listing under Part 4 of the BC Act	Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site
<i>Pultenaea pedunculata</i> (Matted Bush-pea)	1	Like-for-like	<i>Pultenaea pedunculata</i> (Matted Bush-pea) Or Any species with the same or higher category of listing under Part 4 of the BC Act	Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site

A retirement certificate is required from the NSW Department of Planning, Industry & Environment and/or Statement confirming payment into the Biodiversity Conservation Trust to demonstrate compliance with this condition. This certificate is to be provided to Council's Manager Environmental Health & Compliance prior to the commencement of works.

21 The dewatering of the dam is to be undertaken in accordance with the following requirements:

- Dam dewatering is to be planned and implemented by a qualified and experienced aquatic ecologist.
- Include an unexpected finds protocol should threatened species be identified during the process.
- The ephemeral dam is to be inspected for aquatic flora and fauna and dewatering is to be undertaken in accordance with current best practice.
- Receiving locations that provide for the persistence of the displaced fauna (and translocation of the aquatic native flora) are to be confirmed ahead of implementation. Receiving locations must be nearby to ensure appropriate conditions are available to ensure the long-term persistence of displaced individuals.
- Should water be present, it is to be slowly pumped from the dam in a manner to ensure rescue and relocation of protected native aquatic fauna.
- The dewatered dam/soil bed must be inspected for fauna which may be buried in the sediments on the bottom of the dam.

- Rescued fauna is to be released at a suitable nearby location or if injured, taken for veterinary attention, and then placed into the care of a registered wildlife carer (at the cost of the proponent). All displaced fauna must be released at a protected waterbody nearby to the site.
- At any time during the dewatering dam process, if threatened species are identified, works are to cease immediately, to ensure the individuals are protected from harm, rescued and appropriately relocated.
- The aquatic Ecologist is to ensure that any native species are captured and relocated to the receiving location, and that pest species (such as carp and mosquito fish) are humanely removed and euthanised in a manner consistent with the *Prevention of Cruelty to Animals Act 1979*.

22 One week prior to any removal of vegetation (including but not limited to native vegetation and the small dam located at the north of the development site), a pre-clearance survey is required to be undertaken by a qualified and experienced Fauna Ecologist (with a licence to remove and handle native wildlife) to:

- Review final areas of native vegetation and individual trees approved for removal;
- Prepare a rescue plan/protocol that no individuals are to be translocated off site;
- All displaced wildlife is to be relocated to adjacent natural areas (i.e. the green corridor), except for injured wildlife that must be treated by an experienced wildlife veterinarian, with costs met by the proponent. Wildlife displaced from the scattered trees are to be relocated to the green corridor (not Pinnacle Park). This is due to the limited carrying capacity of this patch of vegetation;
- Prepare an unexpected finds protocol. Should threatened species be identified during the pre-clearance survey or during clearing activities, a stop work order must be enacted;
- Assess receiving locations with preference given to the green corridor for terrestrial wildlife and the dam within the corridor for aquatic fauna;
- Clearly identify/mark native vegetation for removal;
- Inspect all areas of habitat and provide pre-clearing recommendations to avoid harm or mortality of protected native fauna. This may include removal of identified fauna prior to works commencing or at the time of tree removal;
- Implement pre-clearance survey and rescue plan/protocol; and
- Implement controls to ensure exclusion of displaced fauna from the development site prior to works commencing.

Should there be any concerns, unexpected finds or incidents, Penrith City Council's Biodiversity Officer is to be contacted.

The pre-clearance survey results and actions taken are to be reported to Penrith City Council's Manager Environmental Health & Compliance, prior to clearing works.

23 **Protection fencing must be inspected by Council's Biodiversity Officer prior to works commencing.**

**Prior to works commencing (including the removal of native vegetation)**, temporary protection fencing must be installed to Pinnacle Park, the Green Corridor, Basin E and Surveyors Creek West Riparian Corridor and adhere to the following requirements:

- Protection fencing must be maintained for the duration of works.
- Staff inductions shall include reference to No-Go Zones and provide education on the importance of the sensitive natural areas associated with the development.
- Temporary signage is required indicating 'the vegetation within this area is protected'.

Permanent fencing is to be installed **prior to the issue of the relevant Subdivision Certificate** and adhere to the following requirements:

- Pinnacle Park - Permanent fencing shall consist of low bollard or similar installed no less than 1m from

the dripline of the outer edge trees within this patch of vegetation. Signage shall be installed to indicate that this is a 'Conservation Area - Threatened Species Protection Zone'.

- Green Corridor - Permanent fencing shall be installed at the outer edge of this zone. Signage shall be installed to indicate that this is a 'Conservation Area - Surveyors Creek Re-Habitation Area'.
- Basin E - Signage shall be installed to indicate that the area beyond the fence is a 'No-Go Zone - No Stockpiles, No Heavy Machinery to be Stationed'.
- Surveyors Creek West Riparian Corridor - Signage must be installed to indicate 'The vegetation within this area is protected. Activities such as firewood collection, use of vehicles, creation of tracks and trails, bush rock removal, picking of native flowers and dumping of rubbish is prohibited'.

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

The approved sediment and erosion control measures are to be installed prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, has been stabilised and grass cover established. These measures shall ensure that mud and soil from vehicular movements to and from the site is not deposited on roadways during the construction of the development.

Specific areas for protection include, but are not limited to:

- Pinnacle Park and specifically the full extent of the patch of Cumberland Plain Woodland;
- Green corridor;
- The area surrounding works at Basin E;
- The drainage line and waterbody directly to the east of the development site;
- The area surrounding the screening mounds;
- Native vegetation along the eastern perimeter of the site boundary; and
- Native vegetation north of the current works area within the riparian corridor to the west of subject stage of the development.

- 25 During works, no construction activities are to be undertaken within the identified natural areas to be protected in accordance with the approved Biodiversity Development Assessment Report, including within the green corridor, Pinnacle Park, Surveyors Creek West Riparian Corridor and Basin E.
- 26 Prior to work commencing (including the removal of native vegetation), the project bushland regenerator shall inspect the *Dillwynia tenuifolia*, *Pterostylis saicola* and *Pultenaea pedunculata* and native vegetation for removal from Basin E for the opportunity to translocate specimens on site.

Where the specimens are translocated within or adjacent to the site into Pinnacle Park or the green corridor as appropriate to the receiving vegetation community, a scientific licence will not be required. The specimens must not be removed from the site.

Relocation is to conform to the Office of Environment and Heritage's Translocation Operational Policy (2019) and current best practice. Records of translocation efforts are to be included in the first year's annual reporting for the VMP.

Alternatively, should this not be feasible, an appropriately licensed native nursery within the local area should be contacted in an effort to translocate the specimens prior to works commencing.

- 27 No fill, machinery or materials are to be placed or stored within the drip line of any tree that is to be retained. 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 as outlined in Australian Standard 4970-2009 'Protection of Trees on Development Sites'.

- 28 To mitigate and ameliorate the impact of vegetation removal on resident fauna, the following is required to be satisfied:

**(a) Tree and Vegetation Removal**

During any tree removal, an experienced and qualified Ecologist is to be present to relocate any displaced fauna that may be disturbed during this activity. The following is to be undertaken to mitigate the impacts on resident fauna:

- Prior to clearing habitat trees, all nonhabitat vegetation shall be cleared first to allow appropriate space for the felling of habitat trees and retrieval of any fauna that may be present within the habitat trees.
- Trees with hollows shall be lopped in a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the 'grab' attachment of a machine.
- Any injured fauna is to be appropriately treated, cared for and released on site when rehabilitated.

**(b) Salvage of Habitat Features**

- Hollows must be sectionally dismantled from felled hollow-bearing trees and attached to a retained tree in retained bushland within the green corridor according to best practice and in a manner that will not compromise the health and safety of the host tree. This is to be done by a qualified and experienced climbing Arborist under the direction of the project Ecologist.
- Logs shall be salvaged from the development area and cut into 3m lengths. A minimum of one log per 1,000m<sup>2</sup> is required to be introduced into the green corridor. Logs are to be relocated into the VMP area under the direction of the project Ecologist. Logs from the largest diameter cohort are to be used where they can be installed without damaging native vegetation, under the direction of the project bush regenerator.
- Suitable upper tree branches are to be salvaged and evenly distributed across the VMP area under the direction of the project bush regenerator.
- The remaining debris from the native vegetation is to be rigorously shaken to remove pollinators, prior to being mulched for use within the natural areas identified within the VMP.
- Exotic vegetation including controlled weed species must not be mulched with native vegetation, to prevent the spread of weeds on site.

Evidence prepared by the project Ecologist certifying that the above measures have been undertaken must be submitted to Penrith City Council's Manager Environmental Health & Compliance, within one (1) month following clearing activities.

- 29 Prior to works commencing, an updated Vegetation Management Plan (VMP) is to be submitted to, and approved by Council incorporating the following modifications:

- Survey for and conduct translocations of threatened and native vegetation as appropriate to the project bush regenerator.
- Controlled weeds are to be removed to an authorised waste transfer facility and a receipt for disposal provided with the relevant reporting requirements.
- An additional strategy to import certified topsoil from same or similar PCT (for all areas under treatment) is required to achieve the stated outcomes. This is required particularly where the previous topsoil had a high weed/weed seed bank. Include a statement of use in the reporting requirements.
- Mulch must be native, certified weed and pathogen free from the same or similar PCT. Adjust accordingly and include statement of use in the reporting requirements.
- Plant purchase shall ensure structure and diversity is achieved, with priority given to long term on ground outcomes. Plants must be inspected prior to purchase and on delivery and must be weed and pathogen free.

- Within Sections 3.1.4 and 3.1.8, include the timing of when the work must commence.
- The requirement to use herbicides as appropriate to areas adjacent to waterways shall be specified in Section 3.1.6.
- Monitoring shall occur to inform watering requirements and the application shall be adjusted to suit prevailing conditions.
- Where the VMP does not achieve its objectives for any specified area, the evaluation report at the 3 year anniversary of the VMP must indicate the additional term 19 requirements to achieve the on-ground objectives.
- Permanent fencing requirements to the green corridor and Pinnacle Park shall be installed prior to works commencing within the vicinity of these areas. Signage is to indicate the biodiversity values of the area and additional temporary signage to indicate the areas are No-Go Zones for construction impacts.
- Through all phases of works and during the maintenance period, staff inductions shall include education and controls for works within VMP areas and include clear communication of No-Go Zones.
- Green corridor works shall be carried out by qualified professional bush regenerators with a minimum qualification of a Certificate III in Natural Area Restoration or equivalent, and a minimum of 5 years with the same or similar PCT's within Greater Western Sydney.
- For other areas, specify who is to undertake the works and who is responsible for the works being completed, for example the site supervisor or the project manager.
- Specify monitoring and reporting responses to incidents or unexpected events. When that adaptive management is required outside of standard monitoring and reporting intervals, contractors shall consult with the project Ecologist (VMP author) for consideration of remedial actions. Council must be notified of incidents and proposed responses.
- Protection measures for each area during the construction phase shall be specified.
- Specify who is responsible for the controlled burns and specify the minimum qualifications, experience and insurances the lead contractor must hold. The mowing requirements (with full specifics for the contractor) are to be detailed to achieve the desired objectives, should the burns not proceed.
- Where material from native vegetation has been removed from the site, all salvaged material must be re-used on site within one or more of the areas under treatment (i.e. within the green corridor or Pinnacle Park) under the direction of the bushland regenerator. This will include, but not be limited to, hollows, logs and mulch material.
- At Table 3-3, indicate re-seeding, as required.
- Contractors for weed control - specify requirements throughout the main body of the VMP, as well as in the appendices.
- Update the performance criteria (at page 56) to be consistent with the main body of the VMP.

30 The works outlined in the final approved Vegetation Management Plan must be completed to Council's satisfaction, **prior to the issue of any relevant Subdivision Certificate**. A statement certifying compliance must be provided by the author of the approved Vegetation Management Plan or an equally qualified and experienced person.

Handover of the assets to Council cannot occur until Council is satisfied that the planting works are in accordance with the approved plans, conditions of approval and once vegetation has been maintained for a period of three (3) years and a performance-based inspection has been undertaken with Council.

During the 3 year maintenance period, the developer is to submit to Council's Biodiversity and Asset Management Department, a quarterly report outlining all maintenance activities undertaken as per the Vegetation Management Plan. This is to be prepared by a suitably qualified ecologist/horticulturalist with 5 years relevant experience.

31 Prior to works commencing (including the removal of vegetation), in accordance with the *Biosecurity Act 2015*, a weed and plant pathogen management plan for the duration of works must be prepared in consultation with and approved by Hawkesbury River County Council, and submitted to Council for

endorsement.

Any weed plan approved in accordance with this condition shall be implemented throughout the duration of the associated works.

## Utility Services

32 All services (water, sewer, electricity, telephone and gas), including the provision of service conduits and stub mains, are to be installed within the proposed public roads before final inspection of the engineering works.

**Prior to the issue of a Subdivision Certificate**, 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;
- a Notification of Arrangement Certificate from Endeavour Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a certificate 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 **prior to the issue of a Subdivision Certificate**.

33 **Prior to the issue of any Subdivision Works Certificate**, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

**Prior to the issue of a Subdivision Certificate**, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.



## Construction

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

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

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

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

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

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

35 Prior to the commencement of construction works:

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

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

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

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

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

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

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

36 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 that do not involve the use of equipment that emits noise are not restricted to the hours stated above.

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

## Engineering

37 All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

38 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 Subdivision Works Certificate, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

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

39 Prior to the issue of any Subdivision Works Certificate, a Section 138 Roads Act application, including payment of application and inspection fees together with any applicable bonds, shall be lodged with 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 crossings (including kerb reinstatement of redundant vehicular crossings)
- 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 (including temporary construction work zones and tower crane operation)
- e) The placement of hoardings, structures, containers, waste skips, signs, etc in the road reserve
- f) Temporary construction access

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

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

### Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Subdivision Works Certificate.
- All works associated with the Roads Act approval must be completed prior to the issue of any Subdivision Certificate.

40 Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that an application under Section 68 of the Local Government Act, including payment of application and inspection fees, has been

lodged with and approved by Penrith City Council for modification of the existing bioretention basin within the downstream riparian corridor off Bradley Street, Glenmore Park.

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

Applications under Section 68 of the Local Government Act are now lodged via the NSW Planning Portal. Further information on the lodgement process can be found on the NSW Planning Portal website. Please contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement on the Portal or if you require any assistance with the lodgement process.

Note:

- All works associated with the Section 68 Local Government Act approval must be completed prior to the issue of any Subdivision Certificate.

41 A Subdivision Works Certificate (previously a Construction Certificate) is to be approved by the Certifier for the provision of any subdivision works (roads, drainage, earthworks and other subdivision works).

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that engineering plans are consistent with the stamped approved plans prepared by J. Wyndham Prince, Project No. 9784-13, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, 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
- Flood control measures
- Overland flow paths
- Traffic facilities
- Earthworks, bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note:

- Subdivision Works Certificates are now lodged via the NSW Planning Portal. Further information on the lodgement process can be found on the NSW Planning Portal website. Council's Development Engineering Department can provide this service and can be contacted on 4732 7777 to obtain a formal fee proposal prior to lodgement on the Portal or if you require any assistance with the lodgement process.

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

Road No.	Road Reserve Width	Carriageway Width	Verge Width	Footpath Width (min. 1.5m)	ESA
Road 112 (CH 270 - 387)	16.8m	12.0m	3.8m (eastern side)  1.0m (western side)	1.5m footpath (eastern side only)	5 x 10 <sup>5</sup>
Road 112 (CH 387 - 455)	16.8m	12.0m	3.8m (eastern side)  1.0m (western side)	1.5m footpath (eastern side)  2.5m shared path (western side, within drainage corridor)	5 x 10 <sup>5</sup>
Road 113 (CH 102 - 140.7)	15.6m	8.0m	3.8m (both sides)	1.5m footpath (both sides)	5 x 10 <sup>4</sup>
Road 113 (CH 140.7 - 193.6)	12.8m	8.0m	1.0m (northern side)  3.8m (southern side)	1.5m footpath (southern side only)	5 x 10 <sup>4</sup>
Road 113 (CH 193.6 - 345)	18.2m	8.0m	6.4m (northern side)  3.8m (southern side)	1.5m footpath (southern side only)	5 x 10 <sup>4</sup>
Road 115 (Middlebrook Rise)	12.8m	8.0m	1.0m (eastern side)  3.8m (western side)	1.5m footpath (western side only)	5 x 10 <sup>4</sup>
Road 116 (Capstone Terrace)	12.8m	8.0m	3.8m (eastern side)  1.0m (western side)	1.5m footpath (eastern side only)	5 x 10 <sup>4</sup>
Road 117 (Highdale Terrace)	15.6m	8.0m	3.8m (both sides)	1.5m footpath (both sides)	5 x 10 <sup>4</sup>
Road 118	15.6m	8.0m	3.8m (both sides)	1.5m footpath (both sides)	5 x 10 <sup>4</sup>
Road 119	15.6m	8.0m	3.8m (both sides)	1.5m footpath (both sides)	5 x 10 <sup>4</sup>
Road 120	15.6m	8.0m	3.8m (both sides)	1.5m footpath (northern side only)	5 x 10 <sup>4</sup>
Road 121	15.6m	8.0m	3.8m (both sides)	1.5m footpath (western side only)	5 x 10 <sup>4</sup>

A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must

accompany the application for a Subdivision Works Certificate.

- 43 A Stage 3 Detailed Design Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety, Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the relevant Subdivision Works Certificate.

Prior to the issue of the relevant Subdivision Works Certificate, the Certifier shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

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

- 44 The stormwater management system shall be provided generally in accordance with the approved plans prepared by J. Wyndham Price, plan numbers 9784-13-DA001-DA0100, Revision C, dated 17/12/2021, commitments made in the Stormwater Management Strategy for Glenmore Park Precincts G and H for Vianello Holdings Pty Ltd, prepared by J. Wyndham Prince, Issue B, dated 15/04/2021, and commitments made in the Vegetation Management Plans prepared by AWC Consulting, project number 3-17857, Revision G, dated 14/12/2021.

Engineering plans and supporting calculations are to be prepared by a suitably qualified engineer and shall accompany the application for the relevant Subdivision Works Certificate.

Prior to the issue of the relevant Subdivision Works Certificate, the Certifier shall ensure that the stormwater management systems have been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policies.

- 45 Prior to the issue of the relevant Subdivision Works Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith Development Control Plan, AS 2890.1, AS 2890.2 and AS 2890.6.
- 46 Prior to the issue of a Section 68 Local Government Act approval, a Performance Bond is to be lodged with Penrith City Council for modification of the existing bioretention basin within the downstream riparian corridor off Bradley Street, Glenmore Park.

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

Note:

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

- 47 Work on the subdivision shall not commence until:
- a Subdivision Works Certificate (if required) has been issued;

- a 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 satisfied.

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.

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

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

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

50 Soil testing is to be carried out to enable each lot to be classified according to AS 2870 Residential Slabs and Footings. The results shall be submitted to Penrith City Council prior to the issue of any Subdivision Certificate.

51 Upon completion of all works in the road reserve, all verge areas fronting and within the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

52 All existing (aerial) and proposed services for the development, including those across the frontage of the development, are to be located or relocated underground in accordance with the relevant authority's regulations and standards.

53 Prior to the issue of the relevant Subdivision Certificate, the Principal Certifier shall ensure that all works associated with any Section 138 Roads Act approval and Section 68 Local Government Act approval have been inspected and signed-off by Penrith City Council.

54 Prior to the issue of the relevant Subdivision Certificate, the Principal Certifier 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.

55 Prior to the issue of the relevant Subdivision Certificate and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Note:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on

this process.

- 56 Prior to the issue of the relevant Subdivision Certificate, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Note:

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

- 57 Prior to the issue of the relevant 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 be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

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

- 58 Prior to the issue of the relevant 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 adopted fees and charges.

Note:

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

- 59 Prior to the issue of the relevant Subdivision Certificate, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier.

a) Works-as-executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works Certificate drawings and be signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.



b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).

c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.

d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.

e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.

f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.

g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.

h) A Geotechnical Report certifying that all earthworks and road formation has been completed in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:

- Compaction reports for road pavement construction
- Compaction reports for bulk earthworks and lot 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 inter-allotment drainage lines indicating distances to boundaries and depths where applicable.

k) Soil testing for each lot to be classified according to AS 2870 Residential Slabs and Footings.

60 Prior to the issue of any Subdivision Certificate or prior to the dedication of any public reserve or drainage reserve to Penrith City Council, the Principal Certifier shall ensure that a Deed of Agreement for the upkeep and maintenance of any public reserve or drainage reserve, including Basin E, has been entered into between the proponent and Penrith City Council. Contact Council's Asset Management Department on 4732 7777 for a model Deed of Agreement.

61 Prior to the handover of vegetated stormwater management assets, Council requires that each of the following requirements be satisfied:

- The WSUD assets/measures are constructed and operate in accordance with the approved design specifications/parameters and any other specific design agreements previously entered into with Council.
- The performance of the WSUD measure(s) shall be validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure .

- Where applicable, the build-up of sediment shall not result in more than a 10% reduction in operational volume.
- Asset inspections for defects shall be completed, and if any defects are found, rectified to the satisfaction of Council.
- The WSUD infrastructure shall be to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons).
- Design drawings shall be supplied in a format acceptable to Council.
- Works-as-executed (WAE) drawings shall be supplied for all infrastructure in a format and level of accuracy acceptable to Council.
- Other relevant digital files shall be provided (e.g. design drawings, surveys, bathymetry, models, etc).
- Landscape designs shall be supplied, particularly those detailing the distribution of functional vegetation - i.e. vegetation that plays a role in water quality improvement (clearance certificates from a landscape architect will need to be supplied).
- The condition of the infrastructure associated with the land shall comply with the approved design specification.
- Vegetation densities in bioretention systems and surrounding vegetated areas (i.e. batters) shall have a coverage of >95% and be >95% weed free. This is to be certified by a suitably qualified ecologist or horticulturalist with 5 years relevant experience.
- Filter media infiltration rates shall be within 10% of the rates of the design parameters for the filtration system concerned (Practice Note 1 of the FAWB guidelines and Council's Bioretention System specifications).
- Comprehensive operation and maintenance manuals (including indicative costs) shall be provided. The manual should include details on the following:
  - i. Site description (area, imperviousness, land use, annual rainfall, topography, etc)
  - ii. Approved water quality objectives
  - iii. Likely pollutant types, sources and estimated loads
  - iv. Water quality monitoring procedures and frequency
  - v. Site access description
  - vi. Locations, types and descriptions of measures proposed
  - vii. Operation and maintenance responsibility
  - viii. Inspection methods (including inspection checklists)
  - ix. Maintenance methods (frequency, equipment and personnel requirements)
  - x. Landscape and weed control requirements
  - xi. Operation and maintenance costs
  - xii. Waste management and disposal options
  - xiii. Reporting

62 Handover of vegetated stormwater management assets to Council cannot occur until Council is satisfied that they are constructed in with the approved plans, conditions of approval and all certification requirements have been satisfied as follows:

- Vegetated systems (e.g. bioretention measures / riparian corridors, etc) 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.
- The on-maintenance period for all vegetated systems can be considered as on-maintenance once 80% of the development is substantially completed within the development sub-catchment associated with the relevant treatment measure.
- Certification is required to be provided for the installation of the filter media to demonstrate that the media complies with the approved specifications. At a minimum compliance is required with the

“Guidelines for Soil Filter Media in Bioretention Systems” (Facility for Advancing Water Biofiltration).

- Photographs of the construction of the vegetated system are required as part of the certification process. A minimum of one labelled, date stamped photograph is required to be provided following each of the following construction phases:
  - i. Installation of the overflow pit and bulking out / trimming profiling
  - ii. Installation of under drainage
  - iii. Installation of cleanout points
  - iv. Installation of drainage layer
  - v. Installation of transition layer
  - vi. Installation of filtration media
  - vii. Final planting
- A licensed surveyor is required to undertake an ‘as constructed’ survey of the bioretention device elements. The survey data is to demonstrate that design grades and levels have been achieved to the required tolerances. A copy of the survey is required to be lodged as part of the certification process.
- 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 or ecologist/horticulturalist with 5 years relevant experience.

63 The Certifying Authority shall ensure that sight lines for vehicles at intersections are in accordance with Austroad Guidelines, Australian Standards and best engineering practice.

64 Future dwelling driveway locations shall not be altered to be situated within 10m of intersections.

65 The vehicular crossovers for Lots 708-714 shall be constructed as part of the subdivision works in conjunction with the landscaping works within the extended verge area on Road 113. Prior to the issue of the relevant Subdivision Certificate, the Principal Certifier shall ensure that the vehicular crossovers have been installed in accordance with the stamped approved plans.

66 Prior to the issue of the relevant Subdivision Certificate, the Principal Certifier shall ensure that the landscaping works within the extended verge area on Road 113 have been completed to Penrith City Council’s satisfaction. The works shall be undertaken by a suitably qualified bush regeneration contractor. Temporary cyclone fencing and signage shall be installed around the landscaped area for the duration of the establishment period in accordance with the plans approved by Penrith City Council. Signage shall read "Do not disturb. Native vegetation area" or similar.

67 The landscaping works within the extended verge area on Road 113 will be subject to a three (3) year establishment period at the proponent’s cost from the date of issue of the Subdivision Certificate. Prior to the issue of the relevant Subdivision Certificate, the proponent shall enter into a Deed of Agreement with Penrith City Council for the upkeep and maintenance of this area during the establishment period. Contact Council’s Asset Management Department on 4732 7777 for a model Deed of Agreement.

68 Prior to the issue of the relevant Subdivision Certificate, the following compliance documentation shall be submitted to Penrith City Council for the landscaping works within the extended verge area on Road 113:

- Landscape Implementation Report confirming that the landscaping works have been completed in accordance with the plans approved by Penrith City Council.
- Maintenance schedule and costings for the establishment and future maintenance of the landscaped area.

69 Prior to the issue of the relevant Subdivision Certificate, a separate maintenance bond for the landscaping works within the extended verge area on Road 113 is to be lodged with Penrith City Council.

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

Note:

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

70 Retaining wall 14 shall be relocated behind the footpath within Lot 700 site with adequate provision for fencing. Prior to the issue of the relevant Subdivision Works Certificate, the civil plans shall be amended in this regard.

71 Prior to the issue of the relevant Subdivision Works Certificate, the Certifier shall ensure that pram ramps are provided on Road 121 for future connection.

72 Prior to the issue of the relevant Subdivision Works Certificate, a draft site-specific Operation and Maintenance Manual for the approved stormwater treatment measures shall be submitted to Council for approval. The manual should include details of 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 on the following:

- Site description (area, imperviousness, land use, annual rainfall, topography, etc)
- Site access description
- Likely pollutant types, sources and estimated loads
- Locations, types and descriptions of measures proposed
- Operation and maintenance responsibility
- Inspection methods (including inspection checklists)
- Maintenance methods (frequency, equipment and personnel requirements)
- Landscape and weed control requirements
- Operation and maintenance costs
- Waste management and disposal options
- Reporting

The Maintenance Manual shall also provide specific detail on the proposed measures to safeguard Basin E during the construction works as well as include details of proposed monitoring, including hydraulic conductivity testing both prior to and following the works to demonstrate the integrity of the basin and that limited blockage of the filter media has occurred as a result on the works.

## Landscaping

73 All landscape works are to be constructed in accordance with the stamped approved plans.

Landscaping shall be maintained:

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

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.

74 The approved landscaping for the development must be constructed by a suitably qualified and experienced landscape construction professional.

75 All plant material associated with the construction of approved landscaping is to be planted and maintained during establishment in accordance with Council's Park and Street Tree Management Plan, available on Council's website.

76 No native trees or other vegetation (including shrubs and other understory vegetation) are to be removed, ringbarked, cut, topped, lopped, slashed or wilfully destroyed (other than those approved under the final and approved Biodiversity Development Assessment Report) without the prior consent of Penrith City Council and in accordance the Biodiversity Conservation Act 2016 and associated regulations and Council's Tree Preservation Policy.

77 Prior to the issue of the relevant Subdivision Works Certificate, the Lemon Scented Myrtle shall be deleted from the street tree plan and replaced with Blueberry Ash. All street trees are provided at a minimum size of 100 litres and fitted with tree guards.

78 Prior to the issue of the relevant Subdivision Works Certificate, the Certifier shall ensure that amended landscaping plans are submitted to, and approved by Penrith City Council for the extended verge area on Road 113. The plans shall be amended to address the following:

- The trees shall be centralised within the landscaped area and reduced in number in accordance with the IPA requirements of the Rural Fire Service.
- Three (3) tree species shall be provided from the list below.

- (a) *Eucalyptus moluccana* (Grey Box)
- (b) *Eucalyptus tereticornis* (Forest Red Gum)
- (c) *Eucalyptus crebra* (Narrow-leaved Ironbark)
- (d) *Eucalyptus fibrosa* (Broad-leaved Ironbark)
- (e) *Corymbia maculata* (Spotted Gum)
- (f) *Angophora floribunda* (Rough-barked Apple)
- (g) *Eucalyptus eugenioides*

- The white feather honey myrtle shall be replaced with *Pultenaea microphylla*, *Dillwynia sieberi*, or *Dodonaea viscosa* subsp. *cuneata*.
- The blue flax lilly groundcover shall be replaced with three (3) of the following from the list below.

- (a) Hardenbergia violacea
- (b) Pratia purpurascens
- (c) Dichondra repens
- (d) Glycine clandestina
- (e) Glycine microphylla
- (f) Glycine tabacina
- (g) Goodenia hederacea subsp. hederacea

## Subdivision

79 **Prior to the issue of a Subdivision Certificate**, the following is to be submitted:

(a) An original plan of subdivision and associated administration sheets. The plan of subdivision must indicate, where relevant:

- All drainage easements, rights of way, restrictions and covenants.
- All proposed dedications of roads/drainage/public reserve, which are to be undertaken at no cost to Penrith City Council.

(b) 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.

**Prior to lodgement of the Subdivision Certificate application, street address numbering must be obtained/approved by Penrith City Council's Rates Team. Proposed street addresses can be forwarded to [council@penrith.city](mailto:council@penrith.city) for approval.**

80 The Subdivision Certificate application is to be supported by an 88B instrument creating the following encumbrances:

- (a) Easements for support - the provision of an easement for support to cover any retaining walls or embankments that extend into the lots if the batters are steeper than 5:1.
- (b) Residue allotments restriction - 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) Easements for maintenance and repair 900mm wide benefitting lots with zero lot lines.
- (d) Restriction on the use of land for Lots 708-714 that restricts the driveway location for each lot to the location approved and constructed as part of the subdivision works due to the landscaping within the extended verge area on Road 113 that cannot be altered or disturbed.
- (e) Restriction regarding future housing compliance with the Highland Views Design Guidelines and regarding nomination of lots requiring steep lot designs.
- (f) A positive covenant regarding acoustic construction requirements for certain lots as outlined within Condition 16.
- (g) Easements and/or positive covenants in relation to required permanent and temporary bushfire Asset Protection Zones.
- (h) Right of carriageway benefitting Penrith City Council over the temporary cul-de-sac head at the eastern end of Road 113.
- (i) Easement for drainage over any inter-allotment drainage. Easement widths shall be in accordance with Penrith City Council's Stormwater Drainage Specification for Building Developments Policy.
- (j) Restriction on the use of land outlining that the landform, levels and vegetation for the earth mounds adjacent The Northern Road shall not be altered in any way in order to maintain The Northern Road view shed in perpetuity.

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

81 **Prior to the issue of a Subdivision Certificate**, street trees are to be planted in accordance with the stamped approved plans.

82 A Surveyor's Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

## Section 94

83 This condition is imposed in accordance with the ***Glenmore Park Stage 2 Voluntary Planning Agreement No. 2***. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$1,651,760.00 is to be paid to Council **prior to a Subdivision Certificate being issued** for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the VPA.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The invoice accompanying this consent should accompany the contribution payment.

## Payment of Fees

- 84 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 85 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

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

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

### Information to accompany the Notice of Commencement

Five (5) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

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

## SIGNATURE

Name:	Lauren Van Etten
Signature:	

For the Development Services Manager