

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0592.03
Proposed development:	Extension of Consent Period - Community Title Subdivision x 25 Residential Lots & 1 Community Lot & Construction of 20 x Two (2) Storey Terrace Dwellings, 1 x Three (3) Storey Terrace Dwelling, Access Road & Visitor Car Parking
Property address:	62 Bradley Street, GLENMORE PARK NSW 2745
Property description:	Lot 176 DP 1203990
Date received:	18 December 2019
Assessing officer	Jacqueline Klincke
Zoning:	Zone R1 General Residential - LEP 2010
Class of building:	Class 1a , Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of an application seeking a one year extension to the consent lapsing date for DA17/0592. The application seeks to extend the consent lapsing period from 14 March 2020 to 14 March 2021.

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, the subject application did not require public notification.

The application has been assessed in accordance with Section 4.54 of the *Environmental Planning and Assessment Act 1979* and is recommended for approval.

Site & Surrounds

The subject site forms part of Precinct F of the Glenmore Park Stage 2 release area. The site has frontages to Edgewater Drive and Bradley Street and is opposite a riparian corridor to the west, existing residential flat buildings to the north and detached single dwellings to the east and south.

Bulk earthworks have been undertaken on the site in accordance with DA13/1369 to reconcile the existing topography in preparation for residential development. A gentle slope has been maintained from the eastern boundary to the existing water body and open space along the western boundary.

The subject site is Lot 176 in DP 1203990, which was created as a residue lot in the subdivision approval via DA13/1359. The site occupies an area of approximately 7,284m².

Proposal

The subject application seeks to extend the lapsing date of DA17/0592 from 14 March 2020 to 14 March 2021.

It is noted that a modification application (DA17/0592.02) is currently under assessment by Council and has not yet been determined.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• **Section 4.54 - Extension of lapsing consent by 1 year**

The subject extension of consent period application has been assessed against the provisions of Section 4.54 Extension of lapsing period for 1 year under the *Environmental Planning and Assessment Act 1979* which reads as follows:

(1) If, in granting a development consent, the consent authority reduces the period after which the consent lapses to less than 5 years, the applicant or any other person entitled to act on the consent may apply to the consent authority, before the period expires, for an extension of 1 year.

(2) The consent authority may grant the extension if satisfied that the applicant has shown good cause.

(3) (Repealed)

(4) An extension of 1 year granted under this section commences to run from the later of the following:

(a) the date on which the consent would have lapsed but for the extension,

(b) the date on which the consent authority granted the extension or, if the Court has allowed the extension in determining an appeal, the date on which the Court determined the appeal.

(5) This section does not apply to complying development.

The subject application has been assessed as follows:

(1) The original development consent (DA17/0592) has an expiry date of 2 years after its issue. In this regard, the subject 1 year extension to the consent lapsing period can be pursued.

(2) A letter has been submitted with the application stating that the reasoning for the proposed extension of the consent lapsing period is due to the need for significant engineering design resolutions to occur in order to rationalise and improve the ground levels of the original approved plans. These changes required a S4.55(2) modification application to be lodged (DA17/0592.02) and the approval process for the amended design remains ongoing. In addition, the 2017/2018 property market downturn impacted the feasibility of development projects and brought additional economic uncertainty in financial markets. In this regard, the applicant has shown good cause and it seems unreasonable to not support the proposed 1 year extension given that 5 year consent periods are now being issued by Council.

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the proposal against the relevant criteria within the *Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No 2—1997)* and the application is satisfactory subject to recommended conditions of consent.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.6 Subdivision - consent requirements	Complies
Clause 4.1 - Minimum subdivision lot size	N/A
Clause 4.3 Height of buildings	Complies
Clause 4.4 Floor Space Ratio	N/A
Clause 5.10 Heritage conservation	N/A
Clause 7.1 Earthworks	Complies
Clause 7.2 Flood planning	Complies
Clause 7.4 Sustainable development	Complies
Clause 7.6 Salinity	Complies
Clause 7.7 Servicing	Complies
Clause 7.16 Glenmore Park Stage 2	Complies

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

It is noted that both the *Draft Environment SEPP* and *Draft Remediation of Land SEPP* apply to the subject site but while so, do not affect or alter the recommendation of this report.

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

Development Control Plan 2014

Provision	Compliance
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	Complies
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	Complies
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E7 Glenmore Park controls	Complies

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the proposal.

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

The proposal complies with the requirements of the Regulations.

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

The proposed extension to the consent lapsing date is unlikely to produce any adverse impacts on the built and natural environments.

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

The suitability of the site for the development was demonstrated through the assessment of DA17/0592.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the *Penrith Development Control Plan 2014*, the subject application did not require public notification.

Referrals

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

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	Not supported
Environmental - Waterways	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	No objection subject to conditions

Environmental - Environmental management

The above internal referral comments relate to the original development application. All matters that were initially raised were resolved via recommended conditions of consent. No internal referrals were warranted for the subject extension of consent period application.

Waste Services

The above internal referral comments relate to the original development application. All matters that were initially raised were resolved via revised plans and documents and recommended conditions of consent. No internal referrals were warranted for the subject extension of consent period application.

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

Given that the application is for an extension of consent lapsing period only, there are no significant issues of public interest.

Conclusion

The subject application satisfies the relevant provisions of the *Environmental Planning and Assessment Act 1979* and has been found satisfactory. The application has shown "good cause" as per the requirements of Section 4.54 of the Act and the application is therefore recommended for approval.

Recommendation

That DA17/0592.03 for a one year extension to the consent lapsing period for DA17/0592 at 62 Bradley Street, Glenmore Park, be approved.

CONDITIONS

General

1 A001

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

<u>Plan</u>	<u>Numbered</u>	<u>Drawn By</u>	<u>Dated</u>
Subdivision Plan	DA1001 Revision F	MHNDUnion	22 January 2018
Building Envelope Plan	DA1002 Revision F	MHNDUnion	22 January 2018
Site and Roof Plan	DA1003 Revision F	MHNDUnion	22 January 2018
Master Plan	DA2000 Revision F	MHNDUnion	22 January 2018
Lots 505 and 506 Ground Floor Plan	DA2005 Revision E	MHNDUnion	28 September 2017
Lots 505 and 506 First Floor Plan	DA2006 Revision E	MHNDUnion	28 September 2017
Lots 505 and 506 Second Floor Plan	DA2007 Revision E	MHNDUnion	28 September 2017
Lot 525 Ground and First Floor Plan	DA2008 Revision E	MHNDUnion	28 September 2017
Terrace Plan Type A	DA2001 Revision E	MHNDUnion	28 September 2017
Terrace Plan Type A - With Home Office	DA2002 Revision E	MHNDUnion	28 September 2017
Terrace Plan Type B	DA2003 Revision E	MHNDUnion	28 September 2017
Terrace Plan Type B - With Home Office	DA2004 Revision E	MHNDUnion	28 September 2017
Terrace Plan Type C -3B	DA2009 Revision E	MHNDUnion	28 September 2017
Terrace Plan Type C -2B	DA2010 Revision E	MHNDUnion	28 September 2017
North 01 Elevations Plan	DA2400 Revision F	MHNDUnion	22 January 2018
North 02 Elevations Plan	DA2401 Revision F	MHNDUnion	22 January 2018
South 01 Elevations Plan	DA2402 Revision F	MHNDUnion	22 January 2018
South 02 Elevations Plan	DA2403 Revision F	MHNDUnion	22 January 2018
East Elevation Plan	DA2404 Revision F	MHNDUnion	22 January 2018
West Elevation Plan	DA2405 Revision F	MHNDUnion	22 January 2018
Section A01 Plan	DA2500 Revision E	MHNDUnion	28 September 2017
Section A02 Plan	DA2501 Revision E	MHNDUnion	28 September 2017
Waste Management Plan	DA9300 Revision E	MHNDUnion	28 September 2017
External Materials and Finishes Plan	DA6000 Revision F	MHNDUnion	22 January 2018
Landscape Plan	SK DA 01 Issue E	Umbaco Landscape Architects	June 2017

2 A005 - APPROVED BODY'S CONSENT (FOR INTEGRATED DAS)

All requirements of the Rural Fire Service's General Terms of Approval shall be satisfied **prior to the issue of a Construction Certificate, Occupation Certificate and/or Subdivision Certificate**, as relevant.

3 **A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)**

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

4 **A038 - LIGHTING LOCATIONS**

Prior to the issue of an Occupation Certificate, a lighting system shall be installed for the development to provide uniform lighting across common areas and driveways. Exterior lighting shall be located and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary for safe operation. The lighting shall be in accordance with AS 4282 "Control of the obtrusive effects of outdoor lighting" (1997).

5 **A046 - Obtain Construction Certificate before commencement of works**

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

6 **A Special (BLANK)**

In order to enhance surveillance of the Bradley Street frontage, all front doors shall incorporate narrow windows that permit glimpses of the street footpath. Details in this regard shall be provided to Council for approval prior to the issue of a Construction Certificate.

7 **A Special (BLANK)**

Prior to the issue of a Subdivision Certificate, a Community Management Statement in relation to the community allotment shall be prepared. Provisions relating to the management and maintenance of the private roadway and visitor car parking therein, at a minimum, shall be included.

8 **A Special (BLANK)**

In order to add variety to the laneway elevation, the studios for Units 508, 509, 522 and 523 shall have a dark toned finish. Details of the finishes shall be provided to Council for approval prior to the issue of a Construction Certificate.

9 **A Special (BLANK)**

To add further variety to the laneway elevation as well as to identify individual dwellings, architectural screens for garages and gates shall incorporate at least two different finishes and the application of those finishes should create a varied pattern along the laneway. Details of the finishes shall be provided to Council for approval prior to the issue of a Construction Certificate.

10 **A Special (BLANK)**

Council's waste trucks shall be indemnified **prior to the operation of Council's waste services within the development**. Consultation with Council's Waste Services Department in this regard will be required.

11 **A Special (BLANK)**

Prior to the issue of a Subdivision Certificate, an Occupation Certificate for the development shall be issued and all relevant conditions of consent satisfied.

12 **A Special Condition (BLANK)**

Prior to the issue of a Construction Certificate for subdivision works, the Certifying Authority shall ensure that the stormwater management system is provided generally in accordance with the Bradley Heights Glenmore Park Stage 2 Stormwater Management Strategy prepared by J. Wyndham Prince, dated January 2015, Issue F, the accompanying MUSIC modeling, and the stormwater strategy and concept plan/s lodged for this development approval, prepared by Barker Ryan and Stewart, reference number SY170068, revision C, dated 26 June 2017.

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

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and Penrith Council's Water Sensitive Urban Design Policy.

Environmental Matters

13 **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.

14 **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.

15 **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.

16 **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 (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

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

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

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

{Note: Penrith Development Control Plan 2014 defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil 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."}

17 **D Special (BLANK)**

The **Construction Certificate plans** shall incorporate the Category 2 road noise attenuation construction standards for dwellings fronting Bradley Street, as detailed in Appendix C of the Road Traffic Noise Assessment Report (Ref. TG369-01F02 (Rev. 1)) prepared by Renzo Tonin & Associates, dated 24 October 2013.

Prior to the issue of an Occupation Certificate, written certification from a suitably qualified acoustic consultant confirming implementation of the required construction standards shall be submitted to the Principal Certifying Authority.

BCA Issues

18 **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).

Utility Services

19 **G001 - Installation of services and Service Clearances (subdivision)**

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

Prior to the issue of a Subdivision Certificate, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water;
- a certificate from Endeavour Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a 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.

20 **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.

21 **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.

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

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

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

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

Construction

23 [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 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 when the Occupation Certificate has been issued for the development.

24 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 twenty (20) persons or part of twenty (20) persons employed at the site. Each toilet provided must be:

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

(b) All excavations and backfilling 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 seven (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.

25 H041 - Hours of work (other devt)

Construction works or subdivision works that are carried out in accordance with 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 that 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.

26 H042 - Adaptable Dwelling Certification

The Construction Certificate must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Housing Standard (AS 4299- 2009).

Engineering

27 K101 - Works at no cost to Council

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

28 **K201 - Infrastructure Bond**

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council prior to the issue of any Construction Certificate. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

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

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

29 **K202 - S138 Roads Act – Works and Structures - Minor Works in the public road DRIVEWAYS ROAD OPENINGS**

Prior to the issue of any Construction Certificate, a Section 138 Roads Act application, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Road opening for utilities
- b) Road occupancy or road closures
- c) The placement of hoardings, structures, containers, waste skips, signs, etc in the road reserve
- d) Temporary construction access
- e) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings). The laneway connection to Treeview Place shall be a minimum width of 6m.
- f) Concrete footpaths and/or cycleways
- g) Road opening for stormwater connections to Penrith City Council roads and other Penrith City Council owned drainage

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

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- a) 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.
- b) Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- c) All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

30 **K206 - Construction Certificate for Subdivision Works**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plans prepared by Barker Ryan Stewart, reference number SY17068C01 to C08, revision C, dated 26/06/17 and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

1. The road pavement design fully complies with Council's Engineering Construction Specification for Civil Works. The minimum compacted thickness of the base course shall be 150mm and the minimum thickness of the wearing course shall be 50mm (25mm layer of AC10 and 25mm layer of RM10). The pavement design shall include the visitor parking spaces at the end of the cul-de-sac bulb.
2. The laneway connection to Treeview Place is a minimum width of 6m. This may require the existing Telstra pit just south of the laneway connection to be relocated further south so it is at least 1m clear of the laneway.
3. The alignment of the laneway connection to Treeview Place does not conflict with the existing layback for Lot 108. This may require the existing Telstra pit just south of the laneway connection to be relocated further south so it is at least 1m clear of the laneway.
4. 'No Parking' signage is provided along the northern and southern sides of the laneway (excluding the visitor parking spaces) at intervals of 30m, subject to approval by Council's Local Traffic Committee.
5. All vehicular crossings are plain concrete, including the laneway connections on Edgewater Drive and Treeview Place.
6. All footpaths have a 2% crossfall.
7. The top of wings of all vehicular crossings are at least 1m clear of any lintels.

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

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

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

Note:

- a) Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

31 [K207 - Road design criteria table](#)

Prior to the issue of any 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 Reserve Width	Carriageway Width	Verge Width	Footpath (1.5m wide) Min.	ESA
Laneway (west)	9.4m	7m (19m cul-de-sac)	1.2m (Both sides)	N/A	5 x 10 ⁴
Laneway (east)	8.52m	7m	1.2m (Northern side) 0.32m (Southern side)	N/A	5 x 10 ⁴

A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for Construction Certificate.

32 [K208 - Road Safety Audit](#)

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate or Roads Act application.

Prior to the issue of the Construction Certificate or Section 138 Roads Act approval, the Certifying Authority shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

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

33 [K210 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the following concept plan/s lodged for development approval:

Prepared by	Drawing No.	Revision	Date	Description
Barker Ryan Stewart	SY17068C02	C	26/06/2017	Engineering Plan 1
Barker Ryan Stewart	SY17068C02	C	26/06/2017	Soil and Water Management Plan
Barker Ryan Stewart	SY17068C02	C	26/06/2017	Soil and Water Management Details

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

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) Policies.

34 [K222 - Access, Car Parking and Manoeuvring – General](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring and pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.

35 **K225 - Performance Bond**

Prior to the issue of a Roads Act Approval, a Performance Bond is to be lodged with Penrith City Council for all works in the Council road reserve.

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

Note:

Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 for further information relating to bond requirements.

36 **K301 - Sediment & Erosion Control**

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

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

37 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, 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 Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services 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) A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- b) Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

38 **K303 - Matters to be addressed prior to commencement of Subdivision Works**

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

39 **K402 - Street Lighting**

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

40 **K403 - 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 and Engineering Construction Specification for Civil Works.

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

41 **K404 - Soil testing - Subdivisions**

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

42 **K405 - Turf to Verge**

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

43 **K501 - Penrith City Council clearance – Roads Act/ Local Government Act**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that all works associated with a Section 138 Roads Act approval or Section 68 Local Government Act approval have been inspected and signed off by Penrith City Council.

44 **K502 - 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.

45 **K504 - Stormwater Compliance**

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority shall ensure that any:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

- 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 be undertaken have been satisfactorily completed.

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

46 **K505 - Restriction as to User and Positive Covenant**

Prior to the issue of a Subdivision Certificate, a restriction as to user and positive covenant relating to the:

a) Stormwater management systems (including on-site detention and water sensitive urban design)

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 Stormwater and Drainage for Building Developments Policy.

47 **K509 - 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:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- b) Allow eight (8) weeks for approval by the Local Traffic Committee.
- c) Applicable fees are indicated in Council's adopted Fees and Charges.

48 [K512 - 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 Penrith City Council's Street Naming Policy.

Notes:

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

49 [K513 - 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 Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

50 [K515 - 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 to be dedicated to Council.

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

Note:

- a) Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

51 **K516 - 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 Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

- a) Works 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 WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.
- c) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage as identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- d) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- e) 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.
- f) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- g) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regarding.
 - Soil classification for all residential lots
 - Statement of Compliance
- h) Structural Engineer's construction certification of all structures
- i) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.
- j) Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

52 **K Special (BLANK)**

Prior to the issue of an Occupation Certificate, 'No Parking' signage is to be installed at no cost to Council on the northern and southern sides of the proposed rear laneway (except where there is proposed visitor parking spaces), at intervals of approximately 30m, following approval via Council's Local Traffic Committee.

53 **K Special (BLANK)**

All visitor car spaces are to be sealed, line marked and dedicated for the parking of vehicles only and not to be used for storage of materials, waste materials, etc.

54 **K Special (BLANK)**

The required sight lines around the driveway entrances and exits are not to be compromised by street trees, landscaping or fencing.

55 **K Special (BLANK)**

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

56 **K Special (BLANK)**

Prior to the issue of Construction Certificate, the Certifying Authority shall ensure that the plans (including dimensions of driveways, aisles, parking spaces, waste services vehicle manoeuvring and loading areas) comply with AS 2890 and Penrith Development Control Plan (DCP) 2014, Chapter C10.

Landscaping

57 L001 - General

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

Landscaping shall be maintained:

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

58 L002 - Landscape construction

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

59 L003 - Report requirement

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. This report shall be prepared by a suitably qualified and experienced 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.

60 L005 - Planting of plant

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 2014.

61 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.

Subdivision

62 M008 - Linen Plan

Prior to the issue of a Subdivision Certificate, the original Linen Plan and six (6) copies shall be submitted. The Linen Plan must indicate:

(a) All required drainage easements, rights of way, restrictions and covenants.

(b) 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.

63 M009 - 88B Instrument

The linen plan of subdivision is to be supported by an 88B instrument creating easements regarding the following:

- a) Drainage easement for inter-allotment drainage. Easement widths shall comply with Council's Stormwater Drainage Specification.
- b) Rights of carriageway for any shared driveways.

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

64 M013 - Street trees

Prior to the issue of Subdivision Certificate, street trees are to be planted to the Edgewater Drive frontage consistent with street tree plating provision in the surrounding estate.

Before the street trees are planted, approval of the plant species and location of the street trees is to be approved by Penrith City Council (as the relevant Roads Authority). In this regard, please contact Council's Development Engineering Unit on 4732 7777.

Development Contributions

65 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for Cultural Facilitates. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$9,984.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for Cultural Facilitates may be inspected at Council's Civic Centre, 601 High Street, Penrith.

66 N001 - Section 94 contribution (apply separate condition for each Contribution Plan)

This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan for District Open Space Facilitates. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$103,687.00 is to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment. The Section 94 Contributions Plan for District Open Space Facilitates may be inspected at Council's Civic Centre, 601 High Street, Penrith.

Certification

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 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.

69 Q05F - Occupation Certificate for Class10

An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation/use of the buildings.

The Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding.

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