

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0592.02
Proposed development:	Section 4.55(2) Modifications to Approved Terrace Housing Development - Community Title Subdivision x 25 Residential Lots & 1 Community Lot & Construction of 22 Terrace Dwellings, Access Road & Visitor Car Parking
Property address:	62 Bradley Street, GLENMORE PARK NSW 2745
Property description:	Lot 176 DP 1203990
Date received:	31 July 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 a Section 4.55(2) modification application in relation to an approved terrace housing development at 62 Bradley Street, Glenmore Park. The modification application seeks to amend the internal design and facades of the terraces and includes the provision of an additional upstairs terrace on proposed Lot 505.

Under the *Penrith Local Environmental Plan 2010*, the subject site is zoned R1 General Residential and the proposal is permissible with Council consent.

During the assessment of the modified proposal, several concerns were raised in regards to a number of planning, engineering and environmental management issues. As a result, additional information has been provided, and the proposal has been subject to substantial amendments to address the key concerns identified.

In accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019* and Appendix F4 of the *Penrith Development Control Plan 2014*, the proposal was notified to nearby and adjoining properties and publicly exhibited between 6 August and 20 August 2019. No submissions were received in response.

An assessment of the modified proposal under Section 4.55(2) and Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended consent condition amendments.

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 7,284 sq.m.

Proposal

The application seeks to modify a terrace housing development which was approved via DA17/0592. The proposed modifications include the following aspects:

- Simplification of internal dwelling designs to provide for three (3) styles, including the addition of a multi-purpose living area with ensuite on the ground floor of Units 16, 17, 18, 19, 20, and 21, and the provision of a full sized laundry to all dwellings,
- Removal of studios above the rear carports of Units 6, 7, 12, 13, 18 and 19,
- Re-design of the northern facade by providing three (3) notches, amended window placements, modified materials and finishes, and the incorporation of more traditional roof forms,
- Modified built form for approved dwelling on Lot 505 to remove the third-storey and reconfigure the internal design to create an additional upstairs dwelling (i.e. Units 1a & 1b),
- Minor variations to the finished floor levels of all dwellings,
- Relocation of carport for Lot 506 in order to provide for vehicular access via the internal (private) road, and
- Reduction in the width of the internal (private) road to 6m and rationalisation of levels throughout the site.

It is noted that the proposed modifications result in a minor reduction in the total site coverage and that there is no significant change to the building footprints, other than the creation of separations to articulate the northern facades of the terrace dwellings. Furthermore, the modified design provides for the reconfiguration of the access arrangements.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

Section 4.15 - Evaluation

The modified proposal has been assessed in accordance with the matters for consideration under Section 4.55(2) and Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 4.46 - Integrated development

It is noted the original development application was identified as 'integrated development' and was referred to the Rural Fire Service (RFS) in accordance with Section 4.46 of the *Environmental Planning and Assessment Act 1979* and Section 100B of the *Rural Fires Act 1997*. The RFS subsequently granted 'General Terms of Approval' (GTAs) for the original development and compliance with their requirements was ensured via a condition of consent (Condition 2).

As the modified proposal relates to amendments to the approved built form of the original development rather than the subdivision component, the modification application is not considered to be integrated development and therefore a referral to the RMS is not warranted.

• **Section 4.55(2) - Other modifications**

Under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, a consent authority may modify a consent if:

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

With regard to the above, the following is noted:

(a) In *Vacik Pty Ltd v. Penrith City Council* (unreported 1992) the question of substantially the same development was considered by Stein J. and in particular the meaning of the word 'substantially'. In his opinion, 'substantially' is taken in the context to mean 'essentially or materially or having the same essence'. In *North Sydney Council v. Michael Standley & Associates Pty Ltd* (1998) the NSWCA recognised that a modified development must be different in some respect to the approved development and used the formulation that 'modify' meant 'to alter without radical transformation'.

In applying the ordinary meaning of the words 'substantially the same development' informed by the above cases, the modified development as proposed is of the same essence and therefore is considered to be substantially the same as the originally approved development.

(b) Consultation with the Minister, a public authority or other approval body is not required to be undertaken in respect to a condition imposed as a requirement of a concurrence or in accordance with general terms of an approval.

(c) The modification application was notified to nearby and adjoining properties in accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019* and Appendix F4 of the *Penrith Development Control Plan 2014*.

(d) No public submissions were received in relation to the modification application.

In addition to the above, as per Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, the following is noted:

Section 4.55(3) - In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The modified proposal has been assessed in accordance with the matters for consideration under Section

4.15 of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the modified development is considered suitable and is therefore recommended for approval.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy No 55—Remediation of Land

Contamination and remediation of the site was examined and resolved at the time of the original application for the subdivision of the site as part of DA13/1369. As part of the assessment of the original development application (DA17/0592), the proposal demonstrated that there is no known contaminated areas within the subject site and the need for remediation or otherwise has been previously addressed.

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

An assessment has been undertaken of the modified 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	Complies
Clause 4.3 Height of buildings	Complies - See discussion
Clause 4.4 Floor Space Ratio	N/A
Clause 6.1 Arrangements for designated State public infrastructure	Complies - See discussion
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

Clause 4.3 Height of buildings

The proposed modifications do not exceed the maximum building height of 15m.

Clause 6.1 Arrangements for designated State public infrastructure

Clause 6.1 of the *Penrith Local Environmental Plan 2010* reads as follows:

'The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.'

A previous Satisfactory Arrangements Certificate was issued for DA17/0592 by the Department of Planning, Industry and Environment (DPIE) due to the location of the site (being in the Glenmore Park Stage 2 Release Area) and the nature of the development. This Satisfactory Arrangements Certificate still applies to the subject proposal as no new residential allotments are proposed.

Section 4.15(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 4.15(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
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 - see Appendix - Development Control Plan Compliance
C11 Subdivision	Complies
C12 Noise and Vibration	Complies
C13 Infrastructure and Services	Complies
E7 Glenmore Park controls	Complies - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iiia) The provisions of any planning agreement

The provisions of the Glenmore Park Stage 2 Voluntary Planning Agreement No. 2 are not applicable to the proposal as in excess of 100 dwellings/lots have been delivered in Precinct F of the estate.

Section 4.15(1)(a)(iv) The provisions of the regulations

The proposal remains compliant with the relevant Regulations, subject to the original conditions of consent.

Section 4.15(1)(b) The likely impacts of the development

The likely impacts of the development as identified during the assessment of the original proposal remain in principle unaltered. The modified built form of the dwellings is suitable as it is unlikely to result in any adverse impacts. The modified proposal was been subject to several amendments to ensure window placements and the provision of louvres will mitigate adverse overlooking impacts to adjoining residential properties and/or privacy impacts for the occupants of the terraces.

Section 4.15(1)(c) The suitability of the site for the development

The suitability of the site was assessed as part of the original development application (DA17/0502) and the site remains suitable for the proposed development.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Council's adopted *Community Engagement Strategy and Community Participation Plan 2019* and Appendix F4 of the *Penrith Development Control Plan 2014*, the proposal was notified to nearby and adjoining properties and publicly exhibited between 6 August and 20 August 2019. No submissions were received in response.

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
Development Engineer	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Waste Services	No objections - subject to conditions
Traffic Engineer	No objection subject to conditions

Section 4.15(1)(e)The public interest

The modified development will not generate any significant issues relating to the public interest.

Section 94 - Developer Contributions Plans

As an additional dwelling is proposed on Lot 505, amended development contributions apply to the proposal. In this regard, the following Section 7.11 plans apply to the site:

- Section 7.11 - Cultural Facilities
- Section 7.11 - District Open Space Facilities

The amended development contribution calculations that apply to the proposed development are as follows:

Calculations for Terraces x 22 & Single Dwelling Lots x 4

Cultural Facilities

No. of additional units	x	Rate	Credit for existing dwelling/s	Contribution rate
22	x	2.4	0	64.8
4	x	3.0		

District Open Space Facilities

No. of additional units	x	Rate	Credit for existing dwelling/s	Contribution rate
22	x	2.0	0	56.4
4	x	3.1		

AMOUNTS

Contributions Plan	Contribution Rate x Calculation Rate	Total
Cultural Facilities	64.8 x \$182.00	\$11,794.00
District Open Space Facilities	56.4 x \$2,012.00	\$113,477.00
NET TOTAL		\$125,271.00

Conclusion

The modified proposal has been assessed against the relevant environmental planning instruments and in this regard the proposal is considered to satisfy the aims, objectives and provisions of these policies. The proposed modifications are not considered likely to create any significant impacts on the natural, social or economic environments and in this regard, the application is considered worthy of support and is recommended for approval.

Recommendation

That DA17/0592.02 for Section 4.55(2) modifications to an approved terrace housing development at 62 Bradley Street, Glenmore Park, be approved, subject to the following modified conditions.

General

1 A001

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

Drawing Title	Drawing Number	Revision	Prepared By	Dated
<u>Architectural Plans</u>				
Draft Subdivision Plan	18094 - DA003	G	jakaan architects	06/08/2020
Unit Type Plan	18094 - DA101	D	jakaan architects	06/08/2020
Site Levels - 1	18094 - DA102	I	jakaan architects	06/08/2020
Site Levels - 2	18094 - DA103	J	jakaan architects	06/08/2020
GA Ground - 1	18094 - DA201	I	jakaan architects	06/08/2020
GA Ground - 2	18094 - DA202	B	jakaan architects	06/08/2020
GA First - 1	18094 - DA203	H	jakaan architects	06/08/2020
GA First - 2	18094 - DA204	B	jakaan architects	06/08/2020
GA Roof - 1	18094 - DA205	B	jakaan architects	06/08/2020
GA Roof - 2	18094 - DA206	B	jakaan architects	06/08/2020
Plan - Unit 1A, 1B	18094 - DA210	H	jakaan architects	06/08/2020
Plan - Unit 2, 3	18094 - DA211	B	jakaan architects	06/08/2020
Plan - Unit 4, 5	18094 - DA212	B	jakaan architects	06/08/2020
Plan - Unit 6, 7	18094 - DA213	B	jakaan architects	06/08/2020
Plan - Unit 8, 9	18094 - DA214	B	jakaan architects	06/08/2020
Plan - Unit 10, 11	18094 - DA215	B	jakaan architects	06/08/2020
Plan - Unit 12, 13	18094 - DA216	B	jakaan architects	06/08/2020
Plan - Unit 14, 15	18094 - DA217	B	jakaan architects	06/08/2020
Plan - Unit 16, 17	18094 - DA218	E	jakaan architects	06/08/2020
Plan - Unit 18, 19	18094 - DA219	E	jakaan architects	06/08/2020
Plan - Unit 20, 21	18094 - DA220	E	jakaan architects	06/08/2020
Elevations (North)	18904 - DA400	H	jakaan architects	06/08/2020
Elevations (South)	18904 - DA401	B	jakaan architects	06/08/2020
Elevations	18904 - DA402	H	jakaan architects	06/08/2020
External Materials and Finishes	18904 - DA410	H	jakaan architects	06/08/2020
Section - Site	18904 - DA420	B	jakaan architects	06/08/2020
Section - Site	18904 - DA421	B	jakaan architects	06/08/2020
<u>Engineering Design Plans</u>				
Cover Sheet	-	-	Barker Ryan Stewart	-
Engineering Plan 1	SY17068C02	G	Barker Ryan Stewart	05/08/2020

Bulk Earthworks Cut/Fill Plan	SY17068C03	G	Barker Ryan Stewart	05/08/2020
Longitudinal & Typical Cross Section and Detail	SY17068C04	G	Barker Ryan Stewart	05/08/2020
Detail	SY17068C05	G	Barker Ryan Stewart	05/08/2020
Soil and Water Management Plan	SY17068C06	G	Barker Ryan Stewart	05/08/2020
Soil and Water Management Details	SY17068C07	G	Barker Ryan Stewart	05/08/2020
Swept Paths Analysis	SY17068C08	G	Barker Ryan Stewart	05/08/2020

- BASIX Certificate No. 1107627M, dated 4 June 2020
- Waste Management Plan, prepared by Dickens Solutions, dated May 2020
- Construction Noise and Vibration Management Plan, ref. 11674 R01v2, prepared by PKA Acoustic Consultants, dated 5 June 2020
- Traffic Noise Assessment, ref. 11674 R02v3, prepared by PKA Acoustic Consultants, dated 5 June 2020
- Addendum to Acoustic Reports, ref. PKA11674 R03v2, prepared by PKA Acoustic Consultants, dated 20 July 2020
- Stormwater Management Strategy, ref. SY170068, rev. 2, prepared by Barker Ryan Stewart, dated 22 July 2019
- Assessment of Traffic Changes, ref. SY170068, prepared by Transport & Urban Planning Pty Ltd, dated 3 June 2020

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

2 **A005 - APPROVED BODYS 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)**

DELETED

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

- 9 [A Special \(BLANK\)](#)
DELETED

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

- 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, 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 lodged for this development approval, prepared by Barker Ryan Stewart, reference SY170068, revision 2, dated 22/07/2019.

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.

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

- 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)**

DELETED

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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.

22 G006 -

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 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 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, the Certifying Authority shall ensure that 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 (excluding stormwater connections)
- 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) Conversion of the existing kerb inlet pit on Edgewater Drive to a V-grate and construction of an additional kerb inlet pit further upstream

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

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

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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, Plan No. SY17068C01 to SY17068C08, revision G, dated 05/08/2020 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:

- (a) 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.
- (b) The alignment of the laneway connection to Treeview Place does not conflict with the existing layback for Lot 108 DP 1197703 (60 Bradley Street). 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.
- (c) '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.
- (d) All vehicular crossings are plain concrete, including the laneway connections on Edgewater Drive and Treeview Place.
- (e) All footpaths shall be a minimum width of 1.5m with 2% crossfall.
- (f) 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:

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.

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

31 **K207 - Road design criteria table**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed road 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 the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge Width	Footpath (1.5m wide) Min.	ESA
Road MC01 (without parking spaces)	8.7m	6.0m	2.25m (northern side) 0.45m (southern side)	1.5m (northern side only)	5 x 10 ⁴
Road MC01 (with parking spaces)	14.75m	6.0m	2.25m (northern side) 0.69m (southern side)	1.5m (northern side only)	5 x 10 ⁴

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

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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	G	05/08/2020	Engineering Plan 1
Barker Ryan Stewart	SY17068C06	G	05/08/2020	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.

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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**

DELETED

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

46 [K505 - Restriction as to User and Positive Covenant](#)

DELETED

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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 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 7.11 Contributions Plan for **Cultural Facilitates**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$11,794.00** 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 7.11 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for **Cultural Facilitates** may be inspected at Council's Civic Centre, 601 High Street, Penrith.

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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

This condition is imposed in accordance with Penrith City Council's Section 7.11 Contributions Plan for **District Open Space Facilitates**. Based on the current rates detailed in the accompanying schedule attached to this Notice, **\$113,477.00** 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 7.11 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 S7.11 invoice accompanying this consent should accompany the contribution payment. The Section 7.11 Contributions Plan for **District Open Space Facilitates** may be inspected at Council's Civic Centre, 601 High Street, Penrith.

As amended on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

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.

70 **Q Special**

The driveway for Lot 505 (Units 1a and 1b) shall be widened to a double width driveway in order to accommodate two (2) stacked car parking spaces. The existing nearby kerb inlet pit shall be converted to a V-grate within the driveway layback and an additional kerb inlet pit shall be constructed further upstream.

These amendments shall be shown on the Construction Certificate plans and details regarding these works are to be provided and approved under a Section 138 Roads Act application **prior to the issue of a Construction Certificate.**

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

71 **Q Special 1 - S138 Roads Act - Added Engineering**

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, 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). The laneway connection to Treeview Place shall be a minimum width of 6m.
- b) Concrete footpaths and/or cycleways.
- c) Road opening for stormwater connections to Penrith City Council roads and other Penrith City Council owned drainage.

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

Contact Penrith City Council's Development Engineering Department on 4732 7777 to obtain a formal fee proposal prior to lodgement and visit Penrith City Council's website for more information.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

72 **Q Special 2 - Added Waste**

The following waste management requirements must be complied with **prior to the issue of an Occupation Certificate** and details of compliance demonstrated to Council **prior to the issue of a Construction Certificate**:

- Each dwelling is to provide an integrated on-site waste storage area within the lot's private open space to accommodate Council's standard waste collection service in accordance with Section 2.1 of Council's 'Residential Subdivisions Waste Management Guideline' document.
- Each dwelling is to allow the movement of Council's three bins (organics, recycling and residual waste bins) from the backyard (private open space) to the site of presentation without the need for the bins to pass through the residential dwelling in accordance with Section 4.3.1 of Council's 'Residential Subdivisions Waste Management Guideline' document.
- All lots are to provide an unobstructed bin presentation area large enough to accommodate 2 x 240L bins. The designated area is to be line marked and provided with a concrete treatment to identify each lot's designated presentation area.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

73 **Q Special 3 - Added Waste**

Prior to the issue of an Occupation Certificate, the the developer is to enter into a formal agreement with Penrith City Council for the utilisation of Council's waste collection service. This is to include Council being provided with indemnity against claims for loss and damage.

Note: By entering into an agreement with Council for waste collection, the development will be required to operate in full compliance with Penrith City Council's Waste Collection and Processing Contracts for Standard Waste Collection. The provision of Council's waste collection service will not commence until formalisation of the agreement.

Prior to the issue of an Occupation Certificate, Council's Waste and Resource Recovery Department is to conduct a site inspection of the on-site infrastructure to permit a safe and efficient waste collection service.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

74 **Q Special 4 - Added Waste**

Council's bin infrastructure and waste collection service will be provided/commenced for the development upon the completion of all on-site waste collection infrastructure and the issue of an Occupation Certificate.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

75 **Q Special 5 - Enviro Added - Approved Noise level 2**

The recommendations of the approved Construction Noise and Vibration Management Plan (prepared by PKA Acoustic Consultants, dated 5 June, ref. 11674 R01v2) are to be implemented and adhered to during the construction of the development.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

76 **Q Special 6 - Enviro Added - Approved Noise Level 3**

The recommendations provided in the Traffic Noise Assessment (prepared by PKA Acoustic Consultants, dated 5 June 2020, ref. 11674 R02 v3) and the Addendum to the Acoustic Report (prepared by PKA Acoustic Consultants, dated 20 July 2020, ref. PKA11674 R03 v2) shall be implemented and incorporated into the design and construction of the development, and shall be **shown on plans accompanying the Construction Certificate application**. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

77 **Q Special 7 - Enviro Added - Plant and Equipment Noise**

All mechanical plant and equipment is to comply with the noise criteria outlined in the Addendum to the Acoustic Report (prepared by PKA Acoustic Consultants, dated 20 July 2020, ref. PKA11674 R03 v2).

Prior to the issue of a Construction Certificate, further details on the type and location of all mechanical plant and equipment associated with the development is to be provided to Council for consideration and approval. Suitable data and information on the noise impacts associated with this plant and equipment is also to be supplied to demonstrate compliance with the established noise criteria.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

78 **Q Special 8 - Landscape Plan**

Prior to the issue of a Construction Certificate, an amended Landscape Plan which reflects the site layout on the approved architectural plans shall be submitted to and approved by Council.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

Prior to the issue of a Construction Certificate, the boundary fencing adjacent to the driveway of Lot 505, where it crosses the verge area, shall be adjusted and re-located, to provide adequate sight distances to pedestrians for vehicles exiting Lot 505 as per Australian Standard requirements.

As inserted on 15 September 2020 in accordance with Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part C - City-wide Controls

C10 Transport, Access and Parking

The modified proposal ensures each dwelling is provided with at least one (1) undercover car parking space, in the form of either a garage or carport. The twelve (12) visitor car parking spaces have remained unaltered.

It is noted concerns were raised in regards to the provision of stacked parking for Lot 505 (Units 1a and 1b). In this regard, after conversations with Council's Development Engineer, a condition of consent is recommended requiring the driveway be widened to a double width driveway to accommodate two (2) stacked car parking spaces. In addition, the existing kerb inlet pit located within the driveway layback is to be converted to a V-grate, and an additional kerb inlet pit is to be constructed further upstream.

E7 Glenmore Park

Part B - Glenmore Park Stage 2

7.4.4.4 Solar Planning

Key concerns were initially raised in regards to the modified proposal's ability to provide for adequate solar access to Units 16-21 due to the proposed conversion of a north-facing ground floor living space to a bedroom with ensuite. In this regard, the applicant was encouraged to remove the proposed bedroom with ensuite and replace it with the previously approved north facing internal living area. After discussions with Council, the applicant has subsequently provided amended plans which have allowed for the space to function as a multi-purpose living room and to maintain the associated ensuite. In this regard, the proposed modifications are considered to be satisfactory.

7.4.4.5 Dwelling Design

Careful consideration has been given in regards to window placements, the provision of louvres, greater articulation, and the variation of materials and finishes to ensure an appropriate streetscape presentation is provided to Bradley Street and Edgewater Drive.