

Attachment F - Proposed Modifications to Project Application Conditions of Consent.

SCHEDULE 2

CONDITIONS OF APPROVAL FOR NORTH PENRITH STAGE 1 PROJECT APPLICATION PROJECT APPLICATION NO.M10.0078

PART A - ADMINISTRATIVE CONDITIONS

A1 Development Description

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

A2 Development in Accordance with Plans and Documentation

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

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

A3 Inconsistency between plans and documentation

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

A4 Lapsing Approval

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

A5 Development Description

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

PART B – PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

B1 Engineering Plans

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

B2 Construction Environmental Management Plan

1. Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) for Stage 1 shall be submitted to the Certifying Authority for approval as part of the Construction Certificate application. The CEMP shall be prepared by suitably qualified consultants in consultation with Council and other relevant agencies, and may need to be amended to include the comments provided by Council and other agencies. The CEMP is to:
 - Address all environmental aspects of the development's construction and operational phases, and
 - Recommend any systems/controls to be implemented to minimize the potential for any adverse environmental impact(s), and
 - Incorporate a programme for ongoing monitoring and review to ensure that the EMP remains contemporary with relevant environmental standards.

The EMP should include but is not limited to the following

- Soil and water management
- Dust suppression
- Litter control
- Noise control
- Waste Management
- Dangerous/hazardous goods storage

- Emergency response and spill contingency
 - Measures to protect vegetation to be retained
 - Management of soil contamination issues with reference to the recommendations of the assessment undertaken by Geotechnique Pty Ltd, dated October 2010.
2. The relevant aspects of the approved CEMP shall be implemented during the relevant phase(s) of the development. A suitably qualified environmental consultant shall be employed to supervise the implementation of the development in accordance with the relevant aspects of the approved CEMP as identified at each phase of the development. Details of the environmental consultant, including contact details shall be submitted to ~~Penrith~~ Penrith City Council with the Notification of Commencement two days before any works are to commence on site.

B3 Stormwater Design

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

B4 Groundwater

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

B5 Roads

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

B6 Sediment and Erosion Control

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

B7 Sales Centre

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

B7 Development Contributions

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

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

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

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

PART C – PRIOR TO AND DURING CONSTRUCTION**C1 Construction Certificate**

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

C2 Notice of Commencement

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

C3 Filling

1. No fill material shall be imported to the site until such time as Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:
 - state the legal property description of the fill material source site,
 - be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH & MRC), standards, planning instruments and legislation.
 - clearly indicate the legal property description of the fill material source site,
 - provide details of the volume of fill material to be used in the filing operations,
 - provide a classification of the fill material to be imported to the site in accordance with the environment Protection Authority's "Environmental Guideline: Assessment, Classification & Management of Non-Liquid Wastes" 1997 and
 - (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.
2. An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:
 - Supervise the filing works,
 - (On completion of filing works) carry out an independent review of all documentation relating to the filing of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
 - Certify by way of certificate or written documentation that fill 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. A copy of the Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.
3. If the principal Certifying Authority or Penrith City Council is not satisfied that suitable fill

materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.

C4 Pre Works Dilapidation Report

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

C5 Hours of Construction

Construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- Monday to Fridays 7am to 6pm
- Saturdays, 7am to 1pm (if inaudible on neighboring residential premises), otherwise 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

C6 Approved Plans to be On Site

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

C7 Construction Signage

1. The following details are to be displayed on signs erected along the frontages of the site;
 - the name of the Principal Certifying Authority, their address and telephone number,
 - the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
 - that unauthorized entry to the work site is prohibited,
 - the designated waste storage area must be covered when the site is unattended, and
 - all sediment and erosion control measures shall be fully maintained until completion of the construction phase.
2. The above signs are to be erected;
 - at the commencement of, and for the full length of the, construction works onsite, and
 - in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

C8 Traffic Control Plan

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

C9 Erosion and Sediment Control

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

C10 Dust Control Measures

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

C11 Waste Management.

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

the approved plan.

C12 Aboriginal Relics

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

C13 Vegetation to be Retained

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

PART D – PRIOR TO SUBDIVISION CERTIFICATE

D1 Certificate

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

D2 Road Names

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

D3 Dedication of Public Open Space

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

D4 Services

1. Prior to the issue of a Subdivision Certificate the following service arrangements are to be made and submitted to the Principal Certifying Authority for approval.
2. The applicant is to negotiate relevant servicing arrangements with Sydney Water and seek Sydney Water prior approval for any connections to Sydney Water systems. A Section 73 Compliance Certificate under the Sydney Water Act 1994, should be obtained prior to the Issue of the relevant subdivision certificate.
3. 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.
4. A letter from an approved electricity provider stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements.
5. A letter from an approved gas provider stating that satisfactory arrangements have been made for gas supply to all proposed allotments in the subdivisions, including any necessary easements.

D5 Post Works Dilapidation Report

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

D6 Works as Executed Plans

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

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

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

AN2 Roads Act, 1993

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

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

AN3 Stormwater Drainage Works or Effluent Systems

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