

Development consent

Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 27 February 2013, I approve the development referred to in schedule 1, subject to the conditions in schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.


Executive Director
Development Assessment Systems and Approvals
Planning and Environment

Sydney

7

MAY

2014

SCHEDULE 1

Application No.:	SSD 5348
Applicant:	UrbanGrowth NSW
Consent Authority:	Minister for Planning
Land:	Stage 3A North Penrith Development Site - Lot 1196 DP 1171491
Development:	Stage 3A of the North Penrith Development Site comprising: - subdivision to create 13 super lots for future residential, commercial and retail uses, a future bus corridor, public space (McHenry Place) and Station Plaza; - construction of Station Plaza and McHenry Place and landscaping/street tree planting within the road reserves; - intersection upgrade works at the intersection of Coreen Avenue and Coombes Drive; - construction of Lord Sheffield Circuit and a central parking street and connections to existing or approved road intersections; - drainage and stormwater management infrastructure within the road reserve; - utility servicing infrastructure; and - erection of road signage.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	UrbanGrowth NSW
Application	The development application and the accompanying drawings plans and documentation described in Condition A2.
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	Penrith City Council
Certification of Crown Building works	Certification under s109R of the EP&A Act
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
Day time	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Secretary's approval, agreement or satisfaction	A written approval from the Secretary (or nominee/delegate) Where the Secretary's approval, agreement or satisfaction is required under a condition of this approval, the Secretary will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Secretary may ask for additional information if the approval, agreement or satisfaction request is considered incomplete. When further information is requested, the time taken for the Applicant to respond in writing will be added to the one month period.
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled, <i>North Penrith Subdivision, Civil and Infrastructure Works (Stage 3A SSD 5348)</i> prepared by JBA Planning, dated August 2013
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	Environmental Planning and Assessment Regulation 2000
Minister	Minister for Planning and Environment, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
NOW	NSW Office of Water, or its successor
OEH	Office of the Environment and Heritage, or its successor
The department	Planning and Environment or its successors
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Subject Site	Stage 3A of the North Penrith Development Site: Lot 1196 DP 1171491

SCHEDULE 2

A ADMINISTRATIVE CONDITIONS

Development Description

A1 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.

Development in Accordance with Plans and Documents

A2 The applicant shall carry out the project generally in accordance with the:

- a) 'Environmental Impact Statement, North Penrith, Subdivision, Civil and Infrastructure Works and Construction of a Kiosk (Stage 3A SSD 5348) prepared by JBA Urban Planning Consultants dated August 2013; as amended by
- b) 'SSDA 5348 - Response to Submissions' by JBA Urban Planning Consultants dated 3 March 2014 and attached Appendices; and
- c) North Penrith – Stage 3A – Station Plaza & Streetscape Landscape Report dated February 2014.
- d) following drawings, except for:
 - i) any modifications which are Exempt' or Complying Development;
 - ii) otherwise provided by the conditions of this consent.

Plan of Subdivision Drawings prepared by Craig & Rhodes			
Drawing No.	Revision	Name of Plan	Date
07210L29(05)	[05]	Thornton-Stage 3A-Plan of Proposed Subdivision	13/07/2012
Civil Drawings prepared by J.Wyndham Prince			
Drawing No.	Revision	Name of Plan	Date
9470/DA301	E	Site Layout Plan	13/02/2014
9470/DA302	E	Road Layout	13/02/2014
9470/DA302A	A	Road Layout Coreen Avenue & Coombes Drive East Intersection	20/05/13
9470/DA303	C	Drainage Layout	13/02/14
9470/DA304	E	Road Typicals and Long Sections	13/02/14
9470/DA305	C	Soil and Water Management Plan Notes and Details	13/02/14
9470/DA306	B	19m articulated vehicle path for supermarket access	13/02/14
9470/DA307	B	Indicative Parking Restrictions	13/02/14

Inconsistency between documents

A3 If there is any inconsistency between the plans and documentation referred to above, the most recent document shall prevail to the extent of the inconsistency. However, conditions of this approval prevail to the extent of any inconsistency.

Lapsing of approval

- A4 This consent will lapse five years from the date of consent unless the works associated with the project have physically commenced.

Prescribed Conditions

- A5 The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Regulation.

Secretary as Moderator

- A6 Where this consent requires further approval from public authorities, the parties shall not act unreasonably in preventing an agreement from being reached. In the event that an agreement is unable to be reached within 2 months or a timeframe otherwise agreed to by the Secretary, the matter is to be referred to the Secretary for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Secretary's resolution of the matter will be binding on the parties.

Legal notices

- A7 Any advice or notice to the consent authority shall be served on the Secretary.

B PRIOR TO COMMENCEMENT OF SUBDIVISION CONSTRUCTION WORKS

Erosion and Sedimentation Control

- B1 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction Volume 1 (2004)* by Landcom. Details are to be submitted to the satisfaction of the certifying authority prior to commencement of works.

Stormwater and Drainage Works Design

- B2 Final design plans of the stormwater drainage systems, prepared by a qualified practicing professional and in accordance with the requirements of Penrith City Council shall be submitted to Council for approval. The hydrology and hydraulic calculations shall be based on models described in the current edition of *Australian Rainfall and Runoff*

Road Design

- B3 Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to Council for approval. The plans shall include the following:
- a) Kerb and gutter, stormwater drainage, full road width pavement including traffic facilities (roundabouts, median islands etc) and paved footpaths shall be constructed along the full length of the new roads. All Roads shall be designed in consultation with the relevant requirements of Penrith City Council and the Roads and Maritime Services. Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the certifying authority prior to commencement of works.
 - b) The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability for 14.5m long buses accessing Lord Sheffield Circuit, shall be in accordance with AUSTROADS.
 - c) Car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) should be in accordance with AS 2890.1-2004, AS2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage.
 - d) Appropriate pedestrian advisory signs are to be provided at the egress from the car park.
 - e) All works/regulatory signposting associated with the proposed developments shall be at no cost to the relevant roads authority.
- B4 A stage 3 detailed design road safety audit (RSA) shall be undertaken on the proposed road works by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans and be submitted to Council prior to the commencement of works.

Prior to the commencement of works the Council shall ensure that the recommendations of the RSA have been addressed in any plans.

Works in Road Reserve

- B5 Separate approval from Council (subject to the RSA requirement by B4) must be obtained prior to commencement of any works within a road reserve. Design plans must be submitted to and approved by the appropriate authority prior to commencement of works.

Sydney Water Notice of Requirements

- B6 An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, section 73 of the *Sydney Water Act 1994* (Compliance Certificate) prior to commencement of works.

Note: The application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

- B7 Prior to the commencement of work the applicant is to negotiate with the utility providers (e.g. Ausgrid and Telecommunications Carriers) to establish if relocation and/or adjustment of any services infrastructure is required in order to connect the necessary utilities into Stage 3A of the site.
- B8 The applicant shall be responsible for adjustment or relocation of all public utilities as required by various utility providers and/or their agents.

Demolition

- B9 The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the certifying authority prior to the commencement of works.

Subdivision Works

- B10 The certifying authority shall ensure that the subdivision works have been designed in accordance with Council's Design Guidelines and Construction Specifications for Civil Works.

Notice of Commencement of Works

- B11 The certifying authority and Council shall be given written notice, at least 48 hours prior to the commencement of building or subdivision works on the subject site.

Safety, Security and Maintenance

- B12 In order to provide a safe and secure public domain and for ease of maintenance of the public domain, the following details are to be submitted, to the satisfaction of Council:
- a) evidence that surfaces throughout (stairs, retaining walls, promenade, etc) shall be anti-graffiti coated or made of materials suitable for graffiti removal (i.e. surfaces that won't erode if high pressure cleaned);
 - b) pedestrian walkways are to demonstrate good sight lines and are clear of obstruction to maximise natural surveillance;
 - c) adequate pedestrian level lighting provided to walkways;
 - d) all vegetation alongside pedestrian networks are to have high canopies or be low in height to maximise surveillance;
 - e) clear definition between public and residential space is provided; and
 - f) all public art and public furniture (benches, barbecues, etc) shall be made of durable, vandal resistant materials with anti-graffiti coating applied.

Construction Environmental Management Plan

- B13 Prior to the commencement of any works on the subject site, a comprehensive Construction Environmental Management Plan (CEMP) shall be submitted to the certifying authority. The CEMP shall be consistent with the *Guideline for the Preparation of Environmental Management Plans (DIPNR, 2004)*. The CEMP shall include details sufficient to understand and avoid, mitigate and remedy all potential environmental impacts of the project during construction. The CEMP shall include and be in accordance with the following:
- a) hours of construction work as per condition C1 of this consent;
 - b) 24 hour contact details of site manager;

- c) relevant recommendations in the contamination assessment report for stages 2B, 2C, 2D, 3A & 3D, prepared by Geotechnique;
- d) CEMP plans and considerations as outlined in the EIS for Stage 3A;
- e) CEMP plans and considerations as referenced in the mitigating measures;
- f) procedures to be undertaken in order to stop heavily sediment laden water from entering the stormwater system during storm events;
- g) measures to minimise impacts on air quality in particular dust migration during high winds;
- h) clarification as to the frequency with which environmental audits identified in the CEMP will be undertaken; and
- i) The CEMP must not include works that have not been explicitly approved in the development consent and in the event of any inconsistency between the consent and the CEMP, the consent shall prevail.

The applicant shall submit a copy of the CEMP to Council, prior to commencement of work.

Waste Management Plan during construction

B14 Prior to the commencement of any works on the subject site a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Council, shall be submitted to the certifying authority for approval. The Plan shall demonstrate compliance with the relevant legislation, codes, standards and guidelines and address, but not be limited to, the following matters:

- a) recycling of demolition materials including concrete;
- b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air; and
- c) disposal of hazardous waste to an approved waste disposal facility.

The applicant shall submit a copy of the Plan to Council, prior to commencement of work.

Traffic & Pedestrian Management Plan

B15 Prior to the commencement of any works on the subject site, a Traffic and Pedestrian Management Plan (TMP) is to be prepared, by a suitably qualified person, in consultation with RMS and Transport NSW. The TMP is to be submitted to the RMS and the certifying authority for approval.

The Plan shall address, but not be limited to, the following matters:

- a) ingress and egress of vehicles to the subject site;
- b) hours of operation;
- c) predicted traffic volumes, types and routes;
- d) pedestrian and traffic management methods;
- e) signage, in particular to advise commuters using the commuter car park of the temporary changes to vehicular access arrangements;
- f) traffic impacts of the construction works on the local area and State Road network;
- g) methods to minimise the impact of construction traffic; and
- h) demonstrate the appropriate management of construction traffic impacts with regard to commuter access of the commuter car park during the reconstruction phase of the existing commuter car park access road.

The applicant shall submit a copy of the final TMP to the Council, prior to the commencement of work.

Dilapidation Report

- B16 Prior to the commencement of works a dilapidation report of all infrastructure fronting Stage 3A development is to be submitted to Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees adjacent to the development.

Utility Services

- B17 Prior to the commencement of work the applicant is to negotiate with the utility authorities (e.g. Ausgrid and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure.
- B18 The applicant shall be responsible for adjustment or relocation of all public utilities as required by various public utility authorities and/or their agents.
- B19 Prior to the commencement of works written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Landscaping

- B20 A detailed landscape plan shall be submitted to Council for approval prior to the commencement of work. The plan shall include the following:
- a) details to ensure the street trees should not compromise the levels of lighting from street lights;
 - b) a consistent glass colour in the shade canopy for the Station Plaza;
 - c) details of the names of streets and parks in consultation with Council;
 - d) provision of sturdy public seating and street furniture to prevent malicious damage;
 - e) details of the design, materials and finish of any fencing required within the development;
 - f) a materials palette for landscaping infrastructure including pavement and pavement treatments;
 - g) the design and materials of landscape furniture, lighting, landscape infrastructure and structures.
- B21 A general maintenance and asset renewal plan for landscape elements is to be provided to Council prior to the commencement of works. The plan is to include a schedule of costs and a cleaning schedule for any drinking fountains and associated equipment.

Railcorp

- B22 Prior to commencement of work for the Station Plaza and other works reliant on the use of craneage and other aerial operations which may impact on Railcorp's easement for the high tension transmission line, a Risk Assessment/Management Plan and detailed Safe Work Methods Statement (SWMS) for the proposed works and a plan showing all craneage and other aerial operations are to be submitted to Railcorp for review and endorsement. In addition, provide details of the proposed fencing for the future bus link to lot 3011 in accordance with Railcorp and Sydney Trains requirements.

C DURING CONSTRUCTION

Hours of Work

- C2 The hours of construction, including the delivery of materials to and from the subject site, shall be restricted as follows:

- a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- b) between 8:00 am and 1:00 pm, Saturdays;
- c) no work on Sundays and public holidays.
- d) works may be undertaken outside these hours where:
 - i) the delivery of materials is required outside these hours by the Police or other authorities;
 - ii) works for the Station Plaza to minimise disruption to pedestrian access to the railway station;
 - iii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
 - iv) variation is approved in advance in writing by the Secretary or nominee.

Erosion and Sediment Control

- C3 All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

Disposal of Seepage and Stormwater

- C4 Any seepage or rainwater collected on-site during construction or groundwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Approved Plans to be On-site

- C5 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the subject site at all times and shall be readily available for perusal by any officer of the department, Council or the certifying authority.

Site Notice

- C6 The following details are to be displayed on signs erected along the frontages of the site:

A site notice(s) shall be prominently displayed at the boundaries of the subject site for the purposes of informing the public of development details including, but not limited to the details of the Builder and certifying authority.

The notice(s) is to satisfy all but not be limited to, the following requirements:

- a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- b) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
- c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the subject site is not permitted.

Construction Noise Management

- C7 The development shall be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the

construction noise management levels shall be identified and managed in accordance with the Construction Noise and Vibration Management Plan, approved by the Secretary.

- C8 If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels.
- C9 The applicant shall schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
- 9.00 am to 12.00 pm, Monday to Friday;
 - 2.00 pm to 5.00 pm Monday to Friday; and
 - 9.00 am to 12.00 pm, Saturday
- C10 Any noise generated during the construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act, 1997 or exceed approved noise limits for the subject site.

Vibration Criteria

- C11 Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- a) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
 - b) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.
 - c) Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

These limits apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved by the Secretary.

Work Cover Requirements

- C12 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant Work Cover requirements.

Hoarding Requirements

- C13 The following hoarding requirements shall be complied with:
- (a) No third party advertising is permitted to be displayed on the subject hoarding/fencing.
 - (b) The construction site manager shall be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

Impact of Below Ground (sub-surface) Works – Non-Aboriginal Relics

- C14 If any archaeological relics are uncovered during the course of the work, then all works shall cease immediately in that area and the OEH Heritage Branch contacted. Depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the NSW Heritage Act 1977 may be required before further works can continue in that area.

Discovery of Aboriginal Heritage

- C15 In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The applicant must consult with the Aboriginal community representatives, the archaeologist and OEH to develop and implement management strategies for all objects/sites.

Fill

- C16 An appropriately qualified person, as defined in the Penrith City Council Contaminated Land Development Control Plan, shall:
- a) supervise the filling works;
 - b) no fill 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 the certifying authority;
 - c) all fill shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines and Construction Specification for Civil Works. The level of testing shall be determined by the Geotechnical Testing Authority/Superintendent in consultation with the certifying authority;
 - d) soil testing is to be carried out to enable each lot to be classified according to AS 2870 "Residential Slabs and Footings";
 - e) (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 certifying authority; and
 - f) certify by way of certificate or 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.

An environmental protection licence may be required in respect of extractive activities (i.e. the extraction, processing or storage of more than 30,000 tonnes per year of extractive materials, either for sale or re-use, by means of excavation or other methods.

A copy of the Certificate or other documentation shall be submitted to the certifying authority.

Traffic Control

- C17 All vehicles should enter and leave the site in a forward direction. In the event that site constraints do not permit heavy rigid vehicles to enter and leave the site in a forward direction, then all reversing movements should be undertaken under the control of certified traffic controllers to ensure public safety when vehicles are reversing.

Railcorp Corridor

- C18 No works are to occur within Railcorp's easement area until such time written agreement has been obtained from Railcorp and Sydney Trains. The provision of high mast luminaire poles, colonnade, water features located outside the easement area to comply with the relevant electrical easement standards with respect to clearance requirements.
- C19 Railcorp's written approval is to be obtained regarding any level changes to areas around the power poles.
- C20 No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train

pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

D PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Payment of Bonds

- D1 Prior to the issue of a subdivision certificate, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Council.

A final layer of asphalt on all roads shall not be placed without the written consent of Council.

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

- D2 Prior to the issue of a subdivision certificate, a maintenance bond is to be lodged with Council for civil works.

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

Utilities Compliance Certificate

- D3 Prior to the issue of a subdivision certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be provided to the certifying authority showing that the development has met the detailed requirements of the relevant water supply authority.

- D4 Prior to the issue of a subdivision certificate written advice shall be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

- D5 The sewerage reticulation system (including any main, sewerage pump stations and overflow structures) must be completed to the standard necessary to ensure that it would not compromise Sydney Water Corporation's capacity to satisfy the condition of its Penrith sewage treatment system environment protection licence.

Compliance with Consent

- D6 Prior to the issue of a subdivision certificate the certifying authority shall ensure that the approved works have been satisfactorily completed in accordance with the requirements of this consent and any remedial works required to be undertaken have been satisfactorily completed.

Post-construction Dilapidation Report

- D7 Prior to the issue of a subdivision certificate, the certifying authority shall ensure that all works within the road reserve have been inspected and approved by Council.

- D8 The cost of repairing any damage caused to Council or other public authority's or utility provider's assets in the vicinity of the site as a result of works associated with the approved development is to be met in full by the applicant prior to the issue of a subdivision certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

Works As Executed Plans

- D9 Prior to the issue of a subdivision certificate, the following compliance documentation shall be submitted to the certifying authority and to Council, where Council is not the certifying authority.

- a) works as executed (WAE) drawings for all civil works. The WAE drawings shall be marked in red on copies of the stamped construction drawings and signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Council's Design Guidelines and include:
 - i. Clear indication of the 1% annual exceedence probability flood lines (local and mainstream flooding).
 - ii. Be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m ranges.
- b) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with Council.
- c) 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.
- d) Documentation for all road pavement materials used demonstrating compliance with Council's Design Guidelines and Construction Specifications.
- e) A geotechnical report certifying that all earthworks and road formations have been completed in accordance with AS 3798 and Council's Design Guidelines and Construction Specifications. The report shall include:
 - i. Compaction reports for road pavement construction;
 - ii. Compaction reports for bulk earthworks and lot regrading;
 - iii. Soil classification for all residential lots; and
 - iv. Statement of compliance.
- f) Structural engineer's construction certification of all structures.

Site Audit Statement

- D10 A site audit statement prepared by the nominated Site Auditor shall be submitted to the certifying authority prior to the issue of the subdivision certificate certifying that that Stage 3A is suitable for the intended use.

Registration of subdivision

- D11 Prior to the issue of a subdivision certificate, the subdivision which precedes the proposed subdivision shall be registered.

Section 88B Restrictions

- D12 Prior to the issue of a subdivision certificate, appropriate restrictive covenants and reciprocal rights of way shall be created under section 88B of the Conveyancing Act 1919 for maintenance easements for residue lots, inter-allotment drainage easements and acoustic controls identified for the development.
- D13 All section 88B restrictions and covenants created as part of this consent shall contain a provision that they cannot be extinguished or altered except with the consent of Council.

Roads

- D14 Road names are to be approved by Council.
- D15 Prior to the issue of a subdivision certificate and installation of regulatory/advisory line marking and signage, plans are to be lodged with Council for approval.
- D16 Prior to the issue of a subdivision certificate, street signs are to be erected at road intersections.

- D17 All works/regulatory signposting associated with the development shall be at no cost to the relevant roads authority.

Public Domain Assets

- D18 Prior to the issue of the relevant subdivision certificate the public domain assets including McHenry Place and Station Plaza and all public internal roads, shall be landscaped and embellished in accordance with the approved *North Penrith – Stage 3A Station Plaza & Streetscape Landscape*, Concept Report dated February 2014.
- D19 The areas of public open space and drainage in Stage 3A identified in the *North Penrith Stage 3A Station Plaza & Streetscape Landscape Concept Report* dated February 2014, are to be dedicated to Council free of cost.

Dedication to Council

- D20 Prior to dedication of the public domain works to Council, the applicant shall provide to Council a certificate of currency for a public liability insurance policy for \$20 million for the land. The applicant shall also provide to Council a deed of agreement indemnifying Council for the duration of the maintenance period which shall extend beyond this period for the same period of that maintenance period.
- D21 Prior to the dedication of public domain assets, consisting of all public internal roads, open space, drainage reserves and associated infrastructure, to Council:
- a. a plan listing all assets being dedicated to Council is to be provided to Council; and
 - b. a future maintenance program is to be provided to Council for consideration and approval.

The public domain assets shall be dedicated to Council free of cost as part of the relevant subdivision certificates.

Maintenance Period

- D22 The applicant is to maintain all public open spaces, and associated soft and hard landscaping for a maintenance period of 36 months commencing from the date of the completion of the open space and associated landscaping as agreed with Council.

ADVISORY NOTES

Appeals

AN1 The applicant has the right to appeal to the Land and Environment Court in the manner set out in the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 2000 (as amended).

Other Approvals and Permits

AN2 The applicant shall apply to the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

Responsibility For Other Consents / Agreements

AN3 The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Temporary Structures

AN4

- a) An approval under State Environmental Planning Policy (Temporary Structures) 2007 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under State Environmental Planning Policy (Temporary Structures) 2007 to certify the structural adequacy of the design of the temporary structures.

Disability Discrimination Act

AN5 This application has been assessed in accordance with the Environmental Planning and Assessment Act 1979. No guarantee is given that the proposal complies with the Disability Discrimination Act 1992. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The Disability Discrimination Act 1992 covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS 1428.1 - Design for Access and Mobility. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the Disability Discrimination Act 1992 currently available in Australia.

Commonwealth Environment Protection and Biodiversity Conservation Act 1999

AN6

- a) The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- b) This application has been assessed in accordance with the New South Wales Environmental Planning & Assessment Act, 1979. The determination of this assessment has not involved any assessment of the application of the

Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

Asbestos Removal

AN7 All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos"

Site Contamination Issues During Construction

AN8 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

Interception or Extraction of Ground Water

AN9 In the event groundwater is intercepted or proposed to be extracted the applicant is required to ensure they are in compliance with Part 5 of the Water Act 1912 which may require a licence. The Office of Water (contact a licensing officer on phone 8838 7531) can advise on the need for a water licence.