

MARYLAND DEVELOPMENT COMPANY PTY LTD



# STAGES 4E

DA 12/0897

## SUBDIVISION CERTIFICATE PACKAGE



**JORDAN SPRINGS**  
**Determination Notice No. 12/0897**  
**Stage 4E, Jordan Springs - Staged Subdivision Creating 43 out of the approved 292 Lots**  
**and Associated Civil Works**  
**Lot 11 DP 1176163, Lot 11 Lakeside Parade Jordan Springs NSW 2747**

<b>Details of Conditions</b>		
<b>Condition No.</b>	<b>STATUS</b>	<b>OPEN/CLOSED</b>
<b>GENERAL</b>		
<b>1</b>	Noted	Closed
<b>2</b>	Addressed at Construction Certificate stage	Closed
<b>3</b>	Noted	Closed
<b>4</b>	<b>Attachment S:</b> Section 88B instrument enclosed addresses consent condition	Closed
<b>5</b>	<b>Attachment A:</b> Construction Certificate (CC No. 12816) approved on the 21/06/2013 by Land Development Certificates Pty Ltd is enclosed	Closed
<b>6</b>	Addressed at Construction Certificate stage	Closed
<b>7</b>	<b>Attachment B:</b> Controlled Activity Approval (Ref No. 10 ERM2012/0787) addressed during Construction Certificate Stage is enclosed. <b>Attachment A:</b> Construction Certificate (CC No. 12816) approved on the 21/06/2013 by Land Development Certificates Pty Ltd is enclosed	Closed
<b>8</b>	<b>Attachment S:</b> Section 88B instrument enclosed addresses consent condition <b>Attachment C:</b> Bushfire Compliance Letter from Eco Logical Australia for Stages 4E dated 30/01/14 enclosed	Closed
<b>9</b>	Noted	Closed
<b>10</b>	Addressed at Construction Certificate stage	Closed
<b>11</b>	Traffic Calming was incorporated in Construction Certificate plans and approved by Council for construction.	Closed
<b>12</b>	Noted	Closed
<b>13</b>	<b>Attachment D:</b> Archaeological Reports prepared by Godden Mackay Logan including NSW Office of Water satisfactory completion of requirements are enclosed addressing this condition	Closed
<b>14</b>	Noted	Closed
<b>15</b>	Addressed at Construction Certificate stage	Closed
<b>16</b>	Addressed at Construction Certificate stage	Closed
<b>17</b>	Penrith City Council appointed as Principal Certifying Authority (PCA) with works inspected and certified throughout the construction process. <b>Attachment E:</b> Council's "Certificate of Inspection" is scheduled to be carried out week commencing 17/02/14 which will detail all the defect actions required to be completed by the developer's contractor. The following bonds are in place for any outstanding works as per enclosed Council's confirmation on the amounts dated 9/01/14; * Maintenance Bond (\$143,000) <b>Attachment O,</b> * Landscaping Bond (\$110,000) <b>Attachment P,</b> * Path Paving Bond (\$275,000) <b>Attachment I,</b>	Closed
<b>18</b>	<b>Attachment P:</b> Landscaping Bond to a total amount of \$110,000 enclosed as per Council's confirmation of the amount on the 9/01/14 due to uncompleted works. Upon completion of the civil works, the street tree planting works will be installed as soon as possible as per the approval provided by Penrith City Council via email on the 8/02/13 which is enclosed.	Closed



19	Noted	Closed
20	<p>* Crime Prevention through Environmental Design (CTPED) and Endeavour Energy Standards Noted.</p> <p>* <b>Attachment F:</b> All street lighting designed and installed in accordance with the Stage 4D Electrical Reticulation plan (URS No. 13645) approved on the 15/01/14.</p> <p>* Landscaping and Neighbourhood Park Conditions noted.</p> <p>* Pedestrian and Cycle Pathways constructed to details as shown on the approved Construction Certificate Engineering Plans.</p>	Closed
21	Addressed at Construction Certificate stage	Closed
<b>DEMOLITION</b>		
22	Addressed during construction	Closed
23	Addressed during construction	Closed
<b>HERITAGE/ARCHAEOLOGICAL RELICS</b>		
24	<b>Attachment D:</b> Archaeological Reports prepared by Godden Mackay Logan and satisfactory completion of requirements by NSW Office of Water are enclosed addressing this condition. In addition no Archaeological Relics were uncovered during the course of works	Closed
<b>ENVIRONMENTAL MATTERS</b>		
25	Penrith City Council appointed as Principal Certifying Authority (PCA). Erosion and sediment controls addressed prior to commencement of construction and maintained during the course of construction. All disturbed areas have been seeded for rehabilitation and stabilisation purposes.	Closed
26	<b>Attachment H:</b> No imported fill was brought to site as per enclosed letter from JK Williams Contracting Pty Ltd dated 10/02/14	Closed
27	Addressed during construction	Closed
28	Waste disposal surplus concrete, wood and rubbish encountered in this stage has been progressively removed from site. Disposal receipts and supporting documentation would be retained in order to verify lawful disposal upon Penrith City Council request.	Closed
29	Addressed during construction	Closed
<b>BCA ISSUES</b>		
30	<b>Attachment G:</b> A Section 96 application was submitted to Council requesting the amendment to this consent condition due to four (4) out of thirty four (34) primary garage locations not being able to meet the minimum six (6) metre from the intersection tangent point requirement required by the Australian Standards. The Section 96 has since been approved.	Closed
<b>UTILITY SERVICES</b>		
31	<b>Attachment M:</b> Telecommunications Provisioning Certificate from Opticomm and the Section 73 Certificate from Sydney Water is enclosed as part of this package. The Notification of Arrangement (NoA) from Endeavour Energy will be submitted as soon as possible.	Open
<b>CONSTRUCTION</b>		
32	Addressed during construction where required	Closed



33	Addressed during construction. All construction signage will be removed once a Subdivision Certificate has been issued by the PCA	Closed
34	Addressed during construction	Closed
<b>ENGINEERING</b>		
35	Noted	Closed
36	Addressed at Construction Certificate stage	Closed
37	Addressed at Construction Certificate stage	Closed
38	Addressed at Construction Certificate stage. <b>Attachment A:</b> Construction Certificate (CC No. 12816) approved on the 21/06/2013 by Land Development Certificates Pty Ltd is enclosed	Closed
39	Addressed at Construction Certificate stage	Closed
40	Addressed at Construction Certificate stage	Closed
41	Addressed at Construction Certificate stage	Closed
42	<b>Attachment L:</b> Works-as-executed drawings enclosed details stub locations for all lots without a pit	Closed
43	Addressed at Construction Certificate stage	Closed
44	Addressed at Construction Certificate stage	Closed
45	Addressed at Construction Certificate stage	Closed
46	Addressed at Construction Certificate stage	Closed
47	Traffic Calming was incorporated in Construction Certificate plans and approved by Council for construction.	Closed
48	Addressed at Construction Certificate stage	Closed
49	Addressed at Construction Certificate stage	Closed
50	Addressed at Construction Certificate stage	Closed
51	Penrith City Council appointed as Principal Certifying Authority (PCA). Erosion and sediment controls addressed prior to commencement of construction and maintained during the course of construction.	Closed
52	Penrith City Council appointed as Principal Certifying Authority (PCA). Traffic Control requirements addressed prior to commencement of construction and maintained during the course of construction.	Closed
53	Addressed prior to construction	Closed
54	Addressed during construction	Closed
55	Addressed during construction	Closed
56	Addressed during construction	Closed



57	<p><b>Attachment I:</b> Jordan Springs - Stages 4E Statement of Compliance Report prepared by Geotech Testing Pty Ltd is enclosed and addresses the following:</p> <ul style="list-style-type: none"> <li>* Summary of Site Fill Testing</li> <li>* Summary of Field Density Testing for Road Works</li> <li>* Summary of Pipeline Testing</li> <li>* Soil Classification of Residential Lots</li> </ul>	Closed
58	<p><b>Attachment I:</b> Jordan Springs - Stages 4E Statement of Compliance Report prepared by Geotech Testing Pty Ltd is enclosed and addresses the following:</p> <ul style="list-style-type: none"> <li>* Summary of Site Fill Testing</li> <li>* Summary of Field Density Testing for Road Works</li> <li>* Summary of Pipeline Testing</li> <li>* Soil Classification of Residential Lots</li> </ul>	Closed
59	<p>Penrith City Council appointed as Principal Certifying Authority (PCA). Stormwater requirements for the subdivision addressed during construction.</p> <p><b>Attachment L:</b> Works-as-executed drawings enclosed</p>	Closed
60	<b>Attachments R &amp; S:</b> Section 88B and DP Plans addresses condition	Closed
61	<b>Attachment J:</b> Signs and Linemarking installed as per the enclosed Signage and Linemarking plans prepared by J. Wyndham Prince.	Closed
62	<b>Attachment K:</b> Street names gazetted on the 13/09/13 as confirmed via email from Council dated 17/09/13. Street name signs have been installed as per the enclosed street name plan.	Closed
63	<b>Attachment N:</b> Final Layer AC Bond to a total amount of \$132,000 enclosed as per Council's confirmation of the amount on the 9/01/14	Closed
64	<b>Attachment O:</b> Maintenance Bond to a total amount of \$143,000 enclosed as per Council's confirmation of the amount on the 9/01/14	Closed
65	<p><b>Attachment L:</b> Please find enclosed;</p> <ul style="list-style-type: none"> <li>* Works-as-executed plans,</li> <li>* Lot Fill Plans</li> <li>* CCTV Footage</li> <li>* Surveyor's Certificate</li> <li>* Road Compliance Documentation</li> <li>* and, Structural Engineer Construction Certification</li> </ul> <p><b>Attachment I:</b> Jordan Springs - Stages 4E Statement of Compliance Report prepared by Geotech Testing Pty Ltd is enclosed and addresses the following:</p> <ul style="list-style-type: none"> <li>* Summary of Site Fill Testing</li> <li>* Summary of Field Density Testing for Road Works</li> <li>* Summary of Pipeline Testing</li> <li>* Soil Classification of Residential Lots</li> </ul>	Closed
66	<p>Penrith City Council appointed as Principal Certifying Authority (PCA) with works inspected and certified throughout the construction process.</p> <p><b>Attachment E:</b> Council's "Certificate of Inspection" is scheduled to be carried out week commencing 17/02/14 which will detail all the defect actions required to be completed by the developer's contractor. The following bonds are in place for any outstanding works as per enclosed Council's confirmation on the amounts dated 9/01/14;</p> <ul style="list-style-type: none"> <li>* Maintenance Bond (\$143,000) <b>Attachment O,</b></li> <li>* Landscaping Bond (\$110,000) <b>Attachment P,</b></li> <li>* Path Paving Bond (\$275,000) <b>Attachment T,</b></li> </ul>	Closed
67	<b>Attachment P:</b> Landscaping Bond to a total amount of \$110,000 enclosed as per Council's confirmation of the amount on the 9/01/14 due to uncompleted works. Upon completion of the civil works, the street tree planting works will be installed as soon as possible as per the approval provided by Penrith City Council via email on the 8/02/13 which is enclosed.	Closed
<b>LANDSCAPING</b>		
68	Noted	Closed
69	Noted	Closed
70	Noted	Closed



71	<b>Attachment Q:</b> Trees within the subdivision development were removed as per the approved DA Tree Plan with Council's concurrence.	Closed
<b>SUBDIVISION (GENERAL)</b>		
72	Addressed prior to construction commencement	Closed
73	<b>Attachment R:</b> Ten copies of the Linen Plan including Administration Sheet enclosed	Closed
74	<b>Attachment S:</b> Section 88B instrument enclosed addressing relevant conditions of consent	Closed
75	<b>Attachment I:</b> Jordan Springs - Stages 4E Statement of Compliance Report prepared by Geotech Testing Pty Ltd is enclosed and addresses the following: * Summary of Site Fill Testing * Summary of Field Density Testing for Road Works * Summary of Pipeline Testing * Soil Classification of Residential Lots	Closed
76	<b>Attachment L:</b> Surveyors Certificate (dated 23/09/13) prepared by Whelans Insites Pty Ltd is enclosed.	Closed
<b>PAYMENT OF FEES</b>		
77	Noted	Closed
78	Addressed prior to commencement of works	Closed
<b>CERTIFICATION</b>		
79	Addressed prior to commencement of works	Closed
80	All conditions within the consent are addressed except for the following; * Sydney Water (s73 Certificate) * Final Engineering Inspection Clearance	Open
81	Noted	Closed



# APPLICATION FOR DEVELOPMENT AND/OR CONSTRUCTION

## TYPE OF APPLICATION

Please tick the type/s of applications required, eg DA, subdivision, construction certificate. You can select more than one.

.....  
Planning and/or  
Building Construction  
Applications/Certificates  
under the *Environmental  
Planning and Assessment  
Act 1979*, or *Local  
Government Act 1993*

### ☐ DEVELOPMENT APPLICATION

Please also nominate below (if applicable)

- |   |  |                            |
|---|--|----------------------------|
| <input type="checkbox"/> Designated Development | <input type="checkbox"/> Modification (S96)      | DA No <input type="text"/> |
| <input type="checkbox"/> Integrated Development | <input type="checkbox"/> Extension of Consent    | DA No <input type="text"/> |
| <input type="checkbox"/> Advertised Development | <input type="checkbox"/> Review of Determination | DA No <input type="text"/> |
| <input type="checkbox"/> Other                  | <input type="text"/>                             |                            |

### ☒ SUBDIVISION

Number of lots

- Existing
- Proposed
- Road ☒ Yes  
☐ No

☒ Subdivision Certificate

- ☐ Strata
- ☒ Land/Torrens Title
- ☐ Community Title

Related DA No

Does the Subdivision include works other than a road? ☐ Yes ☒ No

.....  
Please note, applications  
for Construction  
Certificates or Complying  
Development must  
be accompanied by a  
contract for undertaking  
of certification work.  
.....

### ☐ CONSTRUCTION CERTIFICATE

Related DA No

### ☐ COMPLYING DEVELOPMENT CERTIFICATE

Please select the Planning Policy you are applying under

- ☐ State Environmental Planning Policy (name and number)
- ☐ Penrith Council Local Environmental Plan (Policy name)

### ☐ INSTALL A SEWAGE MANAGEMENT SYSTEM

(Section 68 Local Government Act 1993)

- ☐ Aerated (brand and model)
- ☐ On-site disposal or ☐ Pump-out
- ☐ Irrigation ☐ Trench disposal

### ☐ OTHER APPROVALS (Section 68 Local Government Act 1993)

**PENRITH  
CITY COUNCIL**

#### OFFICE USE ONLY

Receipt Date

Fees Paid

Application Number

Receipt Number

## PROPERTY DETAILS

Location of the proposal.  
Please provide all details.

Lot No./Sec No.	DP/SP No.	Land No. (Office use)
11	1176163	
Street No.	Street name	
Lot 11	Lakeside Parade	
Suburb	Post code	
Jordan Springs NSW	2747	

Provide details of the current use of the site and any previous uses, eg vacant land, farm, dwelling, car park.

Description of current and previous use/s of the site

Storage of Manufactured Goods

Is this use still operating?

☐ Yes ☒ No

If no, when did the use cease?

1994

Include all work associated with the application, eg construction of single dwelling, landscaping, garage, demolition.

## DESCRIPTION OF THE PROPOSAL

Jordan Springs - Stage 4E (43 Residential Lots)  
Subdivision Certificate Application  
DA Consent No. 12/0897

Estimated or contract value of the works. Council may request verification through builders quote or by a Quantity Surveyor.

## VALUE OF WORK PROPOSED

Please include materials, labour costs and GST. Subdivision applications must provide details of costs of construction. Major developments must provide Capital Investment Value (CIV) where required.

All correspondence relating to the application will be directed to the applicant. The applicant may be, but is not necessarily, the owner.

## APPLICANT DETAILS

Name/Company name

Maryland Development Company Pty Ltd

Street No.

Street name / PO Box / DX

PO Box 4

Suburb

Post code

Parramatta NSW

2124

Contact name

Ahmad Ali

Contact phone number

0447776411

Email address

ahmad.ali@lendlease.com

## DECLARATION

- ☒ I declare that all particulars supplied are correct and all information required has been supplied. I also certify that all information supplied digitally/electronically is a true copy of all plans and documents submitted with this application and that electronic data is not corrupted and does not contain any viruses.
- ☒ I am authorised by the copyright owner of any material submitted with this application to provide this material to Council. In doing so I understand and the copyright owner acknowledges that this material may be made publicly available at Council's offices, on Council's website and to third parties on request both during and after the assessment is completed.

Signature/s

Date

**PENRITH  
CITY COUNCIL**



.....  
This must be completed to include details of ALL owners. If there are more than two owners please attach a separate authority.

## OWNER'S DETAILS

Owner 1  
First name

N/A

Surname

Owner 2  
First name

N/A

Surname

Postal address  
Street No.

30

Street name

Hickson Road (Level 4, The Bond)

Suburb

Millers Point

Post code

2000

Contact phone number

9236 6111

Email address

N/A

Company name (if applicable)

St Marys Land Limited

Name of signatory for company

Arthur Ilias

Position held by signatory

Attorney - St Marys Land Limited

.....  
This must include signatures of ALL owners (see above note). If the property is subject to strata or community title the application must have consent from the Body Corporate.

## OWNER'S CONSENT

As owner/s of the property the subject of this application I/we consent to the application. I/we grant permission for Council Officers to enter the premises for the purpose of assessment of this application and to conduct inspections relating to this application.

Owner 1/Company Signatory

Print

Arthur Ilias

Signature



Date

13/2/14

Owner 2

Print

Signature

Date

.....  
Details of any pecuniary interest to be disclosed here.

## PECUNIARY INTEREST

Is the applicant an employee of Penrith City Council, or is the application being submitted on behalf of an employee of Penrith City Council?

☐ Yes ☒ No

Does the applicant have a relationship to any staff or Councillor of Penrith City Council or is the application being submitted on behalf of someone who has such a relationship?

☐ Yes ☒ No

If the answer is yes to any of the above the relationship must be disclosed

## BUILDER/OWNER BUILDER DETAILS

Please nominate

☐ Licenced Builder

☐ Owner Builder

First name

Surname/Company name

Licence No.

Postal address

Street No.

Street name

Suburb

Post code

Contact phone number

Email address

.....  
This must be completed  
for the Australian Bureau  
of Statistics

## MATERIALS TO BE USED

Please nominate

Floor

Frame

Walls

Roof

☐ Concrete

☐ Timber

☐ Brick veneer

☐ Tiles

☐ Timber

☐ Steel

☐ Double brick

☐ Fibre cement

☐ Other

☐ Aluminium

☐ Concrete

☐ Aluminium

☐ Other

☐ Fibre cement

☐ Steel

☐ Curtain glass

☐ Other

☐ Steel

☐ Aluminium

☐ Other

Gross floor area of proposal m<sup>2</sup> (if applicable)

Existing

Proposed

Total

+

=

## INTEGRATED DEVELOPMENT

If the application is for Integrated Development please indicate under which Act/s the licences/permits are required.

☐ Fisheries Management Act

☐ Heritage Act

☐ National Parks and Wildlife Act

☐ Roads Act

☐ Protection of the Environment  
Operations Act

☐ Rural Fires Act

☐ Water Management Act

☐ Other

## PRE LODGEMENT/URBAN DESIGN REVIEW PANEL

Have you attended a Prelodgement/UDRP meeting regarding this application?

☒ Yes ☐ No

Reference No.



.....  
All political donations  
must be disclosed.

## POLITICAL DONATIONS

The applicant must disclose all reportable donations and gifts made by any person with a financial interest in the application (from 2 years prior to this application up to the time it is determined), including:

- all reportable donations made to any Councillor of Penrith City Council, and
- all gifts made to any Councillor or employee of Penrith City Council.

Any disclosure required must be made in a statement accompanying the relevant application by the person who makes the application. If a further donation or gift is made after the lodgement of the application a further statement is required to be provided within seven days after the donation or gift is made.

Is a disclosure statement required?

☐ Yes ☒ No

If yes, has it been attached to the application?

☐ Yes ☒ No

## PRIVACY NOTICE

All information contained in your application including plans and supporting documents may be available for public access or disclosure under the Government Information (Public Access) Act 2009 (GIPA) and other legislation.

.....  
The form must be  
completed correctly and  
all required information  
and copies of plans/  
documents provided  
before the application  
can be accepted.

## ACCEPTANCE OF APPLICATION

Council can only process applications that are complete and comply with lodgement requirements. Applications not accepted will be returned to applicants within fourteen (14) days.

For your reference, a guide to application requirements is contained on the next page. (Please note: certain applications may require the submission of additional information not listed in the guide).

## NEED HELP?

Call our Development Services team on 4732 7991  
or see [penrithcity.nsw.gov.au](http://penrithcity.nsw.gov.au)

## OFFICE USE ONLY

*Additional information required before the application will be accepted*


Satisfactory to lodge? ☐ Yes ☐ No

Responsible Officer

Date

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# **PENRITH CITY COUNCIL**

*Serving Our Community*

## **DETERMINATION OF DEVELOPMENT APPLICATION**

P E N R I T H C I T Y C O U N C I L

### **DESCRIPTION OF DEVELOPMENT**

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DA No.	DA12/0897
Description of development	Staged Subdivision Creating 292 Lots and Associated Civil Works
Classification of development	The classification of the building(s) forming part of this consent is as follows:  N/A

### **DETAILS OF THE APPLICANT**

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Name & Address	Maryland Development Company Pty Ltd PO Box 1870 PENRITH NSW 2750
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### **NOTES**

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1. Your attention is drawn to the attached conditions of consent attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## **DETAILS OF THE LAND TO BE DEVELOPED**

Legal Description: Lot 11 DP 1176163  
Property Address: Lot 11 Lakeside Parade JORDAN SPRINGS NSW 2747

## **DECISION OF CONSENT AUTHORITY**

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

Date from which consent operates 1 March 2013  
Date the consent expires 1 March 2015  
Date of Decision 10 December 2012

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

## **OTHER APPROVALS**

### **APPROVAL BODIES:**

<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	4 December 2012	D12/2115 DA12092484 896 KV	2	Rural Fires Act 1997
NSW Office of Water	25 October 2012	10 ERM2012078 7	5	Water Management Act 2000

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.

## **REVIEW OF DETERMINATION & RIGHTS OF APPEAL**

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

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

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



3. Right of Appeal if the application was for Designated Development  
If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

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

## REASONS

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The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

## POINT OF CONTACT

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

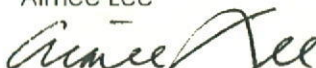
Assessing officer	Aimee Lee Senior Environmental Planner
Contact telephone number	(02) 4732 7429

## SIGNATURE

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Name  
Signature

Aimee Lee



For the Development Services Manager

## ATTACHMENT 1: CONDITIONS OF CONSENT

### GENERAL

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

Drawing Title	Plan No.	Prepared By	Date
Plan of Subdivision of Lot 11 In DP 1176163	D646-V4-001f Sheet 1 of 2	Whelans Insites	14-2-13
Plan of Subdivision of Lot 11 In DP 1176163	D646-V4-001f Sheet 2 of 2	Whelans Insites	14-2-13
Plan of Subdivision of Lot 3999 in a subdivision of Lot 11 In DP 1176163	D646-V4-002d Sheet 1 of 2	Whelans Insites	10-1-13
Plan of Subdivision of Lot 3999 in a subdivision of Lot 11 In DP 1176163	D646-V4-002d Sheet 2 of 2	Whelans Insites	10-1-13
Plan of Subdivision of Lot 4123 in a subdivision of Lot 3999 a subdivision of Lot 11 In DP 1176163	D646-V4-003e Sheet 1 of 1	Whelans Insites	21-1-13
Plan of Subdivision of Lot 3998 in a subdivision of Lot 11 In DP 1176163	D646-V4-004c Sheet 1 of 2	Whelans Insites	10-1-13
Plan of Subdivision of Lot 3998 in a subdivision of Lot 11 In DP 1176163	D646-V4-004c Sheet 2 of 2	Whelans Insites	10-1-13
Plan of Subdivision of Lot 4252 in a subdivision of Lot 3998 in a subdivision of Lot 11 In DP 1176163	D646-V4-005d Sheet 1 of 1	Whelans Insites	14-1-13
Plan of Subdivision of Lot 3996 A Subdivision of Lot 11 In DP 1176163	D646-V4-006b Sheet 1 of 1	Whelans Insites	4-6-12
Engineering Plans	9408/DA01 to 9408/DA04 Issue F 9408/DA05 to 9408/DA06 Issue E 9408/DA07 Issue F 9408/DA08 to 9408/DA09 Issue E 9408/DA10 Issue F 9408/DA11 to 9408/DA16 Issue E 9408/DA17 Issue F	J Wyndham Prince	18/02/13  24/01/13  18/02/13 24/01/13  18/02/13 24/01/13  18/02/13



	9408/DA18 to 9408/DA23 Issue E 9408/DA24 to 9408/DA26 Issue D 9408/DA27 Issue C 9408/DA28 Issue B		24/01/13  24/01/13  18/02/13 24/01/13
Traffic Impact Assessment Report	Ref : 12S1267902 Issue B	GTA Consultants	06/09/12
Addendum traffic and Transport Review	Ref : 12S1267202	GTA Consultants	22 January 2012
Road Safety Audit Report	Ref : 12S1267210 Issue C	GTA Consultants	22/01/13
Bushfire Protection Assessment	Project No. 09SUBTBUS-0001	Ecological Australia	24 January 2013
Species Impact Statement	-	Cumberland Ecology	August 2012
Aboriginal Heritage Assessment	Ref 12-0387tr2	Godden Mackay Logan	6 September 2012
Staged Interim Stormwater Management Strategy Report	9442Rpt2B.doc	J Wyndham Prince	24 <sup>th</sup> January 2013
Interim Detention & Sediment Basin Operation & Maintenance Manual	-	J Wyndham Prince	January 2013
Western Precinct Salinity Report	Ref : 7508/23-AA Final Revised	Geotech Testing Pty Ltd	8 March 2010
Waste Management Plan	-	Maryland Development Company Pty Ltd	5/09/12

- 2 A copy of the General Terms of Approval issued by the NSW Rural Fire Service and NSW Office of Water under the Rural Fires Act 1997 and Water Management Act 2000 shall be submitted to the Principal Certifying Authority, **before the Construction Certificate can be issued** for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.
- 3 The proposed subdivision shall be in accordance with the provisions of the "Planning for Bushfire Protection" December 2006, and:
  - Bushfire Protection Assessment prepared by Ecological Australia dated 24 January 2013
- 4 An Asset Protection Zone for protection from bushfire shall be provided and maintained to the subdivision approved herein in accordance with the recommendations outlined in the Bushfire Protection Assessment prepared by Ecological Australia dated 24 January 2013.
- 5 A **Construction Certificate** shall be obtained prior to commencement of any building works.

- 6 **Prior to the issue of a Construction Certificate**, the applicant shall submit to Penrith City Council the following documents to achieve compliance with the Director General's Requirement:
- a) A detailed survey for *Grevillea juniperina* on the site taking into consideration the potential for higher numbers within the soil stored seed bank both of *Grevillea juniperina*, *Dillwynia tenuifolia*, *Pimelea spicata* and *Pultenaea parviflora* in the eastern quarter of the site
  - b) Description and mapping of vegetation, flora and fauna surveys indicating the location of any of the threatened species, their habitats found on the site nor map their extent or the extent of potential habitat.
  - c) A management plan to minimise the potential impacts on the adjoining bushland. The area to be managed should entail the first 50 metres from the southern edge of the allotments to control any weed incursion, breaks in fencing and dumping of garden waste/rubbish into the bushland conservation area. The management plan should be in perpetuity and entail works annually to ensure the protection and enhancement of this bushland area.
- 7 The Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Council.
- 8 The applicant shall at all times comply with the Bush Fire Safety Authority issued by NSW Rural Fire Service (Ref D12/2115 DA 12092484896 KV) dated 4 December 2012 and the following conditions:

#### **Asset Protection Zones**

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

- (a) At the issue of subdivision certificate and in perpetuity, all residential allotments within the proposed subdivision shall be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **Water and Utilities**

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

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

#### **Access**

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

- (c) Public access roads shall comply with Section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.



- 9 All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime Services
- 10 A Construction Traffic Management Plan for the subdivision, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Penrith City Council prior to the issue of the Construction Certificate for the subdivision.
- 11 Traffic calming is to be incorporated into the proposed road servicing Lots 4001 to 4006 due to the acute left hand turn (adjacent to Lot 4015) and potential for high vehicle speeds in this area. The applicant shall consult Council's Traffic Engineer for the type and position of device required.
- 12 The soil salinity management measures outlined within the Western Precinct Plan must be implemented during construction. The measures and recommendations outlined in the Salinity Review prepared by Geotech Testing Pty Ltd Ref 7508/23-AA Final Revised dated 8 March 2012 are to be adopted and implemented as a part of the development.
- 13 The development and salvage works must be conducted in accordance with the Aboriginal Heritage Impact Permit (AHIP Permit No. 10996059) issued on 13 February 2009.
- 14 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.
- 15 **Prior to the issue of a Construction Certificate**, Penrith City Council is to approve of the type of Gross Pollutant Traps (GPT's), the location of the GPT's, and the access arrangements for maintenance purposes.
- 16 **Prior to the issue of a Construction Certificate** provision is to be made for concrete access hardstand areas to all GPT's to allow maintenance vehicles to enter and leave in a forward direction. Full details are to be submitted with the application for a Construction Certificate.
- 17 **Prior to the issue of a Subdivision Certificate**, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.
- 18 **Prior to the issue of the Subdivision Certificate** street trees are to be planted in accordance with the street tree plan numbered WP V4 STP sheets A1, A2, B, C, D, E & F, Issue C dated 12.02.13.  
  
Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's Development Services Unit on 4732 7777.
- 19 The temporary on-site detention system and erosion and sediment control system shall be maintained by the person with the benefit of the development consent until development runoff is diverted into the ultimate water quality / detention system and the temporary system has been decommissioned. A minimum 12 month maintenance period will apply to the ultimate water quality / detention system when completed.



- 20 The following aspect in relation to Crime Prevention through Environmental Design (CTPED) principles should be incorporated into the proposed subdivision to enhance the safety and security of all users and minimise the crime risk associated with this development:
- (a) Lighting
    - All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy, and in accordance with Integral Energy standards and requirements.
    - All pedestrian and cycle networks shall be well lit in accordance with the abovementioned standards.
    - Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.
  - (b) Landscaping
    - Planting along pedestrian / cycle pathways should promote passive surveillance and clear lines of sight. Trees should have a high canopy so as not to provide concealment opportunities. Dense shrubs and heavy undergrowth should be avoided along the pathways.
    - The pedestrian / cycle pathways shall be marked and signposted to clearly delineate the portion pathway to be used by pedestrians and cyclists.
  - (c) Neighbourhood Park
    - Any new planting within the local park must have a high canopy and minimal undergrowth to enable passive surveillance, promote clear lines of sight and reduce entrapment spots. Dense shrubs will be avoided.
    - Park furniture (i.e. seating, shelters) and play equipment must utilise vandal resistant treatments where possible, and should be constructed of sturdy materials to minimise opportunities for malicious damage, graffiti, vandalism and theft. Graffiti resistant coatings must be applied to any surfaces subject to graffiti to assist with removal.
    - Future park furniture and playground equipment must be positioned in a location with good levels of surveillance to minimise the risk of vandalism or other forms of antisocial behaviour, particularly at night.
- 21 **Prior to the issue of a Construction Certificate**, the applicant must liaise with Council's Landscape Architecture Supervisor for the provision of a more suitable species for street tree planting on Roads No.1, 5 and 21.

## DEMOLITION

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

## HERITAGE/ARCHAEOLOGICAL RELICS

- 24 If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.



## ENVIRONMENTAL MATTERS

- 25 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.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

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, have been stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 26 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 27 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.
- 28 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.

- 29 The operating noise level of plant and equipment shall not exceed 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

## BCA ISSUES

- 30 The garages for dwellings on the following lots are to be provided on the primary frontage of the lot with a minimum front setback of 5.5 metres.

Lot 4010	Lot 4089	Lot 4194
Lot 4020	Lot 4102	Lot 4197
Lot 4021	Lot 4106	Lot 4206
Lot 4046	Lot 4118	Lot 4210
Lot 4047	Lot 4126	Lot 4217
Lot 4058	Lot 4142	Lot 4242
Lot 4059	Lot 4146	Lot 4254
Lot 4063	Lot 4157	Lot 4263
Lot 4064	Lot 4158	Lot 4264
Lot 4067	Lot 4162	Lot 4285
Lot 4074	Lot 4174	
Lot 4088	Lot 4187	

## UTILITY SERVICES

- 31 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 release of the linen plan**, the following service authority clearances shall be obtained:

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

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

## CONSTRUCTION

- 32 **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 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.

- 33 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 is 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 on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

- 34 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

### General

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

### Prior to the Issue of a Construction Certificate

- 36 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

- 37 **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Utility lead in works.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's **City Works Department** on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).



- 38 Subdivision works shall be provided generally in accordance with the above stamped approved engineering plan/s prepared by J Wyndham Prince, reference number 9408 Sheets DA01-DA28.

Any Construction Certificate/s issued by the Certifying Authority shall include but not be limited to the following subdivision works.

- a) On-site detention system
- b) Roads and drainage
- c) Stormwater pre-treatment systems
- d) Overland flowpath
- e) Interallotment drainage
- f) Bus Stops
- g) Cycle Facilities
- h) Earthworks
- i) Retaining walls
- j) Paving works
- k) Laybacks
- l) Traffic calming

Engineering plans, supporting calculations and relevant certification for the subdivision works shall be prepared by suitably qualified people and must accompany the application for a Construction Certificate.

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

- Stormwater management is implemented in accordance with the Staged Interim Stormwater Management Strategy Report (Jordan Springs Village 4), prepared by J. Wyndham Prince Pty Ltd numbered 9442Rpt2B.doc dated 24<sup>th</sup> January 2013.
- Salinity measures are incorporated into the Construction Certificate drawings in accordance with the requirements of the Salinity Review by Geotech Testing Pty Ltd reference 7508-23-AA Final Revised dated 8 March 2010 and the SKM report on water, soil and infrastructure for the St Marys Project, Western Precinct Plan dated May 2009.
- Laybacks are to be provided and are to align with building envelope plan drawing no's. WP V4 BEP sheet A issue C dated 14.02.13, Sheet B, C & D, Issue B dated 23.01.13. All laybacks are to be located a minimum of 6m from the tangent point of any kerb return at intersections in accordance with AS2890.1:2004 and be located a minimum of 1m from any lintel of kerb inlet pits.
- The location of bus stops and associated infrastructure has been indicated on the civil drawings.
- Shared paths are 2.5m wide, 125 thick with F72 mesh and approved construction jointing. Shared path line marking and signage is to be in accordance with the relevant Australian Standards and Austroads Guidelines.
- All bicycle facilities and paths are in accordance with the relevant provisions of the RTA's NSW Bicycle Guidelines and AUSTRROADS Guide to Traffic Engineering Practice - Part 14 Bicycles.
- Traffic calming is incorporated into Road No 1 on the acute bend at Ch 900. Council's Traffic Engineer is to be consulted for the type and position of device required.

- 39 **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 and Construction Specification for Civil Works and relevant criteria.

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

**Prior to the issue of the Construction Certificate**, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the Construction Certificate.

- 41 Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater - Environmental Targets/ Treatment Techniques- October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

- Specification & installation details of the stormwater pre-treatment system
- The approval of an operation and maintenance manual/ schedule for the proposed device

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 42 Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a maximum pit spacing of 40m. A stub connection shall be provided for lots without a pit with location details to be provided on the works as executed drawings.
- 43 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that all bus stops have been designed in accordance with the requirements of the Disability Discrimination Act 2002 (DDA), Disability Standards for Accessible Public Transport (DSAPT) and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.
- 44 **Prior to the issue of a Construction Certificate**, Penrith City Council is to approve of the type of Gross Pollutant Traps (GPT's), the location of the GPT's, and the access arrangements for maintenance purposes.
- 45 **Prior to the issue of a Construction Certificate** provision is to be made for concrete access hardstand areas to all GPT's to allow maintenance vehicles to enter and leave in a forward direction. Full details are to be submitted with the application for a Construction Certificate.
- 46 The temporary on-site detention and erosion and sediment control basin as shown on above stamped approved engineering plan/s prepared by J Wyndham Prince, reference number 9408 Sheets DA01-DA28 shall be relocated clear of the footprint of the proposed eastern lake.

Engineering plans and supporting calculations for the on-site detention system are to be prepared by a qualified Hydrologic/Hydraulic Engineer and shall accompany the application for a Construction Certificate.

An Operation and Maintenance Manual shall be approved by the Certifying Authority as part of the Construction Certificate documentation. A copy of the Operation and



Maintenance Manual shall be submitted to Penrith City Council if Council is not the Certifying Authority.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the on-site detention system has been designed in accordance with Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 47 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that a traffic calming device is provided in Road No. 5 strictly in accordance with the plan prepared by J. Wyndham Prince, reference 9408/SK121, revision B and dated 27/02/2013.
- 48 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the access to the GPT is provided strictly in accordance with the plan prepared by J. Wyndham Prince, reference 9408/SK122, revision A and dated 28/02/2013. The indented bay area constructed to provide access for service vehicles shall be detailed in accordance with Penrith City Councils Vehicular Crossing Specification and will be classed as a Heavy Vehicle crossing.
- 49 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure all pram ramps are located and detailed strictly in accordance with Penrith City Councils Guidelines for Engineering Works for Subdivisions and Developments, Part 1 - Design and Part 2 - Construction and a minimum of 1.2m wide excluding the wings (standard drawing S206b). The pram ramps shall be orientated as to direct pedestrians to the pram ramp on the opposing side of the road.
- 50 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the access driveways for proposed lot 4034, 4035, 4036, 4037 are provided strictly in accordance with the supporting document submitted to Penrith City Council on the 14/02/2013 (Document number 391817). The access driveway associated with the reciprocal right of carriageway (ROW) shall be detailed as a Light Commercial Vehicle crossing in accordance with Penrith City Councils Vehicular Crossing Specification.

#### **Prior to the Commencement of Works**

- 51 **Prior to the commencement of works on site**, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed 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.
- 52 **Prior to commencement of works** a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "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:**

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



53     **Work on the subdivision shall not commence until:**

- a Construction Certificate (if required) 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.

**Requirements During Constructions**

- 54     Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 55     All existing (aerial) and proposed services for the development are to be located or relocated underground in accordance with relevant authorities regulations and standards.
- 56     Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.
- 57     All filling shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and 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.

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

**Prior to the Issue of a Subdivision Certificate**

- 59     **Prior to the issue of a Subdivision Certificate** the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works

Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.

- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.



- 60 **Prior to the issue of an Occupation Certificate** a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) Stormwater pre-treatment system/s
- c) Overland flowpath works

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 61 **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 **Development Engineering Unit** on (02) 4732 7777 for further information on this process.

Allow eight (8) weeks for approval by the Local Traffic Committee.

- 62 **Prior to the issue of a Subdivision Certificate** street signs are to be erected at road intersections.

Note:

Proposed road names can be selected from an approved list. An application for other names, in accordance with Penrith City Council's Street Naming Policy, can also be made. The regulations imposed under the Roads Act require that the proposed road names are advertised on two occasions; firstly as a proposal, and secondly as an official naming. This process means that you must pay the required advertising fee to Council before the Council can commence this process. Applications for road naming should be made as soon as possible to ensure that this process does not delay the issue of a Subdivision Certificate.

- 63 **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 Development Engineering Unit on 4732 7777 for further information relating to bond requirements.

- 64 **Prior to the issue of a Subdivision Certificate** a maintenance bond is to be lodged with Penrith City Council for 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:

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

- 65 **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 Design Guidelines.
  - b) 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.
  - c) 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.
  - d) 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.
  - e) Documentation for all road pavement materials used demonstrating compliance with Council Design Guidelines and Construction Specification.
  - f) 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
      - 1 Compaction reports for bulk earthworks and lot regrading.
      - 2 Soil classification for all residential lots
      - 3 Statement of Compliance
  - g) Structural Engineer's construction certification of all structures

- 66 **Prior to the issue of a Subdivision Certificate**, the Principal Certifying Authority shall ensure that all works relating to the utility service lead in works within public road reserves have been inspected and approved by Penrith City Council.



- 67 **Prior to the issue of the Subdivision Certificate** street trees are to be planted in accordance with the street tree plan numbered WP V4 STP sheets A1, A2, B, C, D, E & F, Issue A dated 11/09/2012.

Prior to the planting of street trees, the street tree plan, plant species and location are to be approved by Penrith City Council. In this regard, please contact Council's Development Services Unit on 4732 7777.

## **LANDSCAPING**

- 68 The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.
- 69 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Development Control Plan 2006.
- 70 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
- 71 No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

## **SUBDIVISION (GENERAL)**

- 72 **Work on the subdivision is not to commence until:**
- a Construction Certificate has been issued,
  - a Principal Certifying Authority has been appointed for the project, and
  - any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

- 73 Submission of the original Linen Plan and ten (10) copies. The Linen Plan must indicate that:

(a) "It is intended to dedicate all new roads to the public as road"

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.



The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

- 74 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:
- a) Easement for support-the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.
  - b) Residue Allotment no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.
  - c) All vehicles shall enter and exit Proposed Lot 4035 in a forward direction.
  - d) Proposed Lots 4035 and 4036 shall have a reciprocal Right-of-Carriageway over the access driveway.

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

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

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

#### **PAYMENT OF FEES**

- 77 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.
- 78 **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**

- 79 **Prior to the commencement of any earthworks, construction or demolition 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.

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

**Advisory Condition**

- 81 The site is subject to the provisions of the St Marys Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.

Aimee Lee

Signature



For the Development Services Manager

23<sup>rd</sup> July 2013

The General Manager  
Penrith City Council  
601 High Street  
PENRITH NSW 2760

**Attention:** Gavin Cherry

Dear Gavin,

**RE: Section 96 Application for DA 12-0897- Stage 4, St Marys Development – Western Precinct, Jordan Springs**

This statement has been prepared by Lend Lease as the applicant on behalf of Maryland Development Company. It accompanies an application to Penrith City Council (Council) under Section 96 (1A) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) to modify the Development Consent granted for the abovementioned development.

This S96 (1A) application seeks to amend the development consent as follows:-

- **Modification to Building Envelope Plans**

The Building Envelope Plans have been amended with minor modifications to reflect the following:

- Revised Bushfire Attack Levels and Asset Protection Zones, to reflect the modified BAL map prepared in accordance with Council conditions and requirements; and
- The appropriate setbacks for proposed integrated lots (4001, 4293 and 4119) in accordance with the Development Control Strategy.

The modified BEPs are included at **Appendix B**.

- **Modification to Plan of Subdivision**

The Plans of Subdivision has been modified from the original set of approved plans. The amendments are specifically as follows:

- Slight modifications to stage boundaries;
- Number of lots in each stage;
- The identification of the Village Park as a Public Reserve (previously identified as lot 4130);
- The relocation of the substations, which have been moved to avoid clashes with services and sight lines; and
- The exclusion of the land subject to the VC2, VC3 and VC10 subdivision DA, occupying the western most residue lot.

The revised plans of subdivision are included at **Appendix A**.



- **Modification of Building Envelope Plans**

The Building Envelope Plans have been modified from the original set of approved plans. The amendments are specifically as follows:

- Changes to the APZ and BALs, in accordance with the revised BAL map provided to Council previously; and
- Removal of most secondary garage locations in accordance with the Council's consent condition.

The revised Building Envelope Plans are included at **Appendix B**.

- **Modification of Development Description**

The current description of development displayed in the consent is as follows:

*Staged Subdivision Creating 292 Lots and Associated Civil Works*

For the purposes of authority clearances for individual the stages of the development, the description will need to specifically identify the number of lots in each stage. The description of development will need to be displayed on the consent as follows:

*Staged Subdivision Creating 292 Lots and Associated Civil Works in 6 Development Stages. **Stage 4a-** subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 70 residential lots, 5 residue lots and Public Roads; **Stage 4b-** subdivision of Lot 3999, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 52 residential lots, 1 residue lot and Public Roads; **Stage 4c-** subdivision of Lot 4123, a subdivision of Lot 3999, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 75 residential lots, 1 Public Reserve lot and Public Roads; **Stage 4d-** subdivision of Lot 3998, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 52 residential lots, 1 residue lot and Public Roads; **Stage 4e-** subdivision of Lot 4251, a subdivision of Lot 3998, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 43 residential lots and Public Roads; and **Stage 4f-** subdivision of Lot 3996, a subdivision of Lot 3994 in a subdivision of Lot 11 in DP1176163, comprising 1 residue lot and a Public Road.*

- **Modification of Condition 30**

Condition 30 lists the allotments which require the secondary garage access to be removed from the Building Envelope Plan in lieu of the garage on the primary frontage. The following four allotments listed in Condition 30 are unable to meet the requirements of this condition:

- Lot 4010
- Lot 4046
- Lot 4059
- Lot 4210

The garage location is not possible on the primary frontage of these allotments because the Australian Standards require a driveway to be located a minimum of 6m away from the tangent point of a corner. The reduced width of the primary frontage on these allotments prevents this standard from being met.



It is therefore proposed that the four abovementioned allotments remain as secondary frontage access lots, with a 2.5m garage setback as specified in the Western Precinct Plan. It is considered that four allotments with a reduced setback in a subdivision of 292 lots will not have a major or detrimental impact on the streetscape or the overall subdivision. Double garages will also be mandated on the abovementioned allotments, to ensure that two vehicles can adequately park on site, avoiding the need to park on the shortened driveway in front of the garage.

This statement is accompanied by the following:

- **Appendix A-** Modified Plans of Subdivision; prepared by Whelans Insites;
- **Appendix B-** Modified Building Envelope Plans; prepared by Lend Lease; and
- Section 96 application form.

This submission should be read in conjunction with the original Statement of Environmental Effects (SEE).

In accordance with Section 96 of the EP&A Act, it is submitted that:

- the proposed modifications will have a minor environmental impact; and
- pursuant to Section 79C(1A) of the EP&A Act, the proposed modifications will not raise any environmental issues.

In light of the above, we respectfully request that Council approve the proposed modification. If you should require further information please do not hesitate to contact me on 0439 094 730.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Angus Fulton", written over a horizontal line.

Angus Fulton  
Statutory Planner NSW / ACT  
COMMUNITIES



PENRITH  
CITY COUNCIL**Penrith City Council****DA Fee Calculator - Estimate Only**

	Estimated Cost	Fee(+GST)
Development: <-- Select -->		\$0.00
Environmental Compliance Levy		\$0.00
Advertising Signs		\$0.00
Notifications:		
Designated Development Advised <-- Select -->		\$0.00
Admin Fee for Integrated Development		\$0.00
Adjoining Owners <-- Select -->		\$0.00
Section 101 Notification Fee		\$0.00
Construction Cert: <-- Select -->		\$0.00
Complying Develop: <-- Select -->		\$0.00
Subdivision:	Existing   New	
Subdivision with new Road		\$0.00
Subdivision without new Road		\$0.00
	No. of lots	
Strata Subdivision		\$0.00
Subdivision Certificate	43	\$3370.00
Strata Lien Release Fee		\$0.00
Other Fees:		
Scanning Fee		\$0.00
Long Service Levy		\$0.00
Pool Resuscitation Board		\$0.00
BASIX CC Assessment Fee		\$0.00
Modification of Covenants (Sec 88b)		\$0.00
Septic (Domestic) Install Inspect		\$0.00
Engineering CC Assess Inspect		\$0.00
UDRP - SEPP 65		\$0.00
UDRP - Other		\$0.00
Asset Fees:		
Infrastructure Inspection & Admin		\$0.00
Road Reserve Opening Permit		\$0.00
Vehicle Crossover - Single Res/Dual Occ		\$0.00
Vehicle Crossover - Com/Ind		\$0.00
Common Insp: <-- Select -->		\$0.00
Occupation Certificate (Class 1)	^	
Occupation Certificate (Class 10)		
Occupation Certificate (Class 2-9)	v	
Commercial Insp: <-- Select -->		\$0.00
Residential Insp: <-- Select -->		
Residential Buildings (Individual)	^	
Package for dwellings		
Package for dwelling additions (1-2 r)		
Package for dwelling additions & alle		
Package for awnings, carports etc.	v	

Total Fee \$3370.00

Please note these are estimated fees based on information provided at the time. All fees are subject to verification and change.  
 Fees are based on Council's fees and charges schedule and/or Statutory/Regulatory fees. Other fees may be applicable.  
 A 0.6% surcharge applies on all credit cards. \* Denotes GST included fees.

Calculate

Clear All



**Appendix B**  
Modified Building Envelope Plans, prepared by Lend Lease