
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 10_0078

(File No 09/04518)

The Minister having considered the matters in section 75J(2) of the *Environmental Planning & Assessment Act 1979* (the Act), determine pursuant to section 75J(1) of the Act to **grant approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2 and Statement of Commitments in Schedule 3.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Revised Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To adequately mitigate the environmental and construction impacts of the development;
- (2) To reasonably protect the amenity of the local area; and
- (3) To protect the public interest.



Minister

Sydney,

9 Nov

2011

PART A – PROJECT

Proponent:	Landcom
Application made to:	Minister for Planning
Major Project Number:	MP 10-0078
On land comprising:	Part lot 1 DP 532379 and Part lot 11 DP1159973
Local Government Area:	Penrith City Council
Approval in summary for:	Stage 1 Project Application for: site preparation works, establishment of environmental, safety, and traffic control measures, bulk earthworks, retaining walls, internal and external road works, landscaping, a sales centre, and a staged-subdivision to create 120 lots including, 97 future residential lots, 1 village centre lot, 16 super lots, 2 open space lots, 1 sales centre lot, 1 sewer pumping station lot, and 2 residue lots.
Capital Investment Value:	\$24 million
Type of development:	Project Approval under Part 3A of the Act.
Determination made on:	9 November 2011
Determination	Project approval is granted subject to the conditions in Schedule 2 below and statement of commitments in Schedule 3.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval will lapse:	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the Act

PART B – DEFINITIONS

In this approval the following definitions apply:

Act, the	NSW <i>Environmental Planning and Assessment Act, 1979 (as amended)</i>
Concept Plan	Plan approved by this instrument, as defined by the Environmental Assessment and Preferred Project Report.
Council	Penrith City Council, subject to which Local Government Area the development is located.
Department, the	NSW Department of Planning and Infrastructure, or its successors
Director-General, the	Director-General of the Department of Planning and Infrastructure (or delegate).
Environmental Assessment (EA)	State Significant Site and Environmental Assessment Report for the North Penrith State Significant Site, Concept Plan and Stage 1 Project Application prepared by JBA Urban Planning Consultants dated November 2010.
North Penrith	Has the same meaning as the land identified in Part A of this schedule.
Minister, the	Minister for Planning and Infrastructure
Preferred Project Report (PPR)	Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011
Project	Development that is declared under Section 75B of the EP&A Act to be a project to which Part 3A applies.
Proponent	Landcom or any party acting on this approval
Regulation	The Environmental Planning and Assessment Regulations 2000 (as amended)
Statement of Commitments	Final Statement of Commitments submitted as part of the PPR.

SCHEDULE 2
CONDITIONS OF APPROVAL FOR NORTH PENRITH STAGE 1 PROJECT APPLICATION
PROJECT APPLICATION NO. MP 10-0078

PART A – ADMINISTRATIVE CONDITIONS

A1 *Development Description*

Project Approval is granted for Stage 1 of the North Penrith Development, including site preparation works, establishment of environmental and safety controls and traffic control measures, bulk earthworks, retaining walls, internal and external road works, landscaping, a sales centre, and a staged-subdivision to create 120 lots comprising of, 97 future residential lots, 1 sales centre lot, 16 super lots, 2 open space lots, 1 sewer pumping station lot, and 2 residue lots.

A2 *Development in Accordance with Plans and Documentation*

The development shall be in accordance with the following plans, documentation and recommendations (including any appendices) made therein:

- "North Penrith State Significant Site Study, Concept Plan and Stage 1 Project Application" report prepared by JBA Planning dated November 2010, as amended by Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011.
- The Stage 1 Staged Subdivision Plan, produced by Craig and Rhodes, ref 07210L16 [00], dated 27-06-2011

A3 *Inconsistency between plans and documentation*

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to above, the conditions of this project approval prevail.

A4 *Lapsing of Approval*

The project approval will lapse 5 years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A5 *Compliance with Relevant Legislation and Australian Standards*

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project described in Condition A1, Part A, Schedule 2 of this approval.

PART B - PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B1 *Engineering Plans*

A detailed engineering design of the earthworks, roads, stormwater drainage, and infrastructure must be submitted to and approved by the Certifying Authority prior to the release of the relevant Construction Certificate. The plan must include detailed design of all proposed infrastructure in accordance with the plans and documents subject of this approval.

B2 *Construction Environmental Management Plan*

1. Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) for Stage 1 shall be submitted to the Certifying Authority for approval as part of the Construction Certificate

application. The CEMP shall be prepared by suitably qualified consultants in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The CEMP is to:

- Address all environmental aspects of the development's construction and operational phases, and
- Recommend any systems/ controls to be implemented to minimise the potential for any adverse environmental impact(s), and
- Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following:

- Soil and water management
- Dust suppression
- Litter control
- Noise control
- Waste management
- Dangerous/hazardous goods storage
- Emergency response and spill contingency
- Measures to protect vegetation to be retained
- Management of soil contamination issues with reference to the recommendations of the assessment undertaken by Geotechnique Pty Ltd, dated October 2010.

2. The relevant aspects of the approved CEMP shall be implemented during the relevant phase(s) of the development. A suitably qualified environmental consultant shall be employed to supervise the implementation of the development in accordance with the relevant aspects of the approved CEMP as identified at each phase of the development. Details of the environmental consultant, including contact details shall be submitted to Penrith City Council with the Notification of Commencement two days before any works are to commence on site.

B3 *Stormwater Design*

1. The stormwater drainage system shall be provided generally in accordance with the Stage 1 Concept Stormwater Drainage Plan prepared by Worley Parsons (reference 301015-00NP-St1-F11) and the recommendations of the Stormwater and Drainage Report, prepared by Worley Parsons, dated October 2010.
2. The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
3. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.
4. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

B4 *Groundwater*

A detailed groundwater investigation shall be undertaken and approved by the Certifying Authority prior to the release of the relevant Construction Certificate to predict the groundwater table at the site, including at the locations of detention basins, and outline measures to be put in place to mitigate impact on groundwater.

B5 *Roads*

1. Separate approval from the Roads Authority must be obtained prior to the issue of the relevant Construction Certificate for any works within a Council or RTA road reserve. Design plans must be submitted to and approved by the Roads Authority prior to issue of the relevant Construction Certificate.

2. A new intersection on Coreen Avenue, providing access to Stage 1 shall be constructed by the proponent. The detailed design of the intersection shall be approved by Council or the RTA prior to the issue of the Construction Certificate and the works shall be completed to the satisfaction of the RTA or Council prior to the issue of the Subdivision Certificate.
3. Unless otherwise agreed with the RTA, the proponent shall upgrade the intersection of Parker Street, Richmond Road, Coreen Avenue and Oxford Street to accommodate the anticipated traffic generation from the North Penrith development (in its entirety) prior to the occupation of 100th dwelling. The detailed design of the upgrade to the Parker Street, Richmond Road, Coreen Avenue and Oxford Street intersection shall be submitted to the RTA for approval and the works shall be completed to the satisfaction of the RTA or Council prior to the occupation of the 100th dwelling.
4. Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines.
5. Prior to the issue of the Subdivision Certificate, and installation of regulatory / advisory line marking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.
6. On-street car parking shall be consistent with the On-street Car Parking Strategy for North Penrith, as approved by Council.

B6 *Sediment and Erosion Control*

A soil erosion and sediment control plan, prepared in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004 shall be submitted for consideration and approval with the Construction Certificate application.

B7 *Sales Centre*

1. Approval is given to the construction of a Sales Centre in accordance with the plans prepared by Tanner Architects (reference AR.DA.01 Rev D, AR.DA.03 Rev D, AR.DA.04 Rev D). The detailed design of the Sales centre is to be included with the engineering plans to be submitted to and approved by the Certifying Authority prior to the release of the relevant Construction certificate.
2. The Sales centre shall be converted to a Community centre and dedicated free of cost to Council prior to the occupation of the 400th dwelling or at a time mutually agreed by both the proponent and Council. The external landscaping, servicing, and internal fit out of the Community centre is to be approved by Council prior to its dedication.

B8 *Development Contributions*

- 1) Contributions shall be made to Penrith City Council for the purposes of district open space facilities at a rate per dwelling type as shown below.

Development Type	Contribution
Multi-unit and Shop-Top Housing	\$1,566 for each new dwelling
Dwelling Houses, Dual Occupancies and Subdivision	\$2,427.30 for each new dwelling or new lot
Housing for older people	\$1,174.50 for each new dwelling

The contributions are to be paid to Council prior to a Construction Certificate being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan.

PART C — PRIOR TO AND DURING CONSTRUCTION

C1 *Construction Certificate*

A Construction Certificate is to be issued by the Certifying Authority prior to commencement of any works. The application for this Certificate is to satisfy all of the requirements of the Environmental Planning and Assessment Regulation 2000.

C2 *Notice of Commencement*

A Notice of Commencement is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

C3 *Filling*

1. 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.
2. 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 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. A copy of the Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.
3. 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.

C4 *Pre Works Dilapidation Report*

Prior to the Commencement of Works a dilapidation report of all infrastructure fronting the North Penrith development is to be submitted to Penrith City Council. The report is to include, but not limited to, the road pavement, kerb and gutter, footpath, services and street trees adjacent to the development.

C5 *Hours of Construction*

Construction works 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:

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- 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.

C6 *Approved Plans to be On Site*

Approved plans and specifications, a copy of the instrument of approval, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

C7 *Construction Signage*

1. The following details are to be displayed on signs erected along the frontages of 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
2. The above signs are to be erected:
 - at the commencement of, and for the full length of the, construction works onsite, and
 - in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.
3. All construction signage is to be removed when the Occupation Certificate has been issued for the development.

C8 *Traffic Control Plan*

1. No work is to commence on site until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" has certified a Traffic Control Plan for the development/site.
2. The Traffic Control Plan shall be implemented during the construction phase of the development and a copy of the plan shall be available on site at all times.
3. A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council 2 days before any work is to commence on site.

C9 *Erosion and Sediment Control*

All erosion and sediment control measures are to be effectively 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 source of sediment.

C10 *Dust Control Measures*

The proponent shall ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the road and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Certifying Authority.

C11 *Waste Management*

1. A completed waste management plan prepared in consultation with Council shall be submitted to Certifying Authority for approval.

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2. The waste management plan shall be prepared in accordance with the Penrith Development Control Plan 2006, Section 2.6 Waste Planning and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.
 3. The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

C12 *Aboriginal Relics*

If Aboriginal engravings or relics are unearthed during construction, all work within the vicinity of the site is to cease immediately and the National Parks and Wildlife Service must be notified. Works may only recommence following endorsement for such from the Office of Environment and Heritage.

C13 *Vegetation to be Retained*

Trees and vegetation proposed for retention are to be clearly identified on all the final approved engineering plans. All construction contractors and personnel are to be advised of the importance of conserving these No Go Areas as part of their site and OH&S induction program. No clearing of trees or vegetation or storage or vehicles, fill or materials or access is to occur within retained areas.

PART D – PRIOR TO SUBDIVISION CERTIFICATE

D1 *Certificate*

1. An application for a Subdivision Certificate must be submitted to and approved by the Council/Principal Certifying Authority prior to endorsement of the final plan of subdivision.
2. The submission to the Certifying Authority of documentation to demonstrate full compliance with all approval conditions in accordance with Section 157 Clause 2 (f) of the Environmental Planning and Assessment Regulations 2000 prior to issue of the relevant Subdivision Certificate.

D2 *Road Names*

1. Road names are to be approved by Council.
2. Prior to the issue of a Subdivision Certificate street signs are to be erected at road intersections.

D3 *Dedication of Public Open Space*

1. The areas of public open space and drainage in Stage 1 identified on the Landscape Concept Master Plan dated October 2010, are to be, free of cost, dedicated to Council.
2. All landscaping and embellishment of local open space shall be maintained by the proponent to the satisfaction of Council for a period of 3 years following dedication.

D4 *Services*

Prior to the issue of a Subdivision Certificate the following service arrangements are to be made and submitted to the Principal Certifying Authority for approval.

1. The applicant is to negotiate relevant servicing arrangements with Sydney Water and seek Sydney Water prior approval for any connections to Sydney Water systems. A Section 73 Compliance Certificate under the Sydney Water Act 1994, should be obtained prior to the issue of the relevant subdivision certificate.
2. 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.

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3. A letter from an approved electricity provider stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements.
 4. A letter from an approved gas provider stating that satisfactory arrangements have been made for gas supply to all proposed allotments in the subdivision, including any necessary easements.

D5 *Post Works Dilapidation Report*

Any damage not shown in the Dilapidation Report submitted to the Certifying Authority before site works had commenced, that have been caused as a result of the site works undertaken and must be rectified at the applicant's expense, prior to end of the 12 month Defects Liability period.

D6 *Works As Executed Plans*

1. Prior to the issue of a Subdivision Certificate the Principal Certifying Authority shall ensure that the approved works have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this approval and any remedial works required to been undertaken have been satisfactorily completed.
2. Prior to issue of the Subdivision Certificate, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to the Principal Certifying Authority and Penrith City Council.

ADVISORY NOTES

AN1 *Requirements of Public Authorities for Connection to Services*

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 *Roads Act, 1993*

A separate application for approval under Section 138 of the *Roads Act, 1993* shall be made to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN3 *Stormwater Drainage Works or Effluent Systems*

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the Local Government Act, 1993 require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

SCHEDULE 3
STATEMENT OF COMMITMENTS
STAGE 1 PROJECT APPLICATION NO. MP 10-0078

Subject	#	Commitment	Responsibility / Timing
Local Infrastructure Contributions	1	Landcom will provide local infrastructure contributions in accordance with Table 7 at Section 6.13 of Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 and as amended by Table 7 at Section 4.8 of the Preferred Project Report prepared by JBA Planning dated April 2011.	To be demonstrated by the proponent prior to issue of the Subdivision Certificate.
	2	Landcom will maintain any local infrastructure contributions that are to be dedicated to Penrith City Council for a period of 36 months from the date of practical completion of the works, unless otherwise agreed by Landcom and Penrith City Council (and subject to SoC Nos. 3, 4 and 5 below).	To be demonstrated by the proponent prior to issue of the Subdivision Certificate.
Social and Recreational Facilities	3	Landcom will construct the community facility (The Cricketers Pavilion) in accordance with the plans attached at Appendix E of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	Landcom will own and manage the building for a period of 5 years from completion of its construction, before executing Commitment No. 5 below.
	4	Landcom will convert the pavilion into a publicly accessible community centre in accordance with the plans attached at Appendix E of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 and dedicate it to Penrith City Council.	Upon occupancy of 400 dwellings or at a time mutually agreed by both Landcom and Penrith City Council.
	5	Landcom will construct and embellish the land zoned public recreation on the Open Space Concept Plan Master Plan in accordance with the plans at Appendix X of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010 prior to dedicating it to Council.	To be demonstrated by the proponent prior to issue of the Subdivision Certificate.
Heritage	6	An archival recording of the place will be undertaken prior to work commencing.	To be demonstrated by the proponent prior to commencement of works.
	7	Landcom will produce an Interpretation Strategy in conjunction with a Public Art Strategy to ensure that opportunities to recognise the site's heritage values through landscaping and public art are fully realised.	To be demonstrated by the proponent prior to commencement of works.
Landscaping, Public Domain and Public Art	8	Landcom commits to implementing public art throughout the site in the locations illustrated on the Opportunities Plan and generally in accordance with the Public Art Strategy attached at Appendix Z of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent at the time of any relevant detailed application.
	9	Landcom will prepare a street and place naming strategy for future open space and streets throughout the site.	To be demonstrated by the proponent prior to issue of the Subdivision Certificate.
Utilities	10	The final location of the Sewer Pumping Station will be selected and designed in consultation with SWC to ensure its appropriate sizing and location.	To be demonstrated by the proponent prior to commencement of works.
Traffic and Access	11	Landcom will carry out the road works identified in Road Hierarchy Plans at Appendix C of the Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated April 2011 and dedicate those works on a stage by stage basis to Penrith City Council.	To be demonstrated by the proponent prior to issue of the Construction Certificate
	12	Landcom will undertake the following road works and upgrades to the nominated intersections as part of the Project Application: - Coreen Avenue/new site entrance road (Sydney Smith Drive)	To be demonstrated by the proponent prior to issue of the Construction Certificate and during works

Subject	#	Commitment	Responsibility / Timing
Traffic and Access	13	In addition to the above, Landcom will provide the following transport related works in kind as applicable to the extent of the Project Application area: <ul style="list-style-type: none"> - The widened kerbside lanes along the public transport corridor to Coreen Avenue; - Direct and safe cycle and pedestrian routes. 	To be demonstrated by the proponent prior to issue of the Construction Certificate and during works
	14	Landcom, through conditions on its future sales and tenancy agreements, will produce Transport Access Guides for new residents and require commercial tenants to produce a Workplace Travel Plans for their employees and clients.	To be demonstrated by the proponent at the time of sale.
Drainage and Stormwater	15	Stormwater Infrastructure will be provided in accordance with the Stormwater Management Strategy and Stormwater Management Report Worley Parsons at Appendix N of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent prior to issue of the Construction Certificate and during works
	16	The targets for annual post development loads are: <ul style="list-style-type: none"> - 85% for Total Suspended Solid (TSS); - 65% for Total Phosphorus (TP); - 45% for Total Nitrogen (TN); and - 90% for Gross Pollutants (GP). 	To be demonstrated by the proponent prior to issue of the Construction Certificate and ongoing following construction.
	17	WSUD features will be maintained in accordance with 'Managing Urban Stormwater: Treatment Techniques' (1997), published by the Environment Protection Agency (EPA).	Ongoing following construction.
Flooding	18	Development on the site will be in accordance with the objectives of the NSW Government's Flood Prone Land Policy and the Flood Plan Development Manual 2005 published by the then Department of Infrastructure, Planning and Natural Resources (DIPNR) and will integrate with the State Emergency Service's regional evacuation strategy.	To be demonstrated by the proponent prior to issue of the Construction Certificate and ongoing following construction.
	19	The site will be at or above the regional 100 year ARI flood level of RL 25.4m (AHD).	To be demonstrated by the proponent prior to issue of the Construction Certificate
	20	The minimum habitable floor level for the site will be RL 25.9 AHD, being a 0.5m freeboard above the 1 in 100 year annual recurrence interval (ARI) flood event (in accordance with the Regional Flooding Assessment by Worley Parsons at Appendix O of the Concept Plan Environmental Assessment Report prepared by JBA Urban Planning Consultants Pty Ltd dated October 2010.	To be demonstrated by the proponent prior to issue of the Construction Certificate
Contamination	21	Landcom will continue to work with a Site Auditor in recognition that there may be a requirement for further assessments, particularly relating to the importation of fill and the possibility of unexpected finds. Site Audit Statements will be prepared for individual Project Applications.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
	22	The Construction Environmental Management Plan (CEMP) is to include a site-specific Unexploded Ordnance Protocol (UOP). The UOP is to be implemented throughout the construction works under the responsibility of the Principal Contractor.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
	23	The CEMP is to include a site-specific Unexpected Finds Protocol (UFP). The UFP is to be implemented throughout the construction works under the responsibility of the Principal Contractor.	To be demonstrated by the proponent prior to issue of the Construction Certificate.

Subject	#	Commitment	Responsibility / Timing
Contamination	24	After removal of the existing concrete slabs, a suitably qualified environmental engineer/scientist will inspect the exposed ground for indicators of contamination. Sampling and testing might be required.	To be demonstrated by the proponent during works.
	25	Remediation and validation pursuant to an unexpected find or contamination found after removal of concrete slab. If remediation is required, a specific Remediation Action Plan (RAP) will be prepared. The remediation works will be carried out in accordance with the RAP. Validation of the remediated area by the environmental engineer/scientist will be carried out after completion of remediation works.	To be demonstrated by the proponent prior to issue of the subdivision Certificate.
	26	Any identified ash/coal materials will be tested to confirm the contamination status. The ash/coal materials with concentrations of analytes within the assessment criteria can be re-used on-site. To mitigate the potential for site occupiers to have aesthetic-based concerns and/ or because the materials may be unsuitable as a planting medium, ash/coal materials will not be placed near-surface in any location in the site.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
Geotechnical and Groundwater	27	A Construction Environmental Management Plan (CEMP) is to be prepared which includes a site-specific Soil and Water Salinity Management Plan. The Soil and Water Salinity Management Plan is to be implemented throughout the construction works under the responsibility of the Principal Contractor.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
	28	Further targeted investigations will be required to confirm the detailed design, including ascertaining the suitability of soils for re-use on the site.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
	29	The CEMP is to include measures to ensure imported fill is suitable for the intended use on site.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
Civil Works	30	During the detailed design process road grades shall be designed to minimise the amount of fill required at the site, where possible, to assist in providing a more sustainable outcome and also reduce the extent of retaining walls required at the property boundaries.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
	31	Additional geotechnical investigations are required to confirm the extent of excavated cut volumes that can be placed as engineering fill within the site.	To be demonstrated by the proponent prior to issue of the Construction Certificate.
	32	Testing of the existing asphalt and concrete slabs should be undertaken to determine their respective suitability for re-use in the road profile of the internal road network.	To be demonstrated by the proponent during works .