

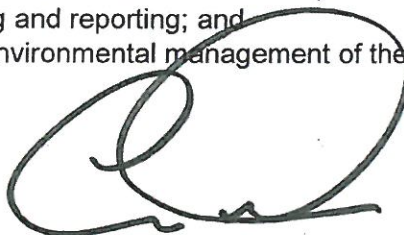
Development Consent State Significant Development SSD 5349

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 27 February 2013 I, Chris Wilson, Executive Director, grant consent to the development application referred to in Schedule 1, subject to the conditions in Schedules 2 and 3.

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.



Chris Wilson
Executive Director
Development Assessment Systems and Approvals
Department of Planning and Infrastructure

Sydney

28 JUNE

2013

SCHEDULE 1

Application No.:	SSD 5349
Applicant:	UrbanGrowth NSW (formerly Landcom)
Consent Authority:	Minister for Planning and Infrastructure
Land:	North Penrith Development Site, Penrith (Part Lot 11 DP 1159973)
Development:	Stage 3B of the North Penrith Development Site as follows: <ul style="list-style-type: none">- construction of the internal road network and connections to existing road intersections;- supply of utilities to service the subdivision;- Landscaping and public domain works- Subdivision to create the North Penrith 'Opportunity Site' lots including 3 superlots.

DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	UrbanGrowth NSW (formerly Landcom)
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
Department	Department of Planning and Infrastructure or its successors
Development	Development to which this consent applies
Director-General	Director-General of the Department of Planning and Infrastructure, or nominee/delegate
Director General's approval, agreement or satisfaction	A written approval from the Director- General (or nominee/delegate) Where the Director-General's approval, agreement or satisfaction is required under a condition of this approval, the Director-General will endeavour to provide a response within one month of receiving an approval, agreement or satisfaction request. The Director-General 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.
EEC	Endangered ecological community
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement titled, <i>North Penrith Subdivision, Civil and Infrastructure Works (Stage 2B and 2C)</i> prepared by JBA Planning, dated November 2012
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
Maintenance Period	A period of 36 months which commences from the date of issue of the relevant subdivision certificate
Minister	Minister for Planning and Infrastructure, 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
PCA	Principal Certifying Authority, or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works
RTS	Response to Submissions report titled <i>Response to Agency Submissions and Response to Community Submissions</i> prepared by JBA
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
Site	Stage 3B of the North Penrith Development Site: Part Lot 11 in DP 1159973

SCHEDULE 2

A ADMINISTRATIVE AND DEVELOPMENT CONTRIBUTIONS CONDITIONS

DEVELOPMENT DOCUMENTATION

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 Condition A2.

Development in Accordance with Plans and Documents

- A2 The Applicant shall carry out the development generally in accordance with the:
- a) *'North Penrith State Significant Site Study, Concept Plan and Stage 1 Project Application'* report prepared by JBA Planning dated November 2010, as amended by the Preferred Project Report for the North Penrith Mixed Use Development prepared by JBA Urban Planning Consultants dated April 2011 and as modified by modifications 1 and 2 of concept plan MP10_0075.
 - b) *'North Penrith Design Guidelines 2013'* version 19 March 2013.
 - c) *'Environmental Impact Statement, North Penrith Subdivision, Civil and Infrastructure Works (Stage 3B)'* prepared by JBA planning dated November 2012; as amended by:
 - i) *'North Penrith Stage 3B SSD 5349'* dated February 2013 *'Response to Agency Submissions'* by JBA and attached appendices, documents, plans, elevations and sections.
 - d) The following drawings, except for:
 - (1) any modifications which are exempt or complying development;
 - (2) otherwise provided by the conditions of this consent.

Plan of Subdivision Drawings prepared by Craig & Rhodes,			
Drawing No.	Revision	Name of Plan	Date
07210L30	[01]	North Penrith: Stage 3B – Plan of Proposed Subdivision	08/10/2012

Inconsistency between documents

- A3 In the event of any inconsistency between the documentation referred to in condition A2, the most recent document shall prevail to the extent of the inconsistency.
- A4 In the event of any inconsistency between the conditions of this approval and the documents referred to in condition A2, the conditions of this approval shall prevail.

Prescribed Conditions

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

LAPSING OF APPROVAL

- A6 This consent will lapse five years from the date of consent unless the works associated with the development have physically commenced.

RESOLUTION OF DISAGREEMENTS

Director General as Moderator

- A7 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 Director-General, the matter is to be referred to the Director-General for resolution. All areas of disagreement and the position of each party are to be clearly stated to facilitate a resolution. The Director-General's resolution of the matter will be binding on the parties.

SERVICE OF NOTICES

Legal notices

- A8 Any advice or notice to the consent authority shall be served on the Director-General.

B PRIOR TO COMMENCEMENT OF SUBDIVISION CONSTRUCTION WORKS

WATER MANAGEMENT

Erosion and Sedimentation Control

- B1 Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater-Soils & Construction March 2004* (the Blue Book). 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 council and in accordance with the 'Managing Urban Stormwater- Environmental Targets/Treatment Techniques – October 2007' publication shall be submitted to the Certifying Authority for approval prior to commencement of works. The hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff.

ROAD AND TRAFFIC

Road Design

- B3 Final road design plans shall be prepared by a qualified practising Civil Engineer and submitted to the Certifying Authority prior to commencement of works. 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 accordance with the relevant requirements of council;
 - b) the swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the subject site, shall be in accordance with AUSTROADS; and
 - c) car parking associated with the proposal (including queuing areas, grades, turn paths, sight distance requirements, aisle widths, and parking bays) shall be in accordance with AS 2890.1 – 2004, AS 2890.6 for accessible spaces and AS 2890.2-2002 for heavy vehicle usage.
- B4 A stage 3 (detailed design road safety audit (RSA)) in compliance with the latest TRA Guidelines and policies for road safety audits) 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 the Certifying Authority prior to the commencement of works.

The Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans.

Works in Road Reserve

- B5 Separate approval must be obtained prior to commencement of any works within a Council or RMS road reserve. Design plans must be submitted to and approved by the appropriate authority prior to commencement of works.

DILAPIDATION REPORT

- B6 Prior to the commencement of work a dilapidation report of all infrastructure adjoining Stage 3B of the site, is to be submitted to council. The report is to include, but is not limited to, the road pavement, kerb and gutter, footpath, services and street trees adjacent to the development.

UTILITY SERVICES

- B7 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.

- B8 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 2B and 2C of the site.
- B9 The applicant shall be responsible for adjustment or relocation of all public utilities as required by various utility providers and/or their agents.

DEMOLITION

- B10 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.

PUBLIC DOMAIN & VISUAL AMENITY

Safety, Security and Maintenance

- B11 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, barbeques, etc) shall be made of durable, vandal resistant materials with anti-graffiti coating applied.

- B12 In order to provide safety and security to the Radcliffe Place through link the applicant is to submit evidence to the satisfaction of Council that:
- a) there is sufficient luminance contrast to the stone elements;
 - b) there are no concealment opportunities provided by the sandstone structures;
 - c) the sandstone structures are to be a maximum of 1.2 metres high;
 - d) overhead lighting is to be provided; and
 - e) a barrier to cars is to be provided however access is to be available for maintenance vehicles.

Landscaping

- B13 Prior to the commencement of work landscape plans and details are to be submitted for the approval of council as follows:
- a) the Street trees should take into account and not compromise the levels of lighting from street lights;
 - b) the names of streets and parks are to be finalised in consultation with Council;
 - c) detail of the design, materials and finish of any fencing required within the development. In particular details of fencing, including additional screen planting, to the southern boundary adjacent to the commuter car park;
 - d) A materials palette for landscaping infrastructure including pavement and pavement treatments;
 - e) The design and materials of landscape furniture, lighting, landscape infrastructure and structures.
- B14 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.
- B15 Drinking water fountains must be supplied with potable water in accordance with the current Australian Drinking Water Guidelines.

MANAGEMENT PLANS

Construction Environmental Management Plan

- B16 Prior to the commencement of any works on the subject site, a comprehensive Construction Environmental Management Plan (CEMP) shall be submitted to the PCA. 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 C5 of this consent;
 - b) 24 hour contact details of site manager;
 - c) CEMP plans and considerations as outlined in the EIS for Stages 3B and the Response to Submissions dated February 2013;
 - d) CEMP plans and considerations as referenced in the mitigating measures;
 - e) procedures to be undertaken in order to stop heavily sediment laden water from entering the stormwater system during storm events;
 - f) clarification as to the frequency with which environmental audits identified in the CEMP will be undertaken; and
 - g) 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 the Director General and to council, prior to commencement of work.

Traffic & Pedestrian Management Plan

B17 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 PCA 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;
- 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.

Waste Management Plan

B18 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 PCA 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;
- 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.

C DURING CONSTRUCTION

SITE PREPARATION

Site Notice

- C1 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 PCA.

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.

Approved Plans to be On-site

- C2 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 PCA.

Erosion and Sediment Control

- C3 All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity prior to the commencement of any works on site and 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.

Soil and water management controls are to be inspected daily and all necessary repairs and maintenance undertaken.

SITE MANAGEMENT

Hours of Work

- C4 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) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- iii) variation is approved in advance in writing by the Director General or his nominee.

Construction Noise Management

- C5 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, submitted to the PCA.
- C6 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.
- C7 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.
 - a) 9.00 am to 12.00 pm, Monday to Friday;
 - b) 2.00 pm to 5.00 pm Monday to Friday; and
 - c) 9.00 am to 12.00 pm, Saturday
- C8 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

- C9 Vibration caused by construction at any residence or structure outside the 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 the Construction Noise and Vibration Management Plan, submitted to the PCA.

Disposal of Seepage and Stormwater

- C10 Any seepage, groundwater 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.

Fill

C11 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 PCA;
- 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 PCA;
- 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 PCA; 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 council and any PCA.

Indigenous and Non-Indigenous Heritage

C12 If any new 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.

C13 In the event that surface disturbance identifies a new Aboriginal object, all works must cease in the immediate area to prevent any further impacts to the object(s). The applicant must consult with the Aboriginal community representatives, a suitably qualified archaeologist and OEH to develop and implement management strategies for all objects/sites.

Work Cover Requirements

C14 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.

Traffic Control

C15 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.

C16 Appropriate pedestrian advisory signs are to be provided at the egress from the car park.

D PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE AND DEDICATION OF ASSETS TO COUNCIL

FLOODING

Flood Planning Level

- D1 Prior to the issue of a subdivision certificate, the applicant is required to determine the final flood planning level taking into account the current adopted levels and any changes as a result of updated information in the Council's RMA Regional Flood Model. This level is to be determined in consultation with council and to the satisfaction of the Director-General.

BONDS

Payment of Bonds

- D2 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 (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 council's Bond Policy. The bond will be administered in accordance with this policy.

- D3 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.

COMPLIANCE DOCUMENTATION

Utilities Compliance Certificate

- D4 Prior to the issue of a subdivision certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be provided to the PCA showing that the development has met the detailed requirements of the relevant water supply authority.
- D5 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.
- D6 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

- D7 Prior to the issue of a subdivision certificate the PCA 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

- D8 Prior to the issue of a subdivision certificate, the PCA shall ensure that all works within the road reserve have been inspected and approved by council.

- D9 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

- D10 Prior to the issue of a subdivision certificate, the following compliance documentation shall be submitted to the PCA and to council, where council is not the PCA.

- 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 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

- D11 A site audit statement prepared by the nominated Site Auditor, shall be submitted to the PCA prior to the issue of the subdivision certificate certifying that the stages are suitable for their intended use.

Heritage Interpretation Strategy

- D12 The interpretation works as described in the Heritage Interpretation report dated April 2013 prepared by Tanner Architects shall be completed prior to the issue of a subdivision certificate. A report confirming satisfactory completion of these works shall be prepared by an appropriate heritage consultant specialist and forwarded to the PCA.

RESTRICTIONS AND COVENANTS

Section 88B Restrictions

- D13 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 with zero lot line construction, inter-allotment drainage easements and acoustic controls identified for the development.
- D14 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

- D15 Road names are to be approved by Council.
- D16 Prior to the issue of a subdivision certificate and installation of regulatory/advisory line marking and signage, plans are to be lodged with council and approved by the local traffic committee.
- D17 Prior to the issue of a subdivision certificate, street signs are to be erected at road intersections.
- D18 All works/regulatory signposting associated with the development shall be at no cost to the relevant roads authority.

PUBLIC DOMAIN ASSETS

- D19 Prior to the issue of the relevant subdivision certificate the public domain ASSETS consisting of all public internal roads, shall be landscaped and embellished in accordance with the approved landscape plans and details.

DEDICATION TO COUNCIL

- D20 Prior to the dedication of public domain assets, consisting of all public internal roads, drainage reserves and associated infrastructure, to Council:
- a plan listing all assets being dedicated to council is to be provided to council; and
 - 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

- D21 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 issue of the relevant subdivision certificate.

DEED OF AGREEMENT

- D22 The applicant will enter into a deed of agreement with council that details public liability insurance to a minimum of \$20 million and indemnifies for personal and property loss for the duration of the maintenance period.

SCHEDULE 3

E ONGOING OPERATIONAL USE OF THE PUBLIC DOMAIN AND PUBLIC OPEN SPACE ASSETS

MAINTENANCE REQUIREMENTS

Public Domain

- E1 All public domain and public open space assets are to be managed and maintained by the applicant for the 36 months maintenance period prior to handover to council.

PRIOR TO THE HANDOVER OF ASSETS TO COUNCIL AT THE CONCLUSION OF THE MAINTENANCE PERIOD

- E2 Prior to the handover of assets council is to inspect the public domain and the public open space assets.
- E3 Handover of assets can be deferred until any remediation or maintenance which may be required by council, prior to handover of the assets, has been undertaken.

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.

