

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA17/0508
Description of development:	Construction and Embellishment of Local Open Space for Sports Fields, Courts, Amenities Building, Playground, Car Parking, Road Construction and Associated Civil and Landscaping Works
Classification of development:	Class 10a , Class 6

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 754 DP 1180111
Property address:	229 Caddens Road, CADDENS NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Legpro Pty Ltd Atf Legpro 54 Unit Trust Level 27 19-29 Martin Place SYDNEY NSW 2000
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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 listed in attachment 1.

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

Date from which consent operates	22 December 2017
Date the consent expires	22 December 2019
Date of this decision	13 December 2017

POINT OF CONTACT

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

Assessing Officer:	Gannon Cuneo
Contact telephone number:	+612 4732 7774

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 80A of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

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

Certification and advisory notes

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

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

Review of determination

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

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by Sydney West Planning Panel.

Appeals in the Land and Environment Court

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

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

An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

Designated development

If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

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

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented in accordance with the stamped approved plans issued by Penrith City Council

Title	Reference	Author	Date
Sports Precinct Master Plan	3	Place Design Group	November 2017
Sports Precinct Plant Schedule	5	Place Design Group	May 2017
Sports Precinct Planting Diagram	6	Place Design Group	May 2017
Sports Precinct Grading Plan	7	Place Design Group	May 2017
Sports Precinct – Section 1	8	Place Design Group	May 2017
Sports Precinct – Section 2 & 3	9	Place Design Group	May 2017
Sports Precinct – Section 4	10	Place Design Group	May 2017
Sports Precinct – Section 4	11	Place Design Group	May 2017
Sports Precinct – Play Detail	12	Place Design Group	May 2017
Sports Precinct - Furniture	13	Place Design Group	May 2017
Sports Precinct - Furniture	14	Place Design Group	May 2017
Site Layout Plan	110358/DA401/A	J. Wyndham Prince	25/05/17
Engineering Plan	110358/DA402/A	J. Wyndham Prince	26/05/17
Details	110358/DA403/A	J. Wyndham Prince	27/05/17
Soil and Water Management	110358/DA404/A	J. Wyndham Prince	28/05/17
Amenities Building Floor Plan	9482/102/2	Fleetwood Urban	30/09/17

and other plans, the application form or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions.

- 2 **The development shall not be used until a Final Engineering Completion Certificate and / or Occupation Certificate has been issued.**
- 3 A separate development application for the erection of a sign or advertising structure, other than an advertisement listed as exempt development, is to be submitted to Penrith City Council, complying with the requirements of Penrith Development Control Plan.
- 4 The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired. Retaining walls shall be sealed in an anti-graffiti coating.
- 5 A **Construction Certificate** shall be obtained prior to commencement of any building works.
- 6 **Prior to the issue of a Construction Certificate**, the following design amendments shall be incorporated into the Construction Certificate documentation:

- (a) Additional tree planting shall be incorporated around the spectator viewing mounds to provide shade and shelter for spectators.
- (b) Accessible play equipment shall be provided to the playground area.
- (c) 'Place-making' elements shall be incorporated to the entrance of the major playground area.
- (d) A pathway shall be provided from the playground to the corner of the car parking on Caddens Road as marked in red on the plan.
- (e) A gate or similar shall be provided to the entrance of the playground to deter children from exiting the playground.
- (f) The pedestrian bridge over the swale shall be consistent in form, materials and design with the approved and constructed pedestrian bridges within the Caddens precinct.
- (g) Bin and seating locations.

7 Prior to the issue of a Final Engineering Completion Certificate or an Occupation Certificate, the following community safety and CPTED (Crime Prevention Through Environmental Design) requirements shall be satisfied:

(a) Lighting

- Lighting other than the playing fields shall be provided in accordance with Australian Standard 1158.
- Avoid lighting spilling onto neighbouring properties.
- All lighting should be maintained and kept in a clean condition with all broken or burnt out globes replaced immediately.
- Lighting must be vandal resistant and must not produce glare to nearby residential properties.

(b) Landscaping

- Medium height vegetation and shrubs shall be avoided along walkways and around playground facilities to maximise opportunities for passive surveillance and improve safety for users.
- Lower branches of large trees shall be regularly pruned to maintain clear sightlines for uses of the space.
- Trees with low dense foliage shall be spaced or crowned raised to avoid a continuous barrier.
- Public spaces intended for passive/active uses (including parks, reserves, walking paths and cycle paths) must promote good levels of surveillance and minimise concealment opportunities through effective landscaping. Low level planting and high canopy planting shall be incorporated into the landscape design.
- Landscaping shall not obstruct required pedestrian or vehicle sightlines.

(c) Space Management and Maintenance

- All play equipment, seating, fencing and surfaces shall be regularly checked and cleaned to ensure that all surfaces and equipment are safe for children's use.
- Broken, damaged or vandalism equipment must be closed off until repaired or replaced.
- Any 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 anti-social behaviour particularly at night.

(d) Signage

- Signage shall be provided to indicate the conditions of use of the play equipment at each playground. This includes the age-range of children that can safely use the equipment, hours of use, no food or drink to be consumed in the play area (particularly alcohol to prevent glass bottles and in the play area), and the requirement that children must be supervised at all times by an adult/parent or carer.
- Signage shall be displayed to indicate that smoking is prohibited in and around the play areas in accordance with NSW smoke-free legislation.
- Signage shall be clearly visible and in plain language.

(e) Vandalism

- All park furniture and play equipment shall incorporate vandal resistant treatment 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.
- The location of bins shall take into account the proposed use of each area within the site and be placed at key activity areas, such as the car park, amenities building, BBQ area and near seating to encourage the amenity of the public spaces.
- Signage shall be provided to encourage people to use the rubbish bins provided or to take their rubbish with them.
- Any blank surfaces of the telecommunication facility shall be treated with anti-graffiti coating to minimise graffiti and other forms of malicious damage.

- 8 The site is subject to the provisions of the Caddens Planning Agreement. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure, services, and monetary contributions as part of the development of the release area. All works shall be carried out in accordance with the requirements of the Caddens Planning Agreement.
- 9 **Prior to the issue of a Construction Certificate**, details regarding required irrigation of the sports oval and surrounding landscaped areas shall be submitted to Council for approval. The proposed irrigation control system shall be linked to Council's existing remote operated system to the satisfaction of Council's Parks and Recreation Department. Details can be obtained from Council's Parks and Recreation Department on 4732 7777.
- 10 All shared-use path construction and the bridge is to be in accordance with the relevant provisions of the Roads and Maritime Services' *NSW Bicycle Guidelines* and AUSTROADS *Guide to Road Design, Part 6A: Pedestrian and Cyclists Paths*. No bollards are to be installed at the bridge entrances.
- 11 **Prior to the issue of a Final Engineering Completion Certificate**, secure bicycle parking is to be provided at convenient locations around the sports ground, in accordance with *AS2890.3:1993 Bicycle Parking Facilities*.
- 12 **Prior to the release of a Construction Certificate**, a landscape maintenance schedule for the Southern Sports Fields shall be prepared and submitted to Council for approval.

The landscape maintenance and handover of the Southern Sports Fields shall be undertaken in accordance with this consent, the landscape maintenance schedule and the final executable planning agreement prepared by Mills Oakley Lawyers Ref: AJWS/TJFS/3222842, which includes an on-going maintenance period of no less than **12 months (from the issue of a Final Engineering Completion Certificate)**.

Prior to the handover of the Southern Sports Fields to Penrith Council, an inspection shall be undertaken by Council's Development Engineering and Parks and Recreation Department's to ensure the works and maintenance of the sporting fields has been undertaken and completed to Council's satisfaction.

- 13 **Prior to the installation of flood lighting**, the specifications for the lights are to be submitted to and approved by Council's Facilities Manager. Consideration shall be given to the installation of LED flood lights in conjunction with the Facilities Manager. All lighting for the site shall be located and designed to prevent light spill to residential properties.

The sportsground lighting control system shall be inclusive of an SMS based control remote to the satisfaction of Council's City Parks Department. Details of the required system can be obtained from Council's City Parks Department on 4732 7777.

Environmental Matters

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

{Note: An appropriately qualified person is "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."}

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.

- 15 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.

- 16 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.

- 17 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment

Protection Authority.

18 An appropriately qualified person/s shall:

1. Supervise all filling works.
2. (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum):
 - be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
 - clearly state the legal property description of the fill material source site and the total amount of fill tested,
 - 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 NSW Environment Protection Authority's "Waste Classification Guidelines" 2009, 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.
 - Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

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

19 **Prior to the issue of the Construction Certificate**, a Construction Management Plan (CMP) is to be prepared by a suitably experienced / qualified person and submitted to Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

The CMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site. The CMP is to address, but is not limited to the following:

- Noise control, with a Construction Noise Management Plan developed which includes (at minimum) the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009
- Dust suppression,
- Waste management,
- Erosion and sediment control,

All construction activities on the site are to be implemented and carried out in accordance with the approved CMP.

- 20 Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified.

Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

All remediation works within the Penrith Local Government Area are considered to be Category 1 works under State Environmental Planning Policy 55-Remediation of Land. Should any contamination be found during development works and should remediation works be required, development consent is to be sought from Penrith City Council before the remediation works commence.

- 21 Dust suppression techniques are to be employed during construction to reduce any potential nuisance to surrounding properties.
- 22 Mud and Soil from vehicular movements to and from the site must not be deposited on the road.

BCA Issues

- 23 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).

It is the owner's responsibility to place on display, in a prominent position within the building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

Construction

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

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

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

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

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

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

25 Prior to the commencement of construction works:

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

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

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

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

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

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

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

26 **Prior to the commencement of works**, completed waste management plan shall be submitted to Penrith City Council for consideration and approval.

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

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

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

- Mondays to Fridays, 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm

- No work is permitted on Sundays and Public Holidays.

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

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

Roads Act Requirements

28 **Prior to the issue of a Final Engineering Completion Certificate**, street lighting, car park lighting, footpath lighting, public area lighting and facility lighting is to be provided for all new and existing streets, car parking, footpaths, public areas and facilities to Penrith City Council's standards.

29 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that the car parking and bicycle parking plans include dimensions of driveways, aisles, parking spaces, bicycle parking, footpaths, waste services vehicle manoeuvring and loading areas complying with AS 2890.1, AS 2890.2, AS 2890.3, AS 2890.6, AS 1428, and Chapters C5 and C10 of Penrith Development Control Plan 2014. These details shall include:

- 4.4 metre wide ingress and egress driveways;
- 2.6 metre wide general parking space;
- 2.4 metre minimum width accessible parking space;
- 5.4 metre minimum length general and accessible parking space;
- 5.8 metre minimum width aisle with adjoining spaces;
- One-way straight roadway minimum width of 4.3 metre reducing to a minimum width of 3 metres at maintenance and emergency access roadways servicing the detention basin and the sports field;
- Maximum general parking space grade of 1 in 20;
- Maximum accessible parking space grade of 1 in 40;
- Car, service vehicle, emergency vehicle and waste collection vehicle turning swept paths and clearances; and
- Driveway sight lines including to footpaths and along the road.

30 **Prior to the issue of a Final Engineering Completion Certificate**, the Certifying Authority shall ensure that a bus stop / bus zone 30m long with a boarding point and bus shelter that comply with the Disability Discrimination Act 1992 is provided on northern side of Caddens Road and on southern side of Caddens Road fronting the Sports Field development to Council requirements.

The developer shall liaise with the bus operator to ensure the bus stop / bus zone meets the operators requirements and the relevant legislative requirements. Details of the proposed bus stop / bus zone shall be submitted to and approved by Council **prior to the issue of a Section 138 Roads Act approval**.

Engineering

31 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.

- 32 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.

- 33 **Prior to the issue of any Construction Certificate**, a Section 138 Roads Act applications, 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) Vehicular crossings (including kerb reinstatement of redundant vehicular crossings)
 - b) Concrete footpaths and or cycleways
 - c) Road opening for utilities and stormwater (including stormwater connection to Penrith City Council roads and other Penrith City Council owned drainage)
 - d) Road occupancy or road closures
 - e) The placement of hoardings, structures, containers, waste skips, signs etc. in the road reserve
 - f) Temporary construction access

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

- Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.
- 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.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Final Engineering Completion Certificate.
- On completion of any awning over the road reserve, a certificate from a practising structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act

- 34 **Prior to the issue of any Construction Certificate**, the Certifying Authority shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the provision of half road reconstruction of Caddens Road extending to the rear boundary of Lot 90 DP 817299, 8 Josquin Way, Claremont Meadows.

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

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

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

35 A Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works (road, drainage, earthworks, subdivision works).

A Construction Certificate shall be issued for any works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s marked in red by Council, prepared by J Wyndham Prince, reference number 110358/DA400 - 110358/DA404, revision A, dated 25/05/17, 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.

The sports and recreation 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: 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.

36 The development is to be undertaken in a manner which incorporates the recommendations outlined in the:

- Concept Engineering Sheets (Stormwater Management Plan) (number 110358/DA400 to DA404, Revision A, prepared by J Wyndham Prince dated 22/07/2015.
- Stormwater Management Report Strategy Report Stages 2 to 4 O'Connell Street Caddens prepared by J Wyndham Prince Revision C, 16/12/2016 Ref# 110358Rpt3C

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. The detailed plans must show the locations of the GPTs discussed in the drainage report.

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with the Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design Policy.

- 37 **Prior to the issue of a Roads Act Approval**, a Performance Bond is to be lodged with Penrith City Council for the kerb and gutter, stormwater line and road widening works in Caddens Road, Orchard Hills.

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.

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

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

- 39 **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 AS1742.3 "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.

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

- 40 **Prior to the issue of a Final Engineering Completion Certificate**, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

- 41 At the completion of works and prior to handover of assets to Penrith City Council, the Principal Certifying Authority shall ensure that all works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

- 42 **Prior to the issue of a Final Engineering Completion Certificate**, works-as-executed drawings, final operation and maintenance management plans and any other compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Engineering Construction Specification for Civil Works, WSUD Technical Guidelines and Stormwater Drainage for Building Developments.

An original set of works-as-executed drawings and copies of the final operation and maintenance management plans and compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Final Engineering Completion Certificate where Council is not the Principal Certifying Authority.

- 43 **Prior to the issue of a Final Engineering Completion Certificate**, the Principal Certifying Authority shall ensure that the:
- a) Stormwater management systems (including on-site detention and water sensitive urban design)

- b) Overland flowpath works
- c) Flood control 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 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.

44 Prior to the issue of a Final Engineering Completion 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)
- b) Overland flowpath works
- c) Flood control 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 Stormwater and Drainage for Building Developments policy.

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

Plans are to incorporate the following details:

- sight lines around driveway entrances and exits shall not to be obstructed by street trees, landscaping or fencing;
- all car parking and manoeuvring shall be in accordance with AS2890.1-2004; AS2890.6-2009 and Council's requirements;
- directional signage and linemarking shall be installed indicating directional movements and the location of customer parking;
- signage which is clearly visible from the public road shall be placed within the development site; and
- the signage shall indicate that the western vehicular access is to be used for ingress purposes only and appropriately signposted "Entry Only". The eastern vehicular access is to be used for egress purposes only and appropriately signposted "No Entry".
- Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges

46 Prior to the issue of any Final Engineering Completion Certificate or Occupation Certificate, directional signage and linemarking shall be installed indicating directional movements and the location of parking to the satisfaction of the Principal Certifying Authority.

47 Prior to the issue of a Final Engineering Completion Certificate, a Maintenance Bond is to be lodged with Penrith City Council for the kerb and gutter, stormwater line and road widening works in Caddens Road, Orchard Hills.

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

Charges.

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

- 48 At completion of the works and prior to handover of assets to Penrith City Council, 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) Structural Engineer's construction certification of all structures

- 49 The stormwater management systems shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan.

Regular inspection records are required to be maintained and made available to Penrith City Council on request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the stormwater management systems.

- 50 The bio-retention basin is to be maintained by the proponent as a sediment basin until 90% of housing construction is completed and retain in the ownership of the proponent. After 90% of housing has been constructed the sediment basin is to be decommissioned and the bio-retention basin completed. After completion of the bio-retention basin has occurred, the proponent is to maintain the bio-retention basin for a period of 3 years after which time handover is permitted (see separate conditions relating to handover).

- 51 **Prior to the issue of a Construction Certificate**, the following information is to be submitted to Council for approval:

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

- 52 **Prior to the issue of a Construction Certificate**, the plans for the amenities block shall be amended and submitted to Council for approval to include the following:

- Doors / gates and the direction in which they swing;
- Shower in unisex toilets is to be removed and converted to a standard toilet;
- Provide a window in the northern elevation of the canteen above the sink; and
- Details on the breeze blocks as the opening is to be small or protected to minimise vermin entering.

In addition, the following details shall be submitted to Council for approval:

- Final colours and finishes schedule, elevations of internal wet areas, and canteen, construction details (e.g. how the canteen stack screens are built), services layout, building materials, water and energy saving details.
- Statement from a suitably qualified person that states the building meets the requirements of the Disability Discrimination Act 1992;

- 53 **Prior to the commencement of works**, a dilapidation report of all infrastructure fronting the development in

Caddens Road and Cadda Ridge Drive is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees and is to extend 10 metres either side of the development.

Prior to the issue of a Final Engineering Completion Certificate or an Occupation Certificate, any damage to Council infrastructure not identified in the dilapidation report, as a result of the development shall be rectified at no cost to Penrith City Council.

Any rectification works within Caddens Road or Cadda Ridge Drive will require a Roads Act application. The application is to be submitted and approved by Penrith City Council prior to such works commencing.

- 54 **Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the landscaping embellishment works for the open space do not conflict with the engineering plans prepared by Development Application No. DA16/1166.

Landscaping

- 55 All landscape works are to be constructed in accordance with the approved plan and Council's Development Control Plan.

Landscaping shall be maintained:

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

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

- 56 The approved landscaping for the site must be constructed by an appropriately qualified landscape professional suitable to construct the approved landscape works.
- 57 The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitable qualified landscape professional.

i. Implementation Report

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

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

ii. Maintenance Report

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

thriving

- 58 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.
- 59 All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in AS4970 - 2009: Protection of Trees on Development Site.
- 60 **Prior to the detailed design of works to Caddens Road and the issue of a Construction Certificate**, confirmation of necessary tree removal shall be identified on a plan which details trees proposed for removal and retention. Trees located adjacent to the existing residential dwellings on Caddens Road shall be retained wherever possible.
- 61 **Prior to the issue of a Construction Certificate**, the 'mini spacenet' proposed for the playground is to be removed and replaced with a variety of smaller play structures to cater for a variety of ages and abilities. A shade structure is also to be installed over the play equipment.

The following details shall be submitted to and approved by Council prior to the issue of a Construction Certificate:

- Details of the revised play equipment; and
 - Details of any shade structures proposed over the play equipment.
- 62 **Prior to the issue of a Construction Certificate**, the following information is to be amended and submitted to Council for approval. The amended details are to include the following:
- Dense planting between the detention basin and existing residential development to the east. Trees are to be planted along the entire length of the boundary at 2 metre centres;
 - Details of all fencing proposed for the site, including perimeter fencing to the playing field, basketball courts, cricket nets and any fencing required around play areas and along boundaries;
 - Details of shade structures proposed over the play equipment;
 - Details of the bridge construction. The design of the bridges is to be consistent with existing bridges within the Caddens precinct;
 - Details of place making elements in the areas **marked in red on the Master Plan**;
 - Details of the proposed species of grass. A durable, drought tolerant species is to be selected;
 - Demonstrated compliance with CPTED principles applied to all areas of the precinct;
 - The provision of seating at the top and bottom of the play area;
 - The integration of seating at various locations around the sporting fields;
 - The inclusion of warning signage and slip hazard signage within close proximity to the curved steps within the park;
 - The placement of trees within the play area where appropriate to provide additional shading of the play equipment;
 - The use of double and triple bin units are to be replaced with single in units. The provision of multiple single bin units adjacent to each other is acceptable;
 - Playground equipment shall be of metal products or composite materials. The use of timber should not be used for durability reasons;
 - Removal of footpath leading from amenities building to Caddens Road (as marked on stamped approved Master Plan) and
 - Turf batters shall be no greater than 1:4.

The Landscape Masterplan Report is to be updated to reflect all amendments required by this consent and

is to be submitted to and approved by Council prior to the issue of a Construction Certificate.

Certification

- 63 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.

- 64 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the use of the amenities block.

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.

SIGNATURE

Name:	Gannon Cuneo
Signature:	

For the Development Services Manager