

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

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|------------------------------|---|
| Application number: | DA14/1528.01 |
| Proposed development: | Section 96 Modification to an Approved Staged Integrated Housing Development (Village 13) To Amend Fencing Requirements |
| Property address: | 2 - 20 Lakeside Parade, JORDAN SPRINGS NSW 2747 |
| Property description: | Lot 21 DP 1194338 |
| Date received: | 22 September 2016 |
| Assessing officer | Hannah Gilvear |
| Zoning: | URBAN ZONE (SREP30 - ST MARYS) |
| Class of building: | Class 1a , Class 2 , Class 10a |
| Recommendations: | Approve |

Executive Summary

Council is in receipt of a Development Application for the Modification of DA Consent Condition No. 1 to amend the Stamped Approved Landscape Concept Plan Sheet 1 dated 7 November 2014/ April 2015 which outlined the landscaping and fencing details of preceding development application DA14/1528. The original application was for the Staged Integrated Housing Development Including Subdivision into 58 x Torrens Title Residential Lots (Stage 1) and Dwelling House Construction (Stage 2) with associated Earthworks, Road Construction, Landscaping and Drainage Works (Village 13).

The site is zoned Urban under the provisions of Sydney Regional Environmental Plan No. 30 –St Marys (SREP 30). The subject site zoned Urban Zone and the proposal is a permissible land use in the zoning with Council consent.

The proposed modifications of DA Consent Condition No. 1 is a permissible form of development with the consent of Council in this zone. An assessment under Section 79C and Section 96(1A) of the Environmental Planning and Assessment Act 1979 (EP& A Act 1979) has been undertaken and the application is recommended for approval

Background

DA14/1528: On 21 September 2015, Council approved DA14/1528 for the Staged Integrated Housing Development Including Subdivision into 58 x Torrens Title Residential Lots (Stage 1) and Dwelling House Construction (Stage 2) with associated Earthworks, Road Construction, Landscaping and Drainage Works (Village 13).

Council Officers held an on-site meeting with the applicant to discuss the merits of the modification prior to the submission of the modification.

Site & Surrounds

The development site is known as Lot 21 DP 1194338, No. 2 - 20 Lakeside Parade Jordan Springs (Village 13), having a land area of 2.1 hectares and a frontage of 150m to Greenwood parkway and 121m to Lakeside Parade. The site itself is bounded by the riparian corridor to the east, the future school site to the south, Greenwood Parkway to the north and Lakeside Parade to the west. It is currently vacant and does not contain any trees.

The Concept Plan extract provided within the Development Control Strategy demonstrates that the site is within the Village Centre Character Area. Filling works have been undertaken on the site as a part of DA13/0686: Proposed Bulk Earthworks in Two (2) Stages, Stormwater Treatment Works & Associated Tree Removal.

The surrounding area is characterised by single detached dwellings, integrated housing, mixed use/ residential flat buildings, childcare centre, vacant land (future school) and riparian corridor. The site is within walking distance of Jordan Springs Village Centre.

Proposal

The Approved Development

The approved development includes the following aspects:

- Subdivision of Lot 21 DP 1194338 creating 58 residential lots
- Construction of 49 dwellings (detached dwelling and warehouse style housing)
- Construction of a public road and two laneways (private roads)
- Streetscape landscaping, footpaths and variable road surface textures
- Associated kerbing and drainage lines.

The development will be carried out in two (2) distinct stages with the first stage incorporating the subdivision and associated civil works and the second stage incorporating the housing on the allotments. It is noted that dwellings designs have been provided for 49 of the lots, with building footprints being established for Lots 34, 51 - 58 (restrictive covenant) and being the subject to separate Development Applications.

Details of the proposed lots and type of housing are as follows:

| Lot No. | Lot Size (m2) | Lot Width (m) | Type of Dwelling |
|---------|---------------|---------------|--------------------|
| 1 | 444.92 | 12.925/ 15.7 | Detached Dwelling |
| 2 | 265.95 | 9.5 | Detached Dwelling |
| 3 | 265.95 | 9.5 | Detached Dwelling |
| 4 | 265.95 | 9.5 | Detached Dwelling |
| 5 | 265.95 | 9.5 | Detached Dwelling |
| 6 | 265.95 | 9.5 | Detached Dwelling |
| 7 | 265.95 | 9.5 | Detached Dwelling |
| 8 | 265.95 | 9.5 | Detached Dwelling |
| 9 | 265.95 | 9.5 | Detached Dwelling |
| 10 | 265.95 | 9.5 | Detached Dwelling |
| 11 | 265.95 | 9.5 | Detached Dwelling |
| 12 | 390.00 | 9.5 | Detached Dwelling |
| 13 | 274.00 | 12.5 | Detached Dwelling |
| 14 | 279.00 | 12.5 | Detached Dwelling |
| 15 | 280.00 | 12.5 | Detached Dwelling |
| 16 | 192.00 | 12.5 | Warehouse Dwelling |
| 17 | 200.00 | 12.5 | Warehouse Dwelling |
| 18 | 192.00 | 12.5 | Warehouse Dwelling |
| 19 | 252.00 | 12.5 | Detached Dwelling |
| 20 | 299.50 | 12.5 | Detached Dwelling |
| 21 | 307.00 | 12.5 | Detached Dwelling |
| 22 | 257.33 | 12.5 | Warehouse Dwelling |

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|----|--------|-------------|---|
| 23 | 242.00 | 12.5 | Warehouse Dwelling |
| 24 | 235.00 | 12.5 | Warehouse Dwelling |
| 25 | 227.00 | 12.5 | Warehouse Dwelling |
| 26 | 239.00 | 17.55 | Warehouse Dwelling |
| 27 | 236.00 | 12.5 | Warehouse Dwelling |
| 28 | 236.00 | 12.5 | Warehouse Dwelling |
| 29 | 236.00 | 12.5 | Warehouse Dwelling |
| 30 | 236.00 | 12.5 | Warehouse Dwelling |
| 31 | 236.00 | 12.5 | Warehouse Dwelling |
| 32 | 236.00 | 12.5 | Warehouse Dwelling |
| 33 | 319.00 | 13.7 | Warehouse Dwelling |
| 34 | 267.48 | 12.5 | Warehouse Dwelling - Building Footprint Only |
| 35 | 202.00 | 12.5 | Warehouse Dwelling |
| 36 | 202.00 | 12.5 | Warehouse Dwelling |
| 37 | 202.00 | 12.5 | Warehouse Dwelling |
| 38 | 202.00 | 12.5 | Warehouse Dwelling |
| 39 | 202.00 | 12.5 | Warehouse Dwelling |
| 40 | 202.00 | 12.5 | Warehouse Dwelling |
| 41 | 239.00 | 17.55 | Warehouse Dwelling |
| 42 | 225.00 | 12.5 | Warehouse Dwelling |
| 43 | 225.00 | 12.5 | Warehouse Dwelling |
| 44 | 225.00 | 12.5 | Warehouse Dwelling |
| 45 | 225.00 | 12.5 | Warehouse Dwelling |
| 46 | 225.00 | 12.5 | Warehouse Dwelling |
| 47 | 225.00 | 12.5 | Warehouse Dwelling |
| 48 | 225.00 | 12.5 | Warehouse Dwelling |
| 49 | 225.00 | 12.5 | Warehouse Dwelling |
| 50 | 225.00 | 12.5 | Warehouse Dwelling |
| 51 | 200.70 | 11.15 | Warehouse Dwelling - Building Footprint Only |
| 52 | 200.70 | 11.15 | Warehouse Dwelling - Building Footprint Only |
| 53 | 198.23 | 10.87 | Warehouse Dwelling - Building Footprint Only |
| 54 | 315.75 | 24.1 | Warehouse Dwelling - Building Footprint Only |
| 55 | 236.70 | 12.57/ 9.29 | Warehouse Dwelling - Building Footprint Only |
| 56 | 287.00 | 17.73/ 9.29 | Warehouse Dwelling - Building Footprint Only |
| 57 | 321.73 | 10.1/15.57 | Detached Dwelling - Building Footprint Only |
| 58 | 314.10 | 10.1/15.57 | Detached Dwelling - Building Footprint Only |

Lots 1, 3, 5, 7, 9, 11 include a studio over the detached garages, however the studios are not proposed to be used as a separate dwelling.

The Proposed Modification

Under the provisions of section 96(1A) of EP&A Act 1979 the proposed modified development includes the following aspect:

- The modification of DA Consent Conditions No.1 to amend the Stamped Approved Landscape Concept Plan Sheet 1 dated 7 November 2014/ April 2015 which outlined the landscaping and fencing details of preceding development application DA14/1528.
- The proposal in its approved form has 2.4m wide side boundary fence, 2.7m behind the primary building line and 9m in depth along Greenwood Parade. The modification proposed to extend the side boundary fence of Lot 1 to join with the side boundary fence of Lot 13. The proposed modification reduces the width of the side boundary fence to 1.7m, is built 1.8m behind the primary building line and has a depth of 12.4m along

The proposed modifications remain substantially the same as the originally approved development for the following reasons:

- The development as modified would not intensify the use of land as the number of approved units remains unchanged.
- The development as modified would not increase the approved building footprint, height and bulk.
- The proposed modification will result in a greater landscape buffer between Greenwood Parkway and the approved development and allow for a reasonable amount of separation between the rear garage/studios and the rear carriageway driveway
- The improved built form will result in improving the amenity and privacy of the proposal and will restrict the public from accessing the rear of the lots. 1, 2, 3 & 4. In addition the dense landscaping screen will improve the streetscape and character of the area.
- As a result of the above justification, the proposed modification is supported.

Plans that apply

- Western Precinct
- Western Precinct
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

• Section 79C - Evaluation

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

• Section 91- Integrated development

Section 91 of the EP&A Act outlines the types of developments deemed to be defined as “Integrated Development”. The original development application (DA14/1528) required concurrence from the NSW Rural Fire Service and Office of Water in accordance with this section of the Act. Due to the minor nature of the proposal, NSW Rural Fire Service and Office of Water did not need to be re-notified.

• Section 96(1) - Modifications involving minor error, misdescription or miscalculation

Pursuant to Section 96(1A) of the *Environmental Planning and Assessment Act 1979* (the Act), Council may modify a development consent provided several parameters are satisfied. These parameters are briefly discussed below.

(a) The proposed modifications are of minimal environmental impact.

The modification of DA Consent Conditions No.1 to amend the Stamped Approved Landscape Concept Plan Sheet 1 dated 7 November 2014/ April 2015 which outlined the landscaping and fencing details of preceding development application DA14/1528. It is considered that the proposed modification is unlikely to alter any environmental, social and economic impacts of the original development for the following reasons:

- The development as modified would not intensify the use of land as the number of approved units remains unchanged.
- The development as modified would not increase the approved building footprint, height and bulk.
- The proposed modification will result in a greater landscape buffer between Greenwood Parkway and the approved development and allow for a reasonable amount of separation between the rear garage/studios and the rear carriageway driveway

- The improved built form will result in improving the amenity and privacy of the proposal and will restrict the public from accessing the rear of the lots. 1, 2, 3 & 4. In addition the dense landscaping screen will improve the streetscape and character of the area.

(b) The modified development is substantially the same development as was previously approved.

The layout and appearance of the building generally corresponds with the plans approved with DA14/1528.

The submitted Section 96(1A) does not alter the nature of the development. Despite the modification of DA Consent Conditions No. 1 of preceding application DA14/1528, the development will remain same as originally approved. It is therefore considered that the proposed modification is substantially the same development for which the consent was originally granted.

(c) The application has been notified where required.

(d) In accordance with Appendix F4 of the Penrith Development Control Plan 2014 – Notification and Advertising, this application was notified to twelve (12) nearby owners and occupiers of adjoining properties who were invited to inspect the proposal from 29 September 2016 to 13 October 2016. Council did not receive any submissions.

(e) Any submissions received from the notification process have been considered.

Council did not receive any submissions.

- *Subsections (1), (2) and (5) do not apply to such a modification.*

Noted

- *Subsection (3) - In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 79C(1) as are of relevance to the development the subject of the application.*

An assessment under Section 79C(1) of *EP&A Act 1979* has been undertaken for the proposed modification. It is discussed below.

- *Subsection (4) - The modification of a development consent in accordance with this section is taken not to be the granting of development consent under this Part, but a reference in this or any other Act to a development consent includes a reference to a development consent as so modified.*

The proposed development for this section 96(1A) application is a modification of Development Consent No. DA14/1528 which was approved on 21 September 2015.

Each of the relevant criteria under Section 96(1A) of the Act has therefore been satisfied. The development as modified would achieve minimal environmental impact and be substantially the same development as originally approved.

Matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*

In considering with clause 96(3) of the *EP&A Act 1979* an assessment of the amended proposal has been undertaken against the relevant matters of section 79C(1):

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

State Environmental Planning Policy No 55—Remediation of Land

The development's approved level of compliance with this Policy will not be altered by this Section 96 application.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The development's approved level of compliance with this Policy will not be altered by this Section 96 application.

Sydney Regional Environmental Plan No.30 - St Marys

The development's approved level of compliance with this Policy will not be altered by this Section 96 application.

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

Western Precinct

| Provision | Compliance |
|-----------------------|------------|
| Western Precinct Plan | Complies |

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

The application so far has been administered in accordance with the Regulations. Conditions of development consent will ensure compliance with the regulations.

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

The modifications as proposed are considered to be minor in nature and will result in essentially the same development as originally approved on the site. The proposed modifications are not expected to generate any additional amenity impacts in comparison to the original approval.

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

The application has demonstrated in the original application (DA14/1528) that the proposed development is suitable for the site. In view of the above assessment, Council can be satisfied that the site is suitable for the development subject to conditions.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the Penrith Development Control Plan 2014 – Notification and Advertising, this application was notified to twelve (12) nearby owners and occupiers of adjoining properties who were invited to inspect the proposal from 29 September 2016 to 13 October 2016. Council did not receive any submissions.

Referrals

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

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

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

The development as modified is consistent with the objectives of the *EP&A Act 1979* in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. The above assessment noted that the proposal complies with the aims and objectives and numerical standards of the relevant statutory and non-statutory controls. As a result Council is satisfied that the development as modified is consistent with the public interest subject to conditions.

Section 94 - Developer Contributions Plans

Section 94 Contributions are not applicable to this application due to Planning Agreement being in place.

Conclusion

The proposed modification to the development consent has been assessed against the relevant heads of consideration contained in Section 96(1A) of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. Each of the relevant criteria under Section 96(1A) of the Act has been satisfied. The development as modified would achieve minimal environmental impact and be substantially the same development as originally approved. The proposed modification to the development consent is therefore worthy of Council's support.

Recommendation

1. That DA14/1528.01 be approved in part with modifications to Consent Conditions No. 1 which previously approved for Staged Integrated Housing Development Including Subdivision into 58 x Torrens Title Residential Lots (Stage 1) and Dwelling House Construction (Stage 2) with associated Earthworks, Road Construction, Landscaping and Drainage Works (Village 13) at 2 - 20 Lakeside Parade Jordan Springs be approved subject to the following amendment to Council's Notice of Determination for DA14/1528:

Amendment of Consent Condition No.1 of DA14/1528 to read as follows:

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

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| Village 13 Engineering Plans - Engineering Plan | 9892/DA03 | B | J. Wyndham Prince | 11/5/2015 | - |
| Village 13 Engineering Plans - Cut/Fill Plan | 9892/DA04 | B | J. Wyndham Prince | 11/5/2015 | - |
| Village 13 Engineering Plans - Road Longitudinal Sections | 9892/DA05 | B | J. Wyndham Prince | 11/5/2015 | - |
| Village 13 Engineering Plans - GPT Access Plan | 9892/DA06 | B | J. Wyndham Prince | 11/5/2015 | - |
| Village 13 Engineering Plans - Soil and Water Management Plan | 9892/DA07 | B | J. Wyndham Prince | 11/5/2015 | - |
| Village 13 Engineering Plans - Site Sections | 9892/DA08 | B | J. Wyndham Prince | 11/5/2015 | - |
| Penrith Sewerage Plan | Case No. 141579WW Sheet 1 of 2 | A | Sydney Water | 21.4.2015 | - |
| Lot 1 Housing Plans | 020, 030,040,050,060,070, | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 2 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 25/11/2014 | 29 |
| Lot 3 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 4 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 5 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 6 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |

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|----------------------|-----------------------------------|---|-------------------------------|------------|----|
| Lot 7 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 8 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 9 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 10 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 11 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 12 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 13 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 14 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 15 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 16 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 17 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 18 Housing Plans | 020, 030,040,050,060, 070,080 | A | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 19 Housing Plans | 020, 030,040,050,060 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 20 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 21 Housing Plans | 020,021,030,040,050, 060,070,080 | C | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 22 Housing Plans | 020,021,030,040,050, 060, 070,080 | C | Planmaster Design Consultants | 18/10/2014 | 34 |

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| Lot 23 Housing Plans | 020,021,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 24 Housing Plans | 020,021, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 25 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 26 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 27 Housing Plans | 020,030,040,050,060, 070,080 | A | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 28 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 29 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 30 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 31 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 32 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 33 Housing Plans | 020,021,030,040,050,060,080,080 | B | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 34 Housing Plans | 020,021,030,040,050,060,070,080 | B | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 35 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 36 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 37 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 38 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 34 |

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|------------------------------------|-------------------------------|---|---|------------|----|
| Lot 39 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 40 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 41 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 42 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 43 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 44 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 45 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 46 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 47 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 48 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 49 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 50 Housing Plans | 020, 030,040,050,060,070 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Statement of Environmental Effects | - | - | Think Planners | 28/11/2014 | - |
| Bushfire Assessment Statement | 150891 | - | Building Code and Bushfire Hazard Solutions | 7/4/2015 | - |
| Traffic and Transport Assessment | 14-082-2 | - | Thompson Stanbury Associates | May 2015 | - |

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| Salinity Review | 7508/23-AA Final Revised | - | Geotech Testing Pty Ltd | 8 March 2010 | |
| <p align="center">In addition to the following plans as amended pursuant to Section 96(1A) of the <i>Environmental Planning and Assessment Act 1979</i> on 13 October 2016.</p> | | | | | |
| Landscape Concept | Job 3926 Sheets 1 of 11 | - | Monaco Design Pty Ltd | 22 September 2016 | - |

The development must be implemented substantially in accordance with the following plans and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

General

1 A001

The development must be implemented substantially in accordance with the plans listed below and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

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

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

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|----------------------|-----------------------------------|---|-------------------------------|------------|----|
| Lot 12 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 13 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 14 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 15 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 16 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 17 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 18 Housing Plans | 020, 030,040,050,060, 070,080 | A | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 19 Housing Plans | 020, 030,040,050,060 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 20 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 21 Housing Plans | 020,021,030,040,050, 060,070,080 | C | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 22 Housing Plans | 020,021,030,040,050, 060, 070,080 | C | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 23 Housing Plans | 020,021,030,040,050, 060,070 | C | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 24 Housing Plans | 020,021, 030,040,050, 060,070 | C | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 25 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 26 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 27 Housing Plans | 020,030,040,050,060, 070,080 | A | Planmaster Design Consultants | 18/10/2014 | 32 |

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|----------------------|----------------------------------|---|-------------------------------|------------|----|
| Lot 28 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 29 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 30 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 31 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 32 Housing Plans | 020,030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 33 Housing Plans | 020,021,030,040,050, 060,080,080 | B | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 34 Housing Plans | 020,021,030,040,050, 060,070,080 | B | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 35 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 36 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 37 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 38 Housing Plans | 020, 030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 39 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 40 Housing Plans | 020,030,040,050,060,070 | C | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 41 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 42 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 33 |
| Lot 43 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |

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|--|-------------------------------|---|---|-------------------|----|
| Lot 44 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Lot 45 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 46 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 30 |
| Lot 47 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 31 |
| Lot 48 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 29 |
| Lot 49 Housing Plans | 020, 030,040,050,060, 070,080 | B | Planmaster Design Consultants | 18/10/2014 | 32 |
| Lot 50 Housing Plans | 020, 030,040,050,060,070 | B | Planmaster Design Consultants | 18/10/2014 | 34 |
| Statement of Environmental Effects | - | - | Think Planners | 28/11/2014 | - |
| Bushfire Assessment Statement | 150891 | - | Building Code and Bushfire Hazard Solutions | 7/4/2015 | - |
| Traffic and Transport Assessment | 14-082-2 | - | Thompson Stanbury Associates | May 2015 | - |
| Salinity Review | 7508/23-AA Final Revised | - | Geotech Testing Pty Ltd | 8 March 2010 | |
| In addition to the following plans as amended pursuant to Section 96(1A) of the <i>Environmental Planning and Assessment Act 1979</i> on 13 October 2016. | | | | | |
| Landscape Concept | Job 3926 Sheets1 of 11 | - | Monaco Design Pty Ltd | 22 September 2016 | - |

2 [A008 - Works to BCA requirements \(Always apply to building works\)](#)

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

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

3 [A009 - Residential Works DCP \(no specific section\)](#)

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

4 [A019 - OCCUPATION CERTIFICATE \(ALWAYS APPLY\)](#)

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

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

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

6 [A046 - Obtain Construction Certificate before commencement of works](#)

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

7 [A Special - Bin Collection](#)

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

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

8 A Special - Office of Water General Terms of Approval

The development is required to comply with the General Terms of Approval (GTA) dated 16 January 2015, Reference10 ERM2014/1198 issued by the NSW Office Of Water, as outlined below:

1. These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2014/1528 and provided by Council:

(i) Site plan, map and/or surveys.

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

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

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

(i) Erosion and Sediment Control Plan

(ii) Soil and Water Management Plan.

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

(i) Riparian Corridors

(ii) Outlet structures.

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

6. The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.

7. The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.

8. The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.

9. The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

10. The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.

11. The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.

12. The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.

13. The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.

9 **A Special - RFS Recommended condition**

The development is required to comply with the General Terms of Approval (GTA) dated 2 July 2015, issued by the NSW Rural Fire Service as outlined below:

1. At the issue of subdivision certificate the entire property shall be managed as an inner protection areas (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Service's document 'Standard for asset protection zones' until such time each future Lot is developed.

Environmental Matters

10 **D001 - Implement approved sediment& erosion control measures**

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

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

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

12 **D010 – Appropriate disposal of excavated or other waste**

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

13 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

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

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

An appropriately qualified person/s shall:

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

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

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

{Note: An appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

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

14 **D Special - Contamination Management Plan**

The Contamination Management Plan Western Precinct Development Phase prepared by URS Australia Pty Ltd dated July 2008 is to be implemented during the course of site development works to ensure safe and appropriate actions in the event of encountered potential chemical or explosive ordnance. All remediation works in the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55 - Remediation of Land. Should any contamination be found during development works and should remediation be required, development consent is to be sought from Penrith City Council before the remediation works commence.

15 **D Special - Dust Suppression**

Dust suppression techniques are to be employed during site preparation and development works and construction activities to reduce any potential nuisances to surrounding properties.

16 **D Special BLANK**

Details are to be submitted with the Construction Certificate that detail the proposed storage location of the stockpiles of excessive soil (as referenced in the Waste Management Plan) that is not to be used in this development and that is to be stockpiled and reused in future stages within the Jordan Springs Development. These details are to include proposed dust control and erosion and sediment control measures that are to be employed in the management of stockpiled material.

BCA Issues

17 E001 - BCA compliance

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
 - is shown to be at least equivalent to the deemed to satisfy provision, or
- (c) a combination of (a) and (b).

Health Matters and OSSM installations

18 F006 - Water tank & nuisance

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

Utility Services

19 G002 - Section 73 (not for

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

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

20 G004 - Integral Energy

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

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

Construction

21 H001 - Stamped plans and erection of site notice

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

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

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

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

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

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

22 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

23 H022 - Survey

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

24 H032 - Painting

The building is to be painted internally and externally.

25 H033 – Clothes line

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

26 **H036 - Rainwater Tank (Also impose H037, H038, H039, G005 & Q010)**

The rainwater tank(s) is to be:

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

Additionally, the following are to be provided:

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

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

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

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

27 **H037 - Safe supply of water from catchment areas (Also impose H036, H038 & H039)**

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

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

28 **H038 - Connection of rainwater tank supply (Also impose H036, H037 & H039)**

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

29 **H039 - Rainwater tank pumps (Also impose H036, H037 & H038)**

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

30 **H041 - Hours of work (other devt)**

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

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

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

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

Engineering

31 **K101 - Works at no cost to Council**

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

32 **K202 - Section 138 Roads Act – Minor Works in the public road**

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

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

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

Note:

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

33 [K203 - Section 138 Roads Act \(roadworks requiring approval of civil drawings\)](#)

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

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

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

Note:

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

34 K205 - Construction Certificate for Subdivision Works

Prior to the issue of a Construction Certificate for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J Wyndham Prince, reference number 9892, sheets DA01-DA08 revision B, dated 11/05/2015 and plan/s prepared by Planmaster Design Consultants, drawing no 01, issue E, dated 31/03/2015. All subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

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

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

Note:

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

35 K206 - Road design criteria table

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

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

36 **K221 - Access, Car Parking and Manoeuvring – General**

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

37 **K301 - Sediment & Erosion Control**

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

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

38 **K302 - Traffic Control Plan**

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

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

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

39 **K304 - Matters to be addressed prior to commencement of Subdivision Works**

Work on the subdivision shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

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

40 **K405 - Street Lighting**

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

41 **K407- Major Filling/ Earthworks**

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

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

42 **K408 - Soil testing - Subdivisions**

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

43 **K501A - Completion of subdivision works**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

44 **K507 - Linemarking & Signage**

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

Notes:

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

45 **K510 - Street Naming**

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

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

Notes:

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

46 **K511 - Bond for final wearing course**

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

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

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

Note:

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

47 **K513 - Maintenance Bond**

Prior to the issue of a Subdivision Certificate, a maintenance bond is to be lodged with Penrith City Council for all subdivision works.

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

Note:

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

48 **K514 - Subdivision Compliance documentation**

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

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.
- g) Documentation for all road pavement materials used demonstrating compliance with Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regrading.
 - Soil classification for all residential lots
 - Statement of Compliance

49 **K Special (BLANK)**

Prior to release of the Subdivision Certificate, a "Give Way" sign is to be placed in Road 1, at the intersection of Greenwood Parkway, to give priority to traffic in Greenwood Parkway.

50 **K Special (BLANK)**

Prior to the release of the Subdivision Certificate, a turning facility is to be provided at the end of the access driveway in the north east corner of the site.

51 **K Special Condition - Pedestrian Crossings within Greenwood Parkway**

Prior to the release of a Construction Certificate, amended plans are to be provided detailing the relocation of the pedestrian crossing and associated pedestrian pathway within the northern side of Greenwood Parkway. The relocation of the crossing is to be directly opposite the proposed crossing within the southern side of Greenwood Parkway.

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

52 **K Special Condition – Turf to Verge**

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 **K Special Condition (BLANK)**

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by J Wyndham Prince, reference number 9892 DA01 - DA07, revision A, dated 4 September 2014 and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, **Penrith Council's** Water Sensitive Urban Design Policy, any Roads Act approval issued, Austroad Guidelines and best engineering practice.

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

- Public and private roads
- Stormwater management (quantity and quality)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

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

Note:

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

54 **K Special Condition (BLANK)**

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

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

55 **K Special Condition (BLANK)**

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

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

56 **K Special Condition (BLANK)**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

57 **K Special Condition (BLANK)**

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

Landscaping

58 **L001 - General**

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

Landscaping shall be maintained:

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

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

59 **L002 - Landscape construction**

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

60 **L003 - Report requirement**

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

i. Implementation Report

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

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

ii. Maintenance Report

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

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

61 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with Section 2.9 Landscape Technical Specifications in Appendix F5 Technical Information of Penrith Development Control Plan 2014.

62 **L006 - Aust Standard**

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

63 **L007 - Tree protection measures – no TMP with DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section F4 of Councils Landscape Development Control Plan.

64 **L008 - Tree Preservation Order**

No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council’s Tree Preservation Order and Policy.

65 **L Special - Additional Landscaping within Lot 22 DP 1194338**

Prior to the release commencement of landscaping works, an amended landscape plan is to be submitted to Council for approval which details the following:

- Fifteen (15) trees that attains a minimum height of 8m are to be planted within Lot 22 DP 1194338, No. 14 - 28 Cullen Avenue Jordan Springs within filled area along the northern boundary of the site.
- Ten (10) trees that attain a minimum height of 5m, are to be planted within Lot 22 DP 1194338, No. 14 - 28 Cullen Avenue Jordan Springs within filled area along the northern boundary of the site.
- Additional landscaping (including ground cover and shrubs) within the filled area of Lot 22 DP 1194338, No. 14 - 28 Cullen Avenue Jordan Springs.

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

Certification

66 **Q006 - Occupation Certificate (Class 2 - 9)**

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

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

67 **Q008 - Subdivision Certificate**

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions relating to the subdivision of the land (including roadworks and drainage) in this consent are outstanding.

68 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

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

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

Information to accompany the Notice of Commencement

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