

# CONDITIONS SUMMARY

<b>Application Number:</b>	DA22/0318
<b>Assessing Officer</b>	Donna Clarke
<b>Land to be developed (Address):</b>	Lot 1 DP 588918 158 - 164 Old Bathurst Road EMU PLAINS NSW 2750
<b>Proposed Development:</b>	Torrens Title Subdivision into 37 Industrial Lots, 1 Stormwater Management Infrastructure Lot & Public Roads including Earthworks, Civil Engineering Works, Tree Removal & Public Domain Landscaping

## General

1 [A001 - Approved plans table](#)

The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:-

Plan No.	Plan Title	Prepared By	Revision	Date
SKE-C10	General Arrangement Plan	ACOR Consultants	A	14/02/2024
C1.001 - C15.002 (45 sheets)	Civil Engineering Services – Development Application	ACOR Consultants	D	17/10/2022
2.0 DA Plans (14 sheets)	Landscape DA Report	Group GSA	4	7/10/2022
Sheet 1	Traffic Signals at Old Bathurst Road and David Road Emu Plans	B-Line Drafting on behalf of ACOR	A	11/10/2022
C08	Retaining Wall Longitudinal Section	ACOR Consultants	A	3/2/2023
Report / Document Title				
Report / Document Title		Prepared By		Date
Industrial Subdivision Acoustic Assessment		Renzo Tonin and Associates		Rev 2 - 5/4/2022
Arboricultural Impact Assessment		Civica		1/9/2022
Biodiversity Development Assessment Report (including tables and figures as appendices)		Anne Clements and Associates		V3 - 10/10/2022
Stormwater Management Plan		ACOR Consultants		Rev C - 27/9/2022
Flood Impact Assessment		Advisian		Rev C - 11/10/2022
Flood Emergency Response Strategy		Advisian		Rev C - 7/10/2022
Geotechnical Report		Douglas Partners		Rev 2 - 10/1/2024
Technical Advisory Note		SCT Consulting		V2 - 19/12/2023
Transport Impact Assessment		SCT Consulting		Rev 6 - 12/4/2023
Waste Management Plan		ACOR Consultants		Rev 1 - 4/4/2022

2 [A005 - APPROVED BODY'S CONSENT \(FOR INTEGRATED DAS\)](#)

The development is required to comply with the conditions and requirements outlined within the General Terms of Approval issued by Department of Planning & Environment dated 29 March 2023.

Where separate approvals are required, evidence of this approval from the relevant authority, is to be provided to the appointed Certifying Authority **prior to the issue of any Subdivision Works Certificate** (where relevant).

A copy of the approval shall be submitted to Penrith City Council with the copy of the Subdivision Works Certificate, if Council is not the Principal Certifying Authority.

3 [A006 - Separate DA for future development stages](#)

The development works subject of this consent relate to subdivision works only. A separate lawful approval is required for any future development on the proposed lots.

#### 4 **A037 - POSITIVE COVENANTS**

To ensure that Vegetation Management Plan (VMP) is implemented and managed in perpetuity in a workmanlike, efficient and non intrusive manner for the term of the development, a 'positive covenant' shall be registered over the land to which the development relates, **prior to the issue of the Subdivision Certificate**.

The positive covenant relates to:

(a) All areas subject to the approved VMP are to be identified as a Vegetation Management Area (Positive Covenant).

(b) Implementation of the obligations of the approved VMP in perpetuity.

The terms of the Vegetation Management Area (Positive Covenant) are to be prepared in consultation with Council's Natural Systems Team Leader.

#### 5 **A Special (BLANK)**

The development is required to comply with the conditions and requirements outlined within the following authority letters:

(a) Endeavour Energy dated 1 June 2023;

(b) Sydney Trains dated 15 June 2022; and

(c) Sydney Water dated 3 June 2022.

Where separate approvals are required, evidence of this approval from the relevant authority, is to be provided to the appointed Certifying Authority **prior to the issue of any Subdivision Certificate** (where relevant).

A copy of the approval shall be submitted to Penrith City Council with the copy of the Subdivision Certificate, if Council is not the Principal Certifying Authority.

#### 6 **A Special (BLANK)**

The development is required to comply with the conditions and requirements outlined within the letter from Transport for NSW dated 30 January 2024, including the following conditions:

##### ***Traffic Control Signals***

1. The proposed Traffic Control Signal/s at the intersection of Old Bathurst Road / David Road shall be designed to meet TfNSW requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner. The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter a Works Authorisation Deed (WAD) for the abovementioned works.

##### ***Road Occupancy Licence***

2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the surrounding classified road network during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

Where separate approvals are required, evidence of this approval from the relevant authority, is to be provided to the appointed Certifying Authority **prior to the issue of any Subdivision Works Certificate** (where relevant).

A copy of the approval shall be submitted to Penrith City Council with the copy of the Subdivision Works Certificate, if Council is not the Principal Certifying Authority.

7 **A Special (BLANK)**

**Prior to the issue of a Subdivision Works Certificate**, a full set of subdivision, civil, stormwater and landscape plans and associated documentation reflecting the approved subdivision layout and amendments below is to be submitted to, and approved by, Penrith City Council. All plans and documentation are to correlate. The following plan amendments are required:

a) The mound and existing vegetation along the David Road frontage shown on the plans for removal is to be retained to provide a dense mature tree canopy. The Details on the amended plans and documentation with respect to the mound must include:

1. The final extent and footprint of the mound.
2. Substantial retaining of the mound and edge treatments, supported by further engineering investigations in consultation with the Arborist and updated tree assessment that ensures retention and protection of existing trees fronting David Road.
3. Identification of any trees that must be removed with supporting justification.
4. Proposed embellished landscaping which provides additional landscaping whilst retaining trees to provide the visual buffer to the development.
5. Proposed civil features in the vicinity of the trees being retained including services, pipes, retaining walls, supported by further engineering investigations in consultation with the Arborist and updated tree assessment.

b) Plant species and densities proposed to be installed in the wetland areas shall be added to the plans.

c) The access paths (e.g. north of wetland B) shall also be updated to incorporate sufficient space to enable a vehicle to turn around or be extended to connect to the path of the southern side of wetland B.

d) The location of bike racks and public seating within Lot 31 (wetlands), Lot 38 (pathway) and public areas including the Swift Parrot Corridor are to be shown on the Landscape Plans and are to be easily accessible and clearly identifiable to encourage use.

e) A plan indicating the extent of tree removal that is necessary within 5 metres of the toe of the earth mound is required to be submitted and approved by Penrith City Council prior to **the issue of a Subdivision Works Certificate** to ensure approval prior to commencement of works in this area.

Removal of any tree within the earth mound is permitted with the written approval of Penrith City Council's Tree Management Officer or Natural Systems Team Leader, noting particularly the desirability of removing weed or inappropriate trees, and the fact that there are plainly trees behind the top of the bank which are not visible from the public roads. Removal of trees to permit the approved vehicular access is permitted.

8 **A Special (BLANK)**

The rear of Lots 32 to 38 which back onto Old Bathurst Road and David Road are to be enclosed by open style 1.8m high black palisade fencing for security, with existing trees and proposed landscaping to be maintained within the rear of the lots at all times to provide screening of the future development on the lots.

9 **A Special (BLANK)**

Vehicular access to the proposed lots is to be via the internal road network only. No direct vehicular access to Old Bathurst Road or David Road, with the exception of Lot 31 for maintenance via the pathways.

10 **A Special (BLANK)**

**Prior to issue of the Subdivision Works Certificate**, the landscape plan package signage pallet for the proposed signage is to be updated and submitted to Penrith City Council for approval as follows:

(a) The exact size and dimensions of all signage is to be indicated.

(b) The exact location of all signage is to be indicated.

(c) The signage interpretation ideas for the swift parrot area are to be reduced and revised details are to be indicated.

11 **A special BLANK**

**Prior to the issue of a Subdivision Works Certificate**, a copy of the Site Audit Statement(s) and associated Site Audit Report(s), as prepared by a NSW Accredited Site Auditor, are to be provided to Penrith City Council. The Site Audit Statement(s) and associated Site Audit Report(s) are to address all land that is subject to this development application, except for the areas identified as 'Duck Pond' in Figure 2 of the 'Surface Water Management Options Assessment - 158 to 164 Old Bathurst Road, Emu Plains' prepared by JBS&G dated 24 February 2022. The Site Audit Statement and Site Audit Report are to confirm that the land is suitable for industrial and commercial uses.

No site works under the consent to this DA which disturb the soil should occur on site without confirmation from the site auditor that they are consistent with the development consent granted for DA23/0506 and relevant standards, procedures and guidelines.

12 **A Special Condition (BLANK)**

**Prior to the issue of a Subdivision Works Certificate**, a detailed Operation and Maintenance manual and a Water Quality and Wetland Monitoring Program for the proposed stormwater treatment measures shall be submitted to Council for approval. The manual should include details on the cleaning / maintenance requirements as well as provide details on the estimated annual and lifecycle costs associated with the proposed treatment measures. The plan should include details including but not limited to, the following:

- i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
- ii. Site access description
- iii. Likely pollutant types, sources and estimated loads
- iv. Locations, types and descriptions of measures proposed
- v. Operation and maintenance responsibility
- vi. Inspection methods (including inspection checklists)
- vii. Maintenance methods (frequency, equipment and personnel requirements);
- viii. Landscape and weed control requirements
- ix. Operation and maintenance costs;
- x. Waste management and disposal options; and
- xi. Reporting.

A Draft Water Quality and Wetland Monitoring Program shall be prepared by a suitably qualified expert and be submitted to Council for approval.

The monitoring program must be undertaken at no cost to Council, for the duration of the 5-year establishment and maintenance period.

The monitoring program shall provide sufficient details to demonstrate that the wetlands are both treating stormwater to the intended design, as well as demonstrate that the vegetation has established to a satisfactory standard (e.g., 95% coverage with planted vegetation and >95% weed free) and is in condition consistent with the design, and to Council's satisfaction at the time of handover.

13 **A Special Condition (BLANK)**

The applicant is to establish and maintain Lot 31 and dedicate the land to Council no earlier than 5 years from the release of the Subdivision Certificate, or as otherwise agreed to by Penrith City Council. Should dedication to Council not occur, then Lot 31 is to remain as a privately owned Torrens lot with appropriate easements and managed/maintained in perpetuity.

#### 14 **A Trees to be retained and protected**

The following trees are to be retained and protected as per the Approved Tree Protection Plan (specification and Drawings, any approved conditions of consent and the conditions below. Failure to comply with these conditions is an offence and may incur a fine or lead to prosecution.

Tree protection measures shall comply with Australian Standard AS4970-2009 Protection of trees on development sites, together with the following conditions:

- (a) The tree/s to be retained and protected together with their relevant Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) shall be marked on all demolition and construction drawings.
- (b) All contractors and workers on site shall be briefed on the tree protection and management procedures in place as part of their site induction. A written record of the induction process is to be kept on site.
- (c) A 1.8m high chain link wire tree protection fence that complies with Section 4.3 of AS 4970 - 2009, Protection of trees on development sites shall be erected around the above trees as prescribed in the protection measures detailed above. The fence is to be installed prior to demolition / construction, shall not be removed or altered, and is to remain in place for the duration of the site works.
- (d) The applicant will display in a prominent location on the fencing of each protection zone a durable, weather resistant sign having a minimum dimension of 500mm high x 400mm wide of similar design and layout as per Appendix C, Australian Standard AS4970-2009 Protection of trees on development sites clearly showing:
  - i. The Development Consent number
  - ii. The name and contact number of the nominated consultant arborist and site manager;
  - iii. Indication that access into the Tree Protection zone is not permitted.
- (e) The above notice is to be in place prior to commencement of demolition or construction.
- (f) Fences are to be inspected on a regular basis to ensure that they are intact, comply with the above standard, installed to the appropriate dimensions and provide effective protection for the tree to be retained.
- (g) The TPZ shall be maintained as per AS4970 - 2009, Section 4.6. Access to the TPZ is permitted to undertake necessary maintenance such as mowing, watering & weed control.
- (h) No vehicular access, excavations for construction or installation of services shall be carried out within the fenced Tree Protection Zone.
- (i) All utility services, pipes, stormwater lines and pits shall be located outside the fenced Tree Protection Zone.
- (j) Building materials, chemical storage, site sheds, wash out areas, and similar shall not be located within the fenced Tree Protection Zone.
- (k) Trees marked for retention must not be damaged or used to display signage, or as fence or cable supports for any reason.
- (l) If tree roots are exposed during approved works, roots with a diameter less than 25mm are to be pruned cleanly using sharp hand tools and not torn or ripped by machinery. Tree roots greater than 25mm in diameter are to be assessed by a qualified arborist - minimum Australian Qualification Framework (AQF) Level 5 or equivalent – before any pruning work is undertaken. If necessary, changes in design or relocation of works may be required.

## **Demolition**

#### 15 **B004 - Dust**

Dust suppression techniques are to be employed during all works to reduce any potential nuisances to surrounding properties.

16 [B005 - Mud/Soil](#)

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

17 [B006 - Hours of work](#)

All subdivision works are restricted to the following hours in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009:

- 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.

## Environmental Matters

18 [D001 - Implement approved sediment & erosion control measures](#)

Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to commencement of works and maintained throughout the construction phase of the development until such time as all site works have been completed for the development with land stabilised and grass cover established.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

19 **D006A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

An appropriately qualified person/s shall:

- Supervise all filling works.
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and submit a review findings report to Council and any Principal Certifying Authority. All fill material documentation is to (at minimum)
  - be prepared by an appropriately qualified person with consideration of all relevant guidelines, standards, planning instruments and legislation (e.g. EPA, NEPM, ANZECC, NH&MRC),
  - clearly state the legal property description of the fill material source site and the total amount of fill tested,
  - provide details of the volume of fill material to be used in the filling operations,
  - provide a classification of the fill material to be imported to the site in accordance with the NSW Environment Protection Authority's "Waste Classification Guidelines" 2014, and
  - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.
- Certify by way of a Compliance Certificate or other written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

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

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

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

20 **D009 - Covering of waste storage area**

All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas are to be fully enclosed when the site is unattended.

21 **D010 – Appropriate disposal of excavated or other waste**

Waste materials associated with the development are to be classified and disposed of at a lawful waste facility, or, if suitable, re-used or recycled in accordance with the approved Waste Management Plan. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Subdivision Works Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

22 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system.



23 **D035- CEMP - Prior to Subdivision Works Certificate**

**Prior to the issue of the Subdivision Works Certificate**, a Subdivision Works Environmental Management Plan (SWEMP) is to be prepared by a suitably experienced / qualified person and submitted to Penrith City Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority. The SWEMP is to address the environmental aspects of the construction phase of the development and is to include details on the environmental management practices and controls to be implemented on the site.

The SWEMP is to address, but is not limited to the following:

- Water quality management,
- Noise control and hours of operation (including any recommendations of the approved Construction Noise and Vibration Impact Assessment),
- Dust suppression,
- Waste management (including solid and liquid waste),
- Erosion and sediment control,
- Air quality including odour and dust control, and
- Land contamination and unexpected finds.

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

24 **D038- Noise Construction Noise and Vibration**

**Prior to the issue of the Subdivision Works Certificate**, a Construction Noise and Vibration Impact Assessment is to be prepared by a suitably qualified acoustic consultant and submitted to Penrith City Council for approval. This assessment is to address (at minimum) the noise and vibration impacts associated with the construction phase and make recommendations to mitigate these impacts, with consideration of the details of the construction program, construction methods, equipment and vehicles in association with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

The recommendations of the Council approved Construction Noise and Vibration Impact Assessment are to be implemented and adhered to during the construction phase of the development.

{Note: For the purpose of this condition a suitably qualified acoustic consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society, Institution of Engineers Australia or the Association of Australian Acoustic Consultants at the grade of member.}

25 **D046- Sub Cert -Positive Covenant**

**Prior to the issue of the Subdivision Certificate**, a positive covenant is to be registered against Lots 1-30 and Lots 32-38 as numbered on the approved plan of subdivision that refers to the '158-164 Old Bathurst Road, Emu Plains: Industrial Subdivision Acoustic Assessment' prepared by Renzo Tonin & Associates dated 5 April 2022 (Ref. TM602-01F02 (r2)). The covenant is also to:

- reference the noise criteria as outlined in Table 7, Table 8 and Table 9 of the above report,
- provide advice on the requirement for the preparation of an acoustic assessment by a suitably qualified acoustic consultant that is to confirm whether the future development can comply with the noise criteria established in the above report, and that determines the necessary mitigation and management controls to achieve compliance with the noise criteria.

The authority recorded as empowered to vary, modify or extinguish the positive covenant is to be Penrith City Council.

26 **D082 – Contamination – If unexpected finds occur during works**

Should any "unexpected finds" occur during site excavation and earthworks including, but not limited to, the identification/finding of contaminated soils, buried building materials, asbestos, odour and/or staining, works are to cease immediately and Penrith City Council is to be notified. Any such "unexpected finds" shall be addressed by an appropriately qualified environmental consultant.

27 **D Implementation fo CEMP**

The 'Construction, Environment and Management Plan', as approved by Penrith City Council's Environmental Health Unit in accordance with Condition 17 of DA23/0506, is to be implemented and adhered to at all times.

## 28 D Management of Duck Pond Sediments

No subdivision works are permitted to be carried out in the areas marked as 'Duck Pond' in Figure 2 of the 'Surface Water Management Options Assessment - 158 to 164 Old Bathurst Road, Emu Plains' (prepared by JBS&G, dated 24 February 2022) until such time as a contamination investigation report has been prepared by a suitably qualified person and submitted to and approved by Penrith City Council. The contamination investigation report is to confirm that the sediments of the duck ponds are suitable for industrial land use. The contamination investigation report is to be endorsed by a NSW Accredited Site Auditor, with a copy of the Site Auditor's Interim Advice or Site Audit Statement to be provided to Council for approval.

Access is only permitted to the duck pond areas for the purposes of dewatering activities, and geotechnical, contamination or other investigations. Should other works be required to be undertaken in this area prior to Council approving the above contamination investigation report, sediment management measures are to be established in consultation and agreement with Council's Environmental Health Unit.

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

## 29 D Positive Covenant - Contamination Management

**Prior to the issue of the Subdivision Certificate**, the applicant must submit to Council for endorsement, land title dealing paperwork for the creation of a positive covenant over all land titles. Penrith City Council must be the recorded beneficiary and nominated as the authority to release, vary or modify the restriction.

The positive covenant shall contain the wording:

- Development on the site is to ensure compliance with the Construction, Environment and Management Plan which has been prepared, submitted to and approved by Penrith City Council's Environmental Health Unit, in accordance with Condition 17 of DA23/0506. The Plan is required to reference management measures that must be implemented during any development works to address inert materials on site and ensure that materials do not require long term or ongoing management. The Construction, Environment and Management Plan is to be prepared by an appropriately qualified person.

The required positive covenant must be registered with NSW Land Registry Services within 28 days of Council's endorsement of the covenant terms.

However, in the event that it is determined that a Construction, Environment Management Plan is not required, or the approved Plan does not stipulate specific management or monitoring requirements to be adhered to across the site, a positive covenant is not required to be registered on the title of the property, subject to written agreement from Penrith City Council's Environmental Health Unit.

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

**Prior to issue of a Subdivision Certificate**, a report prepared by a qualified Ecologist is to be submitted to the Principal Certifying Authority (PCA) and to Penrith City Council's Senior Biodiversity Officer if Council is not the PCA certifying the following measures have been complied with during the removal of vegetation within the construction footprint.

To mitigate and ameliorate the impacts associated with the development on resident fauna the following requirements must be complied with:

(a) Tree and vegetation Removal:

During any tree (vegetation) removal, a qualified (Tertiary in a relevant field)/ licenced Ecologist with a minimum of five (5) years field experience is to be present to re-locate any displaced fauna that may be disturbed during this activity. The following is to be undertaken to mitigate the impacts on resident fauna.

- i. Clearing of vegetation should occur outside of avian and microbat breeding seasons. Ideally this should occur during Autumn (March – May).
- ii. Prior to clearing habitat trees all non-habitat vegetation should be cleared first to allow appropriate space for the felling of habitat trees and retrieval of any fauna that may be present within the habitat trees.
- iii. Trees with hollows shall be lopped in a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the 'grab' attachment of a machine.
- iv. Where it is safe and feasible disturbed fauna should be left alone to relocate naturally into retained / adjacent bushland. The supervising Ecologist is to provide guidance on whether works need to cease or can commence.
- v. Any injured fauna is to be placed in the hands of a wildlife carer (only appropriately trained and vaccinated personnel are to handle bats). Any fauna that is injured due to vegetation removal must be reported to Penrith Council.
- vi. Any injured fauna is to be appropriately cared for and released on site when rehabilitated.

(b) Salvage of habitat features:

- i. Two months (8weeks) prior to clearing of trees consultation with Penrith City Council's Bushland Management Coordinator is required to determine the opportunities available to salvage the native vegetated material including salvage of upper branches, logs and/or mulch.
- ii. Where possible hollows should be sectionally dismantled from felled hollow-bearing trees and attached to a retained tree ideally located in the western portion (near the wetlands) that will not compromise the health and safety of the host tree. This is to be done by a qualified and experienced climbing Arborist under the direction of the Ecologist.

Where this cannot occur a nest box will be installed in suitable retained tree. Nest boxes should reflect the size classes of the hollows to be removed (i.e., if a small hollow is removed a small parrot/mammal or microbat nest box should be installed)

Nest boxes should be installed by a qualified and experienced climbing arborist under the supervision of an Ecologist

- iii. Three to four logs (3metre lengths and of the largest diameter) salvaged from native trees within the development area is to be stockpiled to be used within the wetland area to provide habitat for ground-welling animals such as lizards, snakes and frogs. Additional logs could be used if identified by the supervising Ecologist.

(c) Additional Measures:

- i. Where additional measures are identified by the Ecologist these should be implemented, documented and included in the reporting.

31 [D Special BLANK](#)

**Prior to the issue of a Subdivision Works Certificate or prior to the commencement of works**

(whichever comes first) a Dam Dewatering Plan is to be prepared and submitted to the satisfaction of Penrith City Council's Senior Biodiversity Officer for approval.

The plan is to provide details on the following:

- Fauna/aquatic survey prior to dam dewatering and a description of fauna residing within the waterbodies present on site.
- Proposed relocation site shown on a map and details on how fauna will be transported.
- Details of relevant licences and permits required such as Section 37 Fisheries management Act 1994, Biodiversity Conservation Licence or permit from NSW Department of Primary Industries (for those species listed under the Fisheries Management Act).
- Procedure of notifying NSW Fisheries of the activity 48 hours prior to relocation of fish.
- If large numbers of predatory fish (eg. Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.
- Methods to prevent injury to fauna during pumping of water from the dam.
- Details of how exotic pest species will be humanely euthanised in a manner consistent with the Prevention of Cruelty to Animals Act 1979.
- Methods of disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways.
- Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam.
- Details on the appropriate timing (season) for dewatering.
- Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).
- The methods of disposing of dam water, noting the findings and recommendations of the 'Surface Water Management Options Assessment 158 to 164 Old Bathurst Road, Emu Plains' prepared by JBS&G dated 24 February 2022.

32 [D Special BLANK](#)

The decommissioning of the waterbodies is to be undertaken in accordance with the Council approved dam dewatering plan as required by condition of consent.

**Prior to the issue of a Subdivision Works Certificate, a** Vegetation Management Plan (VMP) is to be prepared for the following areas:

- 'Constructed Wetlands - Lot 31' as shown in the revised Plan of Subdivision
- Rear setbacks of Lots 13-20; Lot 31 and Lot 32-38; and
- Area along the south to eastern boundary where it interfaces with the road and boundary fence.

The VMP is to be prepared and endorsed by a suitably qualified ecologist for retained vegetation before work in those areas of the retained vegetation commences and submitted to and approved by Penrith City Council's Senior Biodiversity Officer. The VMP must:

1. Be prepared by an Ecological Consultant or Bush Regenerator with theoretical and practical experience in bushland restoration and management on the Cumberland Plain. They are required to hold a Certificate IV in Conservation and Land Management or equivalent tertiary qualifications, as a minimum.
2. Be consistent with relevant and up to date environmental legislation and policies, including; but not limited to, the NSW Biodiversity Conservation Act 2016, NSW Biosecurity Act 2015, Water Management Act 2000, Commonwealth Environment Protection and Biodiversity Conservation Act 1999, and guidelines such as the Rural Fire Services Planning for Bushfire Protection 2019 and Recovering Bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland (DEC, 2005). It is to also have regard to any Recovery Plans and recovery actions that are relevant.
3. Identify ongoing management and maintenance of the vegetated areas, in terms of impacts of flora and fauna and vegetation management requirements. The focus is to be on the protection and conservation of native vegetation and fauna habitats on the site and on maintaining connectivity.
4. Clearly outline how vegetation will be protected and managed during construction of proposed future development.
5. Identify potential impacts from the development and future industrial use of the site (both during construction and post construction) on the on-site and adjacent vegetation and habitats, and how these impacts will be managed and mitigated throughout the life of the development. Impacts include (but are not limited to) increased stormwater runoff and associated nutrients, weeds, erosion and sedimentation and other disturbance.
6. Identify ongoing future management of the vegetation that is to be retained on site and any identified threatened species.
7. Identify a suitable style of boundary fence, and fence for the protected vegetation that permits fauna movement to assist with maintaining connectivity and minimises the requirement to remove any further vegetation.
8. Identify and map different management zones within the VMP area.
9. Determine performance criteria for each management zone including but not limited to percentage survival rate for plantings, cover (as expressed as a percentage) of priority and environmental weeds at the end of each year, species and diversity for each zone.
10. Identify habitat improvement measures that are to be undertaken across the site.
11. Detail monitoring and reporting requirements.
12. The VMP is to include a clear outline of works to be undertaken along with timing of works and estimated costs including materials, labour, watering, maintenance, monitoring and reporting should be included.
13. The Vegetation Management Plan/restoration area shall extend to the full size of the TPZ of all trees to be retained, plus 3m as it intrudes into the site to allow for access of maintenance vehicles. The landscape strip is to be fenced to prevent intrusion from any earthworks.
14. Identify replacement planting rates for damage to trees being retained, with particular note with respect to potential during the excavation along the edge of the wetlands during construction, at a rate of 1:1 provided that replanting numbers are sufficient to satisfy the project ecologist or bush regenerator that they will offset the tree removal.

## Utility Services

34 **G001 - Installation of services and Service Clearances (subdivision)**

All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

**Prior to the release of the final Plan of Subdivision**, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required **prior to the issue of the Subdivision Certificate**. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon, or telephone 13 20 92; and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements. This is required **prior to the issue of the Subdivision Certificate**. In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

35 **G002 - Section 73 (not for**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority **prior to the issue of a Subdivision Certificate**.

36 **G004 - Integral Energy**

**Prior to the issue of a Subdivision Works Certificate**, a written clearance is to be obtained from Endeavour Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a pad mounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

**Prior to the issue of a Subdivision Works Certificate:**

(a) The applicant shall engage a qualified Arboricultural Consultant with a minimum Level 5 qualification (AQF – Australian Qualification Framework) to prepare a site specific Tree Protection Plan and Drawings in accordance with the conditions of this consent and Section 5 of AS4970 – 2009, Protection of trees on development sites and any approved conditions of consent.

(b) The Tree Protection Plan shall also specifically address (but not be limited to) the following points:

- i. All stages of the demolition/construction process;
- ii. Specific tree protection requirements, especially when intrusion into the Tree Protection Zone (TPZ) or when trunk and branch protection is required;
- iii. Clearly identify all trees to be removed and retained.
- iv. A requirement/specification stating that all underground services to be installed within the designated TPZ of a tree to be retained must be installed using directional drilling/thrust boring techniques;
- v. An individual Tree Protection Plan and Drawings for each stage of the development where changes within the Tree Protection Zone (TPZ) are required (i.e. prior to commencement, demolition, during construction, post construction and landscaping).

(c) In addition, the Tree Protection Plan and Drawings shall require (But not be limited to):

- i. Identify key stages where monitoring and certification by the Consulting Arborist will be required as outlined in AS 4970–2009, Section 5,
- ii. Require the Consulting Arborist to undertake inspections not less than weekly (more frequently if required) to evidence compliance with the approved Tree Protection Plan and Drawings.
- iii. Require a written record (e.g., field notes and photos) of works undertaken during each day onsite to provide evidence of compliance with the Tree Protection Plan and Drawings
- iv. The consulting Arborist to forward the written record of inspection to the Principal Certifying Authority within 3 days of each site visit.
- v. Where there is a breach of the Tree Protection Plan (Specification) & Drawings, the project arborist must specify any remedial works and the timeframe in which these works must be completed.

(d) The completed Tree Protection Plan and Drawings is to be provided to the Manager of Development Services for final approval prior to the issue of a Subdivision Works Certificate.

(e) The approved Tree protection Plan and Drawings is to be retained and implemented on site at all times.



38 **General Modification – Restoration works/Vegetation Management Plan, northern and western boundary**

The following vegetation management matters must be complied with:

(a) The vegetation along the northern boundary and western boundary mound from the proposed entry way off David Road to the boundary at Old Bathurst Road shall be subject to a Vegetation Management Plan that strategically removes weeds, nominates dead trees not required as habitat for removal, identifies dead trees capable of providing habitat with recommendations for remedial pruning (if required), proposes the removal of any trees where it is evidenced that their arboricultural condition indicates that retention is no longer viable and provides a replacement planting plan to replace trees that are removed and provide shrubs and ground covers to present a natural environment suitable for native animals.

(b) The Vegetation Management Plan/restoration area shall extend to the full size of the TPZ of all trees to be retained, plus 3m as it intrudes into the site to allow for access of maintenance vehicles.

(c) Once identified, the landscape strip is to be fenced to prevent intrusion from any earthworks.

39 **General Modification – southern and eastern boundaries**

The following vegetation management matters must be complied with:

(a) All trees to be retained shall be provided with a Tree protection fence to the full size of their Tree Protection Zones (TPZ's) plus 3m as it intrudes into the site to allow for access of maintenance vehicles. Construction must be able to be undertaken without the requirement to remove this fencing.

(b) Once identified, landscape strip is to be fenced to prevent intrusion from any earthworks.

(c) The area shall then be maintained as a landscape strip and be subject to a Vegetation Management Plan to provide shrubs and ground covers and replacement trees to present a natural environment suitable for native animals.

(d) Where trees have been removed along this boundary/railway easement, replacement trees are to be provided within the capacity of easement restrictions.

40 **General Modification - Tree Protection Plan & Drawing**

**Prior to the removal of vegetation or issue of a Subdivision Works Certificate**, the applicant shall engage a qualified Project Arborist with a minimum AQF (Australian Qualification Framework) Level 5 qualification in Arboriculture to be retained for the duration of the demolition and construction of the development to ensure Tree Protection measures are applied in accordance with the approved conditions of consent, and approved Tree Protection Plan (Specification) & Drawings and AS4970 – 2009, Protection of trees on development sites.

(a) The Consultant Arborist shall be present onsite during demolition and any of the key stages identified in the schedule, at times where weekly visits are required and at any other times their services may be required.

(b) A written account of the satisfactory completion of each of these stages as assessed by the consulting arborist is to be reported to the principle certifying authority in accordance with the Approved Tree Protection Plan and Drawings.

(c) The approved Tree protection Plan and Drawings is to be retained and implemented on site at all times.



41 **General Modification - Trees to be removed: On-site**

Approval is granted for the removal of trees identified in the Tree Condition Report required to be submitted for approval by Penrith Council's Tree Management Officer or Natural Systems Team Leader **prior to removal of any vegetation and prior to issue of the Subdivision Works Certificate.**

Removal of trees must be undertaken by an Arborist with a minimum of AQF (Australian Qualification Framework) Level 3 Arborist.

All tree removal works must comply with the Amenity Tree Industry – Code of Practice, 1998 (Workcover, NSW) and Guide to Managing Risks of Tree Trimming and Removal Work (Safe Work Australia 2016).

All other vegetation not specifically identified above, and protected by Penrith Council Development Control Plan 2014, C2 Vegetation Management, is to be retained and protected from construction damage and pruning. The Tree Management Order protects trees over 3.5m in height.

42 **General Modification – Wetland/Bioretention Area, SW corner of the site**

(a) All trees to be retained as shown on the Civil Engineering Services Plan, Wetland, prepared by Acor Consultants Pty Ltd, Project No NSW211637, Dwg No C7.002, Issue D, dated 17/10/2022 shall be protected by a Tree protection fence to the full size of their Tree Protection Zones (TPZ's). Construction must be able to be undertaken without the requirement to remove this fencing.

(b) The areas where trees are to be retained shall be subject to a Vegetation Management Plan that strategically removes weeds, nominates dead trees not required as habitat for removal, identifies dead trees capable of providing habitat with recommendations for remedial pruning (if required), proposes the removal of any trees where it is evidenced that their arboricultural condition indicates that retention is no longer viable and provides a replacement planting plan to replace trees that are removed and provide shrubs and ground covers to present a natural environment suitable for native animals.

## **Construction**

43 **H001 - Stamped plans and erection of site notice**

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

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

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

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

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

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

#### 44 H002 - All forms of construction

Prior to the commencement of construction works:

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

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

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

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

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

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

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

## Engineering

#### 45 K101 - Works at No Cost to Council

All roadworks, stormwater drainage works, signage, line marking, associated civil works and dedications required to effect the consented development shall be undertaken by the applicant at no cost to Penrith City Council.

#### 46 K201 - Infrastructure Bond

An Infrastructure Restoration Bond is to be lodged with Penrith City Council for development involving works around Penrith City Council's Public Infrastructure Assets. The bond is to be lodged with Penrith City Council **prior to commencement of any works on site or prior to the issue of any Subdivision Works Certificate**, whichever occurs first. The bond and applicable fees are in accordance with Council's adopted Fees and Charges.

An application form together with an information sheet and conditions are available on Council's website.

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

47 **K202 - S138 Roads Act - Minor Works in the Public Road**

Lodgement of relevant Section 138 Roads Act applications, including payment of application and Council fees together with any applicable bonds, shall be lodged with and approved by Penrith City Council (being the Roads Authority for any works required in a public road).

You are required to lodge the applicable Section 138 Roads Act application for the below works that apply to your specific development prior to that work activity commencing. Please liaise with your builder to determine what applications are required for your development

These works may include but are not limited to the following:

- a) Construction of driveways (including kerb reinstatement of redundant driveway crossings and reconstruction of any affected footpaths and/or cycleways)
- b) Temporary road reserve occupancies
- c) Road reserve openings for the installation of:
  - i. Utilities (water, sewer, power, telecommunications), including lead-in utility services for subdivisions
  - ii. Private stormwater connections to the kerb (including stormwater connection to Penrith City Council owned drainage)
  - iii. Reconstruction of concrete footpath and/or cycleways across the frontage
- d) Establishment of a construction work zone
- e) Establishment of road reserve hoardings and temporary structures/fencing etc.
- f) Operation of a tower crane over the road reserve
- g) Temporary ground anchors that encroach below the road reserve (for basement construction)

All works shall be carried out in accordance with the Roads Act Approval and the conditions outlined in the Roads Act Applications, the development consent, including the stamped approved plans, and Penrith City Council's Driveway and Road Reserve Restoration Works Specification, guidelines and engineering best practice.

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

Note:

- Separate approval may be required from Transport for NSW for classified roads
- All works associated with the Roads Act approval(s) must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.
- On completion of any awning over the road reserve, a certificate from a practicing structural engineer certifying the structural adequacy of the awning is to be submitted to Council before Council will inspect the works and issue its final approval under the Roads Act.

48 [K203 - S138 Roads Act - Roadworks Requiring Approval of Civil Drawings](#)

**Prior to the issue of any Subdivision Works Certificate**, the Certifier shall ensure that a Section 138 Roads Act application, including payment of application and inspection fees, has been lodged with and approved by Penrith City Council (being the Roads Authority under the Roads Act) for provision of civil works in Old Bathurst Road and David Road including:

- Shoulder construction, including the provision of stormwater drainage, kerb and gutter and footpath for the entire frontage to Old Bathurst Road.
- Provision of footpath paving for the entire frontage to David Road.
- Provision of Traffic Control Signal at the intersection of Old Bathurst Road and David Road, subject to separate approval from Transport for NSW.

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

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

Note:

- Where Penrith City Council is the Certifier for the development, the Roads Act approval for the above works may be issued concurrently with the Construction Certificate or Subdivision Works Certificate.
- Separate approval may be required from the Transport for NSW for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

49 [K204 - S138 Roads Act - TfNSW](#)

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that any applicable application, including the payment of application and inspection fees, has been lodged with and approved by Transport for NSW (TfNSW) for any works within the Old Bathurst Road road reserve and for the Traffic Control Signal intersection of Old Bathurst Road and David Road.

A copy of TfNSW approval shall be submitted to Penrith City Council prior to Penrith City Council issuing any Roads Act approval.

## 50 [K206 - Subdivision Works Certificate for Subdivision Works](#)

A Subdivision Works Certificate (previously a Construction Certificate) is to be approved by the Certifier for the provision of any subdivision works (road, drainage, earthworks).

**Prior to the issue of any Subdivision Works Certificate**, the Certifier shall ensure that engineering plans are consistent with the stamped approved plan/s prepared by ACOR Consultants, reference number NSW211637, drawing number C1.001 to C15.002, revision D, dated 17/10/22, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

The subdivision works may include but are not limited to the following:

- Public and private roads
- Stormwater management (quantity and quality)
- Inter-allotment drainage
- Private access driveways
- Sediment and erosion control measures
- Flood control measures
- Overland flow paths
- Traffic facilities
- Earthworks Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

The Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

Note:

- Subdivision Works Certificates are now lodged via the NSW Planning Portal. Further information on the lodgement process can be found on the NSW Planning Portal website. Council's Development Engineering Department can provide this service and can be contacted on 4732 7777 to obtain a formal fee proposal prior to lodgement on the portal or if you require any assistance with the lodgement process.

## 51 [K207 - Road Design Criteria Table](#)

**Prior to the issue of any Subdivision Works Certificate**, the Certifier shall ensure that the proposed roads have been designed in accordance with Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	Road Reserve Width	Carriageway Width	Verge Width	Footpath (min. 1.5m wide)	ESA
MC01	20.6m	13.0m	3.8m	Yes	1 x 10 <sup>7</sup>
MC02	20.6m	13.0m	3.8m	Yes	1 x 10 <sup>7</sup>
MC03	20.6m	13.0m	3.8m	Yes	1 x 10 <sup>7</sup>
MC01 Ch88.68 to Ch348.30	15.8m (+ width of tree corridor)	11.0m	3.8m (west) 1.0m (east)	Yes (west)	1 x 10 <sup>7</sup>

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

52 **K208 - Road Safety Audit**

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken in accordance with Austroads Guide to Road Safety Part 6: Road Safety Audit on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Subdivision Works Certificate or Roads Act application.

**Prior to the issue of the Subdivision Works Certificate or Section 138 Roads Act approval**, the Certifier shall ensure that the recommendations of the RSA have been considered in the final design, through review of the Road Safety Audit Checklist, including Findings, Recommendations and Corrective Actions.

A copy of the Road Safety Audit shall be submitted to Penrith City Council by the applicant or Certifier for information purposes.

53 **K209 - Stormwater Concept Plan**

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Acor Consulting, project number NSW211637, drawing numbers C1.001 – 15.002, revision D dated 17/10/2022 and commitments made in the Stormwater Management Report Emu Plains Industrial Estate, prepared by ACOR, project number NSW211637 Issue C dated 27/09/2022.

Engineering plans and supporting calculations and revised landscaping plans for the stormwater management systems (including vegetated stormwater treatment measures) are to be prepared by a suitably qualified engineer and a suitably qualified ecologist that has relevant tertiary qualifications and technical knowledge relating to Water Sensitive Urban Design (WSUD) and shall accompany the application for a Construction Certificate.

**Prior to the issue of any Subdivision Works Certificate**, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments, Council's Water Sensitive Urban Design (WSUD) Policy.

54 **K213 - Flooding - Flood Report Recommendations**

**Prior to the issue of any Subdivision Works Certificate**, the Certifier shall ensure that the proposed development is compatible with the recommendations of the Flood Report prepared by Advisian, reference number rp311015-00235lc crt221006-EmuPlainsSubdivisionFIA\_RevC.docx, revision C, dated 11/10/22, the Flood Report prepared by ACOR Consultants, reference number NSW211637, revision 2, dated 7/4/22 and the Flood Emergency Response Strategy prepared by Advisian, reference number rp311015-00235lt\_lc221005-EmuPlainsSubdivision FERS.docx, revision C, dated 7/10/22.

55 **K222 - Access, Car Parking and Manoeuvring - General**

Prior to the issue of any Subdivision Works Certificate, the Certifier shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with Penrith City Council's Development Control Plan, AS2890.1, AS2890.2 and AS2890.6.

56 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Subdivision Works Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Penrith City Council's Asset Management Department for endorsement. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from Transport for NSW. The CTMP shall include details of any required road closures, work zones, loading zones and the like. Approval of the CTMP may require approval of the Local Traffic Committee. Please contact Council's Asset Management Department on 4732 7777 and refer to Council's website for a copy of the Temporary Road Reserve Occupancy Application Form.

57 [K225 - Performance Bond](#)

Prior to the issue of a Roads Act approval, a Performance Bond is to be lodged with Penrith City Council for civil works within Old Bathurst Road and David Road.

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

Note:

- Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

58 [K228 - Dilapidation Report](#)

The developer shall undertake a dilapidation report for all surrounding buildings and Council owned infrastructure that confirms that no damage occurs due to the excavations associated with the development. If Council is not the Certifier for the development then the dilapidation report shall be submitted to Council **prior to the issue of any Subdivision Works Certificate** and then updated and submitted **prior to the issue of any Occupation Certificate** confirming no damage has occurred.

59 [K301 - Sediment & Erosion Control](#)

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

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

60 [K302 - Traffic Control Plan](#)

**Prior to commencement of any works** associated with the development, a Traffic Guidance Scheme, including details for pedestrian management, shall be prepared in accordance with AS1742.3 Traffic Control Devices for Works on Roads and the Transport for NSW (TfNSW) publication Traffic Control at Worksites Technical Manual, and certified by an appropriately accredited TfNSW traffic controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

- A copy of the Traffic Guidance Scheme shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of any Construction Certificate or Subdivision Works Certificate.

61 [K303 - Matters to be Addressed Prior to Commencement of Subdivision Works](#)

Work on the subdivision shall not commence until:

- a Subdivision Works Certificate (if required) has been issued;
- a Certifier has been appointed for the project, and;
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

62 [K402 - Street Lighting](#)

Street lighting is to be provided for all new and existing roads within the proposed subdivision and the public pathway over Lot 38 to Penrith City Council's standards.



63 **K403 - Major Filling / Earthworks**

All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works.

The level of testing shall be determined by the Geotechnical Testing Authority / Superintendent in consultation with the Principal Certifier.

64 **K405 - Turf to Verge**

Upon completion of all works in the road reserve, all verge areas fronting the development are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.

65 **K406 - Underground Services**

All existing (aerial) and proposed services for the development, including those across the frontage of the development are to be located or relocated underground in accordance with the relevant authorities' regulations and standards.

66 **K501 - Penrith City Council Clearance - Roads Act / Local Government Act**

**Prior to the issue of any Subdivision Certificate**, the Principal Certifier shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Penrith City Council.

67 **K502 - Completion of Subdivision Works**

**Prior to the issue of any Subdivision Certificate**, the Principal Certifier shall ensure that all subdivision works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

68 **K503 - Stormwater Compliance**

**Prior to the issue of the Subdivision Certificate**, the Principal Certifying Authority shall ensure that the stormwater management system (including water sensitive urban design measures):

- Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.
- Have met the design intent with regard to any construction variations to the approved design.
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

69 **K504 - Restriction as to User and Positive Covenant**

**Prior to the issue of the Subdivision Works Certificate**, a restriction as to user and positive covenant relating to the stormwater management systems (including On-lot water sensitive urban design measures) shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater Drainage Specification for Building Development – Appendix F.



70 **K504 - Stormwater Compliance**

**Prior to the issue of any Subdivision Certificate**, the Principal Certifier shall ensure that the stormwater management systems (including on-site detention and water sensitive urban design)

- have been satisfactorily completed in accordance with the approved Subdivision Works Certificate and the requirements of this consent;
- have met the design intent with regard to any construction variations to the approved design, and;
- Any remedial works required to be undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the Works As Executed drawings.

71 **K505 - Restriction on the Use of Land and Positive Covenant**

The application for a Subdivision Certificate shall include a restriction on the use of land and positive covenant upon individual lots relating to the:

- a) On-lot stormwater management systems (including on-site detention and water sensitive urban design)

The restriction on the use of land and positive covenant shall be in Penrith City Council's standard wording as detailed in Council's Stormwater Specification for Building Developments - Appendix F.

72 **K509 - Signage & Line Marking**

**Prior to the issue of any Subdivision Certificate** and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

The signage and line marking plans submitted for approval shall include 'No Parking' restrictions along Old Bathurst Road property frontage, extension of 'No Stopping' restrictions at the bends of MC01 to ensure required clearance for passing semi-trailers and accompanying double barrier line marking, removal of 'No Stopping' restrictions fronting Lots 5 & 6, and any other 'No Stopping' restrictions that are required to facilitate swept paths and/or protect sightlines at intersections.

Notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges.

73 **K512 - Outstanding Works Bond for Stormwater Management Systems**

**Prior to the issue of the Subdivision Works Certificate**, an Outstanding Works Bond for the construction, landscaping and implementation of the landscaping and associated wetland infrastructure is to be lodged with Penrith City Council.

The Outstanding Works bond will be refunded once the stormwater management system works have been completed to Council's satisfaction and a separate Maintenance Bond has been lodged with Penrith City Council.

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

Note:

1. Contact Council's **Engineering Services Department** on 4732 7777 for further information relating to bond requirements.

74 [K512 - Street Naming](#)

**Prior to the issue of any Subdivision Certificate**, an application for proposed street names must be lodged with and approved by Penrith City Council and the signs erected on-site.

The proposed names must be in accordance with Penrith City Council's Street Naming Policy.

Notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for advice regarding the application process and applicable fees.
- Allow eight (8) weeks for notification, advertising and approval.

75 [K513 - Bond for Final AC](#)

**Prior to the issue of any Subdivision Certificate**, a bond for the final layer of outstanding asphalt works (AC Bond) is to be lodged with Penrith City Council.

The final layer of asphalt on all roads shall not to be placed without the written consent of Penrith City Council (consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

- Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

76 [K514 - Outstanding Works Bond for Stormwater Management Systems](#)

**Prior to the issue of any Subdivision Certificate**, an Outstanding Works Bond for the construction, landscaping and implementation of the wetland system is to be lodged with Penrith City Council.

The Outstanding Works Bond will be refunded once the stormwater management system works have been completed to Penrith City Council's satisfaction and a separate Maintenance Bond has been lodged with Penrith City Council.

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

Note:

- Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

77 [K515 - Maintenance Bond](#)

**Prior to the issue of any Subdivision Certificate**, a Maintenance Bond is to be lodged with Penrith City Council for civil works within Old Bathurst Road and David Road.

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

Note:

- Contact Penrith City Council's Development Engineering Department on 4732 7777 for further information relating to bond requirements.

## 78 **K516 - Subdivision Compliance Documentation**

**Prior to the issue of any Subdivision Certificate**, the following compliance documentation shall be submitted to the Principal Certifier. A copy of the following documentation shall be provided to Penrith City Council where Penrith City Council is not the Principal Certifier:

- a) Works As Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Subdivision Works Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedance Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.3m intervals. All levels are to be shown to AHD.
- d) CCTV footage in USB format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- f) 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, private or public lands.
- g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction Specification. The report shall include:
  - Compaction reports for road pavement construction.
  - Compaction reports for bulk earthworks and lot regarding.
  - Soil classification for all residential lots.
  - Statement of Compliance.
- i) Structural Engineer's construction certification of all structures.
- j) A slope junction plan for inter-allotment drainage lines indicating distances to boundaries and depths.
- k) Soil testing for each lot to be classified according to AS2870 Residential Slabs and Footings.

## 79 **K517 - Registration of Easements**

**Prior to the issue of any Subdivision Certificate**, the following easements shall be created on the plan of subdivision:

- a) Easements for drainage.
- b) 88B Instruments detailing stormwater quantity and quality requirements for each lot.
- c) Easement for public access and maintenance of the footpath over Lot 38.
- d) Any other easements identified during the construction process.

80 **K601 - Stormwater Management System Operation and Maintenance**

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

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

81 **K602 - Gross Pollutant Trap Maintenance**

Any Stormwater Quality Improvement Devices (SQIDs), including Gross Pollutant Traps (GPTs), constructed as part of the development shall be operated and maintained by the proponent for a 12-month defect liability period following completion of the works.

Regular inspection records and evidence of cleaning regimes undertaken are required to be submitted to Penrith City Council at the completion of the defect liability period.

## 82 K - Waterways - Commissioning and Handover

Prior to the handover of the assets, Council's Natural Systems Team requires all of the following conditions to be met:

- The WSUD assets / measures are constructed and operate in accordance with the approved design specifications / parameters and any other specific design agreements previously entered into with Council
- The performance of the WSUD measure(s) has been validated, which must include the provision of a Performance Validation Report supporting the performance of the WSUD measure
- Where applicable, the build up of sediment has resulted in no more than a 10% reduction of operational volume
- Asset inspections for defects has been completed and, if any defects are found, rectified to the satisfaction of Council
- The WSUD infrastructure is to the satisfaction of Council, structurally and geotechnically sound (this will require the submission of documents demonstrating that such infrastructure has been certified by suitably qualified persons)
- Design drawings have been supplied in a format acceptable to Council
- Works as Executed (WAE) drawings have been supplied for all infrastructure in a format and level of accuracy acceptable to Council
- Other relevant digital files have been provided (e.g. design drawings, surveys, bathymetry, models etc)
- Landscape designs have been supplied, particularly those detailing the distribution of functional vegetation, i.e. vegetation that plays a role in water quality improvement (clearance certificates from the landscape architect will need to be supplied)
- The condition of the infrastructure associated with the land complies with the approved design specification
- Vegetation densities in the wetlands and surrounding vegetated areas (i.e. batters) should have a coverage of >95% and be >95% weed free. This is to be certified by a suitably qualified ecologist / horticulturalist with 5 years relevant experience.
- Comprehensive operation and maintenance manuals (including indicative costs) have been provided. The plan should include details on the following
  - i. Site description (area, imperviousness, land use, annual rainfall, topography etc)
  - ii. Site access description
  - iii. Likely pollutant types, sources and estimated loads
  - iv. Locations, types and descriptions of measures proposed
  - v. Operation and maintenance responsibility
  - vi. Inspection methods (including inspection checklists)
  - vii. Maintenance methods (frequency, equipment and personnel requirements);
  - viii. Landscape and weed control requirements
  - ix. Operation and maintenance costs;
  - x. Waste management and disposal options; and
  - xi. Reporting.

## 83 K - Waterways - Stormwater Management – GPT Design

**Prior to the issue of a Subdivision Works Certificate**, the following information is to be submitted to Council for review

- Council should be given an opportunity to review and approve the proposed GPT so that considerations of the life cycle costs can be made. The proponent should provide Council with a detailed operation and maintenance manual which includes estimated costing
- Detailed construction plans including all calculations, drawings and designs which are consistent with the design parameters used in the modelling and approved concept designs from the Development Application
- Details on how the GPTs can be accessed for cleaning and provision of off street hardstand areas sized to Councils requirements.

84 **K - Waterways - Vegetated Stormwater Management systems - compliance prior to Council accepting works following maintenance period**

Handover of the assets to Council will not occur until Council is satisfied that they are constructed in with the approved plans, conditions of approval and all certification requirements have been complied with:

- I. Vegetated systems (e.g. wetlands) are required to remain 'on maintenance' for a minimum period of five (5) years or as otherwise approved and a performance-based inspection has been undertaken with Council. Note: This period may be extended in the case the wetlands have not satisfactorily established to an agreed performance standard.
- II. The on-maintenance period for all vegetated systems can be considered as on-maintenance once works are substantially completed within the development sub-catchment associated with the relevant treatment measure and after the wetlands have been constructed and planted with vegetation.
- III. A licensed surveyor is required to undertake an 'as constructed' survey of the wetlands and associated infrastructure. The survey data is to demonstrate that design grades and levels have been achieved to the required tolerances. A copy of the survey is required to be lodged as part of the certification.
- IV. During the establishment and maintenance period, regular maintenance must be undertaken on the stormwater treatment measures by suitably qualified contractors (i.e. horticulturists / ecologists) in accordance with an approved maintenance schedule.

During the 5-year maintenance period, the developer is to submit to Council's Asset Management Department, a quarterly report outlining all maintenance activities undertaken on the Stormwater treatment measures. This is to be prepared by a suitably qualified engineer, ecologist / horticulturalist with 5 years relevant experience.

A final report shall be prepared by a suitably qualified engineer, ecologist / horticulturalist with 5 years relevant experience on completion of the establishment period and be submitted to Council for approval.

85 **K Special (BLANK)**

**Prior to the issue of any Subdivision Certificate** and installation of regulatory/advisory signage and line marking, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

The signage and line marking plans submitted for approval shall include 'No Parking' restrictions along Old Bathurst Road property frontage, extension of 'No Stopping' restrictions at the bends of MC01 to ensure required clearance for passing semi-trailers and accompanying double barrier line marking, removal of 'No Stopping' restrictions fronting Lots 5 & 6, and any other 'No Stopping' restrictions that are required to facilitate swept paths and/or protect sightlines at intersections.

Notes:

- Contact Penrith City Council's Engineering Services Department on 4732 7777 for further information on this process.
- Allow eight (8) weeks for approval by the Local Traffic Committee.
- Applicable fees are indicated in Council's adopted Fees and Charges.

86 **K Special Condition BLANK**

All earthworks shall be undertaken in accordance with AS3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments and Engineering Construction Specification for Civil Works. The level of testing shall be minimum Level 1 Geotechnical Testing by a GITA Certified Geotechnical Engineer. The GITA is responsible for ensuring that the materials, inspections, and testing are adequate for its intended purpose and meeting design specification requirements. Full time supervision is required on site during bulk earthworks operations.

87 **K Special Condition BLANK**

Soil testing is to be carried out to enable each lot to be classified according to AS2870 Residential Slabs and Footings. The results shall be submitted to Penrith City Council prior to the issue of any Subdivision Certificate.

88 **K Special Condition BLANK**

**Prior to the issue of any Subdivision Works Certificate**, an updated geotechnical report and strategy shall be submitted to the Certifier to fully detail the Geotechnical requirements for the site during bulk earthworks. The report shall include but not be limited to:

- Certification of compliance with any Development Application and Subdivision Works Certificate approved Geotechnical Assessments including detailing of further recommendations.
- Updated Ground water monitoring and recommendations/remediation methods
- Confirmation of removal and remediation of all uncontrolled fill on the site
- Any further testing required prior to and during construction
- Details for removal of any oversize particles (>75mm) and deleterious material from the existing soil profile.

89 **K Special Condition BLANK**

Prior to the roller test for the subgrade layer for any road or placement of any civil infrastructure for any road, a Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications shall be provided to the principal Certifier. The report shall include:

- Certification of compliance with any Development Application and Subdivision Works Certificate approved Geotechnical Assessments
- Confirmation of removal of all uncontrolled fill on the site
- Statements of Compliance that the completed bulk earthworks are suitable for road and road infrastructure works.

90 **K Special Condition BLANK**

**Prior to the issue of any Subdivision Certificate** a Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications shall be provided to the principal Certifier. The report shall include:

- Certification of compliance with any DA and SWC approved Geotechnical Assessments
- Confirmation of removal and remediation of all uncontrolled fill on the site
- Compaction reports for road pavement construction
- Compaction reports for bulk earthworks and lot regarding
- Soil classification for all lots
- Statements of Compliance.

91 **K Special Condition BLANK**

**Prior to the issue of a Subdivision Certificate**, a restriction as to user is to be created that states "Any development on any lot must comply with any recommendations and requirements of the final approved Geotechnical report". Any structural footing systems, salinity requirements for buildings, developments and or structures must be listed on the DP and 88b instrument.

The authority to be empowered to release, vary or modify the restriction is to be Penrith City Council. The terms of the restriction are to be prepared in consultation with Council's Development Engineering Co-Ordinator.

## Landscaping

92 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan, as amended by the satisfaction of the Deferred Commencement conditions and ensure compliance with Chapter C6 – Landscape Design and Section 2.9 of Appendix F4 – Technical Information within Penrith Development Control Plan 2014.

Landscaping shall be maintained:

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

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

93 **L003 - Report requirement**

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a suitably qualified Landscape Architect / Designer.

i. Implementation Report

Upon completion of the landscape works associated with the development and **prior to the issue of a Subdivision Certificate** for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.

A Subdivision Certificate must not be issued until such time as a satisfactory Implementation Report has been received and endorsed. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Subdivision Certificate for the development.

94 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with the planting specifications within Section 2.9 of Appendix F4 – Technical Information within Penrith Development Control Plan 2014.

95 **L006 - Aust Standard**

All landscape works are to meet industry best practice and the following relevant Australian Standards:

- AS 4419 Soils for Landscaping and Garden Use,
- AS 4454 Composts, Soil Conditioners and Mulches, and
- AS 4373 Pruning of Amenity Trees.

96 **L008 - Tree Preservation**

No trees are to be removed, ring barked, cut, topped, or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Chapter C2 – Vegetation Management of Penrith Development Control Plan 2014 and Council's Tree Preservation Order and Policy.

97 **L Special (BLANK)**

The approved Vegetation Management Plan must be implemented in its entirety and annual updates in writing submitted to Council.

98 **L Special BLANK**

**Prior to the issue of a Subdivision Works Certificate**, an updated Arborist Report is to be prepared and submitted which includes an updated assessment of all trees on the site to provide an accurate current assessment of the trees on the site. In that assessment the Arborist is to identify dead trees not required as habitat for removal, identifies dead trees capable of providing habitat with recommendations for remedial pruning (if required), proposes the removal of any trees where it is evidenced that their arboricultural condition indicates that retention is no longer viable. This updated Arborist Report shall inform Vegetation Management Plan and the basis of Tree Protection plans.

## Development Contributions



99 [N001d - Section 7.12 Contribution](#)

This condition is imposed in accordance with Penrith City Council's Section 7.12 Contributions Plan. Based on the current rates applicable to contributions payable under this plan, **\$100,050.95 is to be paid to Council prior to issue of a Subdivision Certificate** being issued for this development (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 7.12 Contributions plan.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The Section 7.12 Contributions Plan is available on Council's website.

## Payment of Fees

100 [P001 - Costs](#)

All roadworks, dedications and drainage works are to be carried out at the applicant's cost.