

# PENRITH CITY COUNCIL

## MAJOR ASSESSMENT REPORT

<b>Application number:</b>	DA14/0935.01
<b>Proposed development:</b>	Section 96(1) Modification to Correct Plan Notations for an Approved Staged Subdivision (Village 5) which includes 244 x Residential Lots, 2 x Open Space Lots and 4 x Lots for Future Integrated Housing Developments and Associated Road Construction, Drainage, Earthworks and Landscaping Works.
<b>Property address:</b>	3997 Greenwood Parkway, JORDAN SPRINGS NSW 2747
<b>Property description:</b>	Lot 3997 DP 1179646
<b>Date received:</b>	25 February 2015
<b>Assessing officer</b>	Aimee Lee
<b>Zoning:</b>	URBAN ZONE (SREP30 - ST MARYS)
<b>Class of building:</b>	N/A
<b>Recommendations:</b>	Approve

### Executive Summary

Council approved DA14/0935 on 17 December 2014 for the subdivision of Lot 3997 in DP 1179646 in five (5) stages creating 244 residential lots, 2 open space lots and 4 residue lots for future Integrated Housing developments, construction of roads and associated street tree planting, earthworks, provision of infrastructure and associated tree removal in the Western Precinct of Jordan Springs subject inter alia to the following conditions:

1. *The development must be implemented and/or installed substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.*

Drawing Title	Plan No.	Prepared By	Date
Village 5 – Proposed Subdivision of Lot 3997 in DP 1179646	D646-S5-P01M.dwg Issue M Sheet 1 of 8	RPS	27.11.2014
Stage 5A – PPNDP1199731 (A Subdivision of Lot 3997 in DP 1179646)	D646-S5-P01M.dwg Issue M Sheet 2 of 8	RPS	27.11.2014
Stage 5B - PPNDP1199731 Plan of Subdivision of Lot 5016 in PPNDP1199731 (A Subdivision of Lot 3997 in DP 1179646)	D646-S5-P01M.dwg Issue M Sheet 3 of 8	RPS	27.11.2014
Stage 5C - PPNDP1199873 – Page 1/2 Plan of Subdivision of Lot 5054 in PPNDP1199872 (A Subdivision of Lot 5016 in PPNDP 11799731)	D646-S5-P01M.dwg Issue M Sheet 4 of 8	RPS	27.11.2014

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Stage 5E - PPNDP1201223 – Page 1/1 Plan of Subdivision of Lot 5000 in PPNDP1199731 (A Subdivision of Lot 3997 in PPNDP 1179646)	D646-S5-P01M.dwg Issue M Sheet 8 of 8	RPS	27.11.2014
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<i>Locality Sketch</i>	<i>9343/03DA01 Issue F</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Typical Road Cross Sections and Catch Drain Sections</i>	<i>9343/03DA02 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Road Layout Plan</i>	<i>9343/03DA03 Issue F</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Stormwater Layout Plan</i>	<i>9343/03DA04 Issue F</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>

<i>Jordan Springs Village 5 Cut/Fill Plan and Tree Removal</i>	<i>9343/03DA05 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Road Longitudinal Sections Road 1</i>	<i>9343/03DA06 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Road Longitudinal Sections Road 1 &amp; 2</i>	<i>9343/03DA07 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Road Longitudinal Sections Road 3 &amp; 4</i>	<i>9343/03DA08 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Road Longitudinal Sections Road 5 &amp; 6</i>	<i>9343/03DA09 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Road Longitudinal Sections Road 7 &amp; 8</i>	<i>9343/03DA10 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Site Section 1</i>	<i>9343/03DA11 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Site Section 1</i>	<i>9343/03DA12 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 GPT Access Plan</i>	<i>9343/03DA13 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Soil &amp; Water Management Plan</i>	<i>9343/03DA14 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Box Culvert Sections and Inlet Detail</i>	<i>9343/03DA15 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Jordan Springs Village 5 Vehicle Manoeuvring Plan</i>	<i>9343/03DA16 Issue E</i>	<i>J. Wyndham Prince</i>	<i>02/10/14</i>
<i>Stormwater Management Strategy</i>	<i>Ref:9343-03 Village 5 SWMS 071014</i>	<i>J. Wyndham Prince</i>	<i>October 2014</i>
<i>Species Impact Statement</i>	<i>Report No. 8143RP23</i>	<i>Cumberland Ecology</i>	<i>19 May 2014</i>
<i>Aboriginal Heritage Report</i>	<i>11-8116aal1</i>	<i>GML Heritage &amp; Jo McDonald CHM</i>	<i>23 April 2014</i>
<i>Bushfire Protection Assessment Proposed Subdivision Jordan Springs Village 2</i>	<i>09SUTBUS-0001</i>	<i>Eco Logical</i>	<i>19 June 2014</i>
<i>Salinity Review</i>	<i>7508/23-AA Final Revised</i>	<i>Geotech Pty Ltd</i>	<i>8 March 2010</i>
<i>Traffic Impact Assessment</i>	<i>Ref : 12S1267302 Issue A</i>	<i>GTA Consultants</i>	<i>25/06/14</i>
<i>Waste Management Plan</i>		<i>Lend Lease</i>	<i>22/08/2014</i>
<i>Construction Traffic Management Plan</i>	<i>Ref : 12S1267311 Issue A</i>	<i>GTA Consultants</i>	<i>25/06/14</i>

**33. Prior to the issue of a Construction Certificate** for subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Penrith City Council (being the Roads Authority under the Roads Act), for the full replacement of kerb and gutter with laybacks and stormwater kerb outlet adaptors for the entire development frontage in Lakeside Parade.

*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, Engineering Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.*

*Note:*

1. *Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.*
2. *Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.*

The applicant has lodged a S96(1) application in relation to the misdescription of the boundary lengths, plan titles, street name and addition of centre line of bearings and distances.

The land is zoned 'Urban' under the provisions of the Sydney Regional Environmental Planning Policy No.30 – St Marys (SREP 30). The proposed modifications to the Development Consent is permitted with consent.

The proposed modifications do not require referral to RMS, RFS, NPWS and NSW Office of Water as the proposed modifications do not require amendments to the conditions recommended by these authorities (Conditions No. 2, 3, 4, 8 and 9 of the consent).

This S96 application does not require advertising, exhibition and notification as Council did not receive any submissions to the development originally consented to. Furthermore, the proposed modifications would not prejudice any persons previously notified.

The application has been assessed against S79C and S96(1) of the Environmental Planning and Assessment Act, 1979 and the assessment concluded that the misdescription would not have any adverse environmental impacts. Therefore this S96(1) application is recommended for approval subject to conditions.

## Site & Surrounds

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The development site is identified as Lot 3997 in DP 1179646. It is situated to the south-eastern portion of the Western Precinct bounded by the future Regional Park to the north and east, future residential developments (Stage 3C1 and 3C2) to the west and future residential developments (Village 4) to the south.

The site has a total area of 22.22 hectares. The site falls from the northwest to the southeast. The site contains predominantly derived native grasslands (regenerating Cumberland Plain Woodland (CPW)) and patches of mature and regenerating CPW. There are also minor communities of River-flat Eucalyptus Forest (RFEF), Regenerating River-flat Eucalyptus Forest, and Freshwater Wetlands. The site is also identified as bush fire prone land under Council's Bush Fire Prone Land Map.

## Proposal

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The proposed modifications involve:

1. Correction of errors in the approved plans relating to boundary lengths including:
  - Amend the frontage of Lot 5105 from 12.525 to 12.595
  - Amend the side boundary of Lot 5140 from 65.061 to 32.53
  - Amend the side boundary of Lot 5180 from 32.195 to 32.14.
2. Correct misdescription of plan titles
3. Amend Condition No. 33 referencing Greenwood Parkway
4. Add bearing onto the boundary lines
5. Add centre line bearings and distances

## Plans that apply

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- Development Control Plan 2006
- Western Precinct
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

## Planning Assessment

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- **Section 96(1) - Modifications involving minor error, misdescription or miscalculation**

The development has been assessed in accordance with the matters for consideration under Section 79C and Section 96 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration

### **Section 79C(1)(a)(i) The provisions of any environmental planning instrument**

#### **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

The development originally consented to had been assessed against the relevant criteria with Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and appropriate conditions have been incorporated into the consent (Conditions No. 15, 18 and 39). These conditions remain applicable.

## **Sydney Regional Environmental Plan No.30 - St Marys**

SREP 30 provides a framework for the sustainable development and management of the entire St Marys site. The key aspects of the SREP30 are outlined in the section below:

### ***Permissibility***

The subject development site is zoned Urban under SREP 30. The proposed amendments to the approved subdivision is permitted with consent.

### ***Aims of the Plan***

Assessment of the original development has concluded that the subdivision is consistent with the following aims of SREP No. 30:

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- facilitate urban development
- promote desirable environmental, social and economic outcomes
- provide recreation facilities that meet the local needs
- integrate with surrounding areas

The development as modified remains consistent with the aims of the REP.

### ***Objectives of the Urban Zone***

The development as modified remains consistent with the zone objectives in relation to:

- facilitate works that are primarily used for residential purposes
- minimise negative impacts on biodiversity and conservation within the adjoining Regional Park zone.

### ***Clause 20 - Development consent restrictions***

The development originally consented to has demonstrated compliance with the performance objectives of the REP in relation to watercycle, transport, housing, energy efficiency, waste management, salinity, tree preservation, access and services. The development as modified will not alter the approved subdivision layout, dwelling yield, allotment mix and road layout and therefore remain consistent with the performance objectives outlined in Part 5 of the REP.

## Section 79C(1)(a)(iii) The provisions of any development control plan

### Development Control Plan 2006

Provision	Compliance
Chapter 2.1 - Contaminated land	Complies
Chapter 2.2 - Crime prevention through environmental design	Complies
Chapter 2.3 - Engineering works	Complies
Chapter 2.4 - Erosion and sediment control	Complies
Chapter 2.5 - Heritage management	N/A
Chapter 2.6 - Landscape	Complies
Chapter 2.7 - Notification and advertising	Complies
Chapter 2.8 - Significant trees and gardens	Complies
Chapter 2.9 - Waste planning	Complies
Chapter 2.10 - Flood liable land	N/A
Chapter 2.11 - Car parking	N/A
Chapter 2.12 - On-site sewage management	N/A
Chapter 2.13 - Tree preservation	Complies

### Western Precinct

Provision	Compliance
Western Precinct Plan	Complies - see Appendix - Development Control Plan Compliance

## Section 79C(1)(b) The likely impacts of the development

### *Context and Setting*

The site is zoned Urban and the subdivision and associated civil works originally consented to is to facilitate future residential developments. The development originally consented to has demonstrated compliance with Table 4 Residential Development Controls of Part 5 of the Development Control Strategy and thereby the Framework Plan and Environmental Management Strategies of WPP in relation to:

- (a) subdivision layout principles
- (b) dwelling density
- (c) access and movement
- (d) conservation of natural values
- (e) bushfire measures

The development as modified would not impact on the approved subdivision layout, dwelling density, allotment mix and road layout and remains consistent with the objectives of the REP in facilitating future urban development which will integrate with the surrounding established areas.

### *Site Design*

As stated above, the development as modified would not alter the approved subdivision layout, dwelling density and access and movement of the approval.

## Section 79C(1)(c) The suitability of the site for the development



The site is suitable for the development as modified for the following reasons:

- The site is zoned to accommodate the development as modified in accordance with SREP 30.
- The site is adequately serviced by roads, utility services and stormwater infrastructure. The development as modified would not increase pressure on these services nor require augmentation of these services.
- The development as modified is consistent with the St Marys Western Precinct Plan and Development Control Strategy.
- The development as modified is unlikely to result in any threatened species or ecological community becoming extinct.

## Section 79C(1)(d) Any Submissions

### Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections - subject to conditions
Environmental - Environmental management	No objections - subject to conditions
Environmental - Waterways	No objections - subject to conditions
Environmental - Biodiversity	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	No objection subject to conditions

## Section 79C(1)(e)The public interest

The development as modified is consistent with the objectives of the EP&A Act in so far as it promotes the co-ordinated and orderly, and economic use and development of the land. The misdescription would not have an adverse environmental impact in the locality and the surrounding developments. As a result Council may be satisfied that the development as modified, subject to appropriate conditions, is consistent with the public interest.

## Conclusion

1. The above assessment has demonstrated that the development as modified has met the relevant provisions of the following legislations:

- (a) *Environmental Planning and Assessment Act 1979*
- (b) *Threatened Species Conservation Act 1995*
- (c) *Environmental Planning and Assessment Regulation 2000*

2. The approved subdivision layout remains unchanged and remains consistent with the desired future character, design and function of Jordan Springs as identified in SREP 30, WPP and DCS.

3. The site is suitable for the proposal and the development as modified being in the public interest.

In view of the above assessment, it is recommended that this S96(1) application be approved subject to conditions.

## Recommendation

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1. That DA14/0935.01 for correction of plan notations associated with the subdivision of Lot 3997 in DP 1179646 in 5 stages Creating a Total of 244 Residential Lots, 1 Open Space Lot and 4 Lots for Future Integrated Housing Developments and Associated Road Construction, Drainage, Earthworks and Landscaping Works including:

Stage 5A - creation of 15 residential lots and 2 residue lots

Stage 5B - creation of 38 residential lots and 1 residue lot and construction of part roads

Stage 5C - creation of 78 residential lots, 1 open space lot and 1 residue lot and construction of part roads

Stage 5D - creation of 113 residential lots and construction of part roads

Stage 5E creation of 1 open space lot and 4 superlots for future integrated housing developments

at Lot 3997 in DP 1179646, Lot 3997 Greenwood Parkway be approved subject to the attached conditions (Development Assessment Report Part B)

## General

### 1 A001

The development must be implemented and/or installed substantially in accordance with the following plans stamped approved by Council, the application form and any supporting information received with application, except as may be amended in red on the attached plans and by the following conditions.

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Jordan Springs Village 5 Road Longitudinal Sections Road 3 & 4	9343/03DA08 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Longitudinal Sections Road 5 & 6	9343/03DA09 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Road Longitudinal Sections Road 7 & 8	9343/03DA10 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Site Section 1	9343/03DA11 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Site Section 1	9343/03DA12 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 GPT Access Plan	9343/03DA13 Issue E	J. Wyndham Prince	02/10/14

Jordan Springs Village 5 Soil & Water Management Plan	9343/03DA14 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Box Culvert Sections and Inlet Detail	9343/03DA15 Issue E	J. Wyndham Prince	02/10/14
Jordan Springs Village 5 Vehicle Manoeuvring Plan	9343/03DA16 Issue E	J. Wyndham Prince	02/10/14
Stormwater Management Strategy	Ref:9343-03 Village 5 SWMS 071014	J. Wyndham Prince	October 2014
Species Impact Statement	Report No. 8143RP23	Cumberland Ecology	19 May 2014
Aboriginal Heritage Report	11-8116aal1	GML Heritage & Jo McDonald CHM	23 April 2014
Bushfire Protection Assessment Proposed Subdivision Jordan Springs Village 2	09SUTBUS-0001	Eco Logical	19 June 2014
Salinity Review	7508/23-AA Final Revised	Geotech Pty Ltd	8 March 2010
Traffic Impact Assessment	Ref : 12S1267302 Issue A	GTA Consultants	25/06/14
Waste Management Plan		Lend Lease	22/08/2014
Construction Traffic Management Plan	Ref : 12S1267311 Issue A	GTA Consultants	25/06/14

**As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act, 1979.**

**2 A005 - APPROVED BODYS CONSENT (FOR INTEGRATED DAS)**

A copy of the General Terms of Approval (ref 10 ERM2014/0710) dated 29 August 2014 issued by the NSW Office of Water under the Water Management Act 2000 shall be submitted to the Principal Certifying Authority, before the Construction Certificate can be issued for the same development. A copy of the approval shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

**3 A044 - Compliance with NSW Rural Fire Service conditions of consent**

The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety Authority (ref D14/2251 DA14080693255 CC) date 5 September 2014 for the said development are to be completed prior to the issue of a Subdivision Certificate.

**4 A Special (BLANK)**

The applicant must apply to the NSW Office of Water for a Controlled Activity Approval prior to commencement of any works or activities on waterfront land. Construction Certificate will not be issued over any part of the site requiring a Controlled Activity Approval until a copy of the approval has been provided to Penrith City Council.

**5 A Special (BLANK)**

The soil salinity management measures outlined within the Western Precinct Plan and the measures and recommendations outlined in the Salinity Review prepared by Geotech Testing Pty Ltd Ref 7508/23-AA Final Revised dated 8 March 2012 are to be adopted and implemented as a part of the development.

**6 A Special (BLANK)**

All street lighting shall be designed in accordance with Council's Public Domain Lighting Policy and relevant Australian Standards and requirements.

**7 A Special (BLANK)**

The applicant shall implement and observe the recommendations of the Bushfire Protection Assessment Project Number 09SUTBUS-0001 Version 1 prepared by Eco Logical Australia Pty Ltd dated 19 June 2014 at all times.

8 [A Special \(BLANK\)](#)

The applicant must comply with the conditions imposed in the Bush Fire Safety Authority issued by NSW Rural Fire Service (ref D14/2251 DA14080693255 CC) dated 5 September 2014 and they are outlined below:

(a) The development proposal is to comply with the subdivision layout identified in the drawing prepared by J.Wyndham Prince Pty Ltd Surveyors numbered 9434/03DA03 dated 15 July 2014.

**Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

(b) At the issue of Subdivision Certificate and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined with Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

**Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of fire and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

(c) Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

**Access**

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following condition shall apply:

(d) Public road access shall comply with Section 4.1.3(1) of 'Planning for Bush Fire Protection 2006'.

9 [A Special \(BLANK\)](#)

Prior to the commencement of any proposed works within the future regional park, the applicant must consult with National Parks and Wildlife Services and carry out appropriate environmental assessment.

10 [A Special \(BLANK\)](#)

The applicant shall provide and maintain at all times access to the future Regional Park as identified on the Bus Route and Bus Stop Plan Drawing No. WP V5 Busstop Issue D dated 08.10.14.

11 [A Special \(BLANK\)](#)

Prior to the issue of the Subdivision Certificate, the applicant shall submit details of boundary fencing details in accordance with the Landscape Strategy to Penrith City Council for approval.

12 [A special BLANK](#)

All construction works that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties, 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.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all demolition [*and construction*] works.

13 [A special BLANK](#)

Construction works shall be carried out in accordance with the NSW Department of Environment and Climate Change's "Interim Construction Noise Guideline" 2009.

14 [A Special Condition \(BLANK\)](#)

Prior to the handover of GPTs, a Draft Operation and Maintenance manual 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 an estimation on the annual and lifecycle costs associated with the proposed treatment measures.

15 [A Special Condition \(BLANK\)](#)

Erosion and sediment controls are to be applied in accordance with Appendix C of the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5SWMS 071014, dated 7 October 2014.

## Demolition

16 [B004 - Dust](#)

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

17 [B005 - Mud/Soil](#)

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

## Environmental Matters

18 [D002 - Spraygrass](#)

All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.

19 [D005 – No filling without prior approval \(may need to add D006\)](#)

No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury- Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

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 shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.

21 [D010 – Appropriate disposal of excavated or other waste](#)

All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. 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 Construction 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 **D06A – Approval for bulk earthworks/major filling operations (Use for bulk earthworks/ major filling operations)**

No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
- clearly indicate the legal property description of the fill material source site,
- provide details of the volume of fill material to be used in the filling operations,
- provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
- (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- Supervise the filling works,
- (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- Certify by way of 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 not be carried out prior to any further approved works.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as "a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soils 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."}

23 **D Special BLANK**

The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

24 **D Special BLANK**

No fill, machinery, or materials are to be placed or stored within the drip line of any tree that is to be retained as identified on the Village 5 tree Plan prepared by Lend Lease. Tree protection measures are to be implemented as outlined in Australian Standard AS 4970-2009 'Protection of trees on development sites'.

## 25 D Special BLANK

Due to the lack of recent and detailed surveys within the Village 5 area, pre-clearance surveys are to be undertaken by a qualified ecologist for:

- Cumberland Plain Land Snail (*Meridolum corneoviens*)
- Aboreal mammals and birds
- Microbats
- Slender Rice-flower (*Pimelea spicata*)

Any Cumberland Plain Land Snails found are to be translocated to appropriate habitat within the Regional Park under the guidance of a qualified Ecologist.

If Microbats are found, tree removal is to be done once the bats have vacated the roost for the evening and prior to their return in the morning. This is to be done under the guidance of a qualified Ecologist.

If aboreal mammals or birds are found, the trees are to be felled and lowered to the ground slowly to allow any resident fauna time to escape/fly off and to ensure they aren't injured by the falling trees. This is to be done under the guidance of a qualified Ecologist.

If *Pimelea spicata* plants are identified on site, these are to be translocated into the Regional Park. This is to be done under the guidance of a qualified Ecologist.

## 26 D Special BLANK

The following plans are to be implemented in their entirety:

- The approved St Marys Macrofauna Management Plan (Cumberland Ecology, 2004);
- The Western Precinct Weed Management Plan (Cumberland Ecology, 2008);
- The Western Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008);
- The Western Precinct Landscape Concept Plan (Environmental Partnership, 2009);
- Vegetation Management Plan for Riparian Corridors (Environmental Partnership, 2008).

## 27 D Special BLANK

Only the following species which are native to Cumberland Plain Woodland are to be used in the Bushland Interface area:

- *Eucalyptus crebra*
- *Eucalyptus sideroxylon*

## Utility Services

### 28 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 linen plan, 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 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; 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.

## Construction

29 [H041 - Hours of work \(other devt\)](#)

Construction works or subdivision works that are carried out in accordance with an approved consent 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:

- 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.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## Roads Act Requirements

30 [I Special BLANK](#)

The applicant shall provide a Bicycle Warning sign type W8-200 in Road 1 at the approach to Road 6.

## Engineering

31 [K101 - Works at no cost to Council](#)

All roadworks, stormwater works and dedications, required to effect the consented development shall be undertaken at no cost to Penrith City Council.

32 [K202 - Section 138 Roads Act – Minor Works in the public road](#)

**Prior to the issue of a Construction Certificate**, a S138 Roads Act application/s, including payment of fees shall be lodged with Penrith City Council, as the Roads Authority for any works required in a public road.

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

- Road opening for lead in public utility services
- Road occupancy or road closures

All works shall be carried out in accordance with the Roads Act approval, the development consent including the stamped approved plans, and Penrith City Council's specifications. Contact Council's **City Works Department** on (02) 4732 7777 for further information regarding the application process.

**Prior to the issue of a Construction Certificate** for subdivision works the Certifying Authority shall ensure that a S138 Roads Act application, including the payment of application and inspection fees, has been lodged with Penrith City Council (being the Roads Authority under the Roads Act), for the full replacement of kerb and gutter with laybacks and stormwater kerb outlet adaptors for the entire development frontage in Greenwood Parkway.

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, Engineering Construction Specification for Civil Works, Austroad Guidelines and best engineering practice.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

**As amended on 24 April 2015 under Section 96 of the Environmental Planning and Assessment Act, 1979.**

**Prior to the issue of a Construction Certificate** for subdivision works the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plans prepared by J Wyndham Prince, reference number 9343/03, sheets DA01 - DA16, revision F, dated 02/10/2014 and that all subdivision works have been designed in accordance with conditions of this consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, any Roads Act approval issued, Austroad 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)
- Interallotment drainage
- Private access driveways
- Sediment and erosion control measures
- Overland flowpaths
- Flood control measures
- Traffic facilities including roundabouts, intersection treatments, car parks, bus stops, cycleways, pathways etc.
- Earthworks
- Bridges, culverts, retaining walls and other structures
- Landscaping and embellishment works

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that:

- The southern intersection of Road No 1 and Greenwood Parkway shall be designed to accommodate a 12.5m single unit truck in accordance with AS2890.2:2002
- Salinity measures are incorporated into the construction certificate drawings in accordance with the recommendations of the Salinity Review report by Geotech Testing, reference 7508/23-AA Final Revised, dated 8 March 2010 and the report by SKM on water, soil and infrastructure for the St Marys Project, Western Precinct, dated May 2009.
- Laybacks are provided on construction certificate drawings generally to align with the building envelope plan No WP V5 BEP, issue D, dated 08/10/2014. All laybacks are to be located a minimum of 6m from the tangent point of any kerb return at intersections in accordance with AS2890.1:2004. All laybacks are to be located a minimum of 1m from the lintel of any stormwater kerb inlet pit.
- The location of all bus stops and associated infrastructure has been indicated on construction certificate drawings.
- Shared path linemarking and signage is in accordance with relevant Australian Standards and Austroads Guidelines.
- All bicycle facilities are in accordance with relevant provisions of the RMS NSW Bicycle Guidelines and Austroads Guide to Engineering Practice - Part 14 Bicycles.
- Kerb inlet pits are not located within kerb returns.
- The type of Gross Pollutant Traps is approved by Penrith City Council.

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

Note:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 to ascertain applicable fees.

35 [K206 - Road design criteria table](#)

**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 for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works and the following criteria:

Road No.	Road Type	ESA
1, 2, 3, 4, 5, 6, 7 & 8	Local Street	5 x 10 <sup>4</sup>

36 [K207 - Road Safety Audit](#)

A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken 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 Construction Certificate or Roads Act application.

**Prior to the issue of the Construction Certificate or Roads Act approval**, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in the final design.

37 [K209 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by J Wyndham Prince, reference number 9343/03, sheets DA01 - DA16, revision F, dated 02/10/2014 and the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5 SWMS 071014, dated 7 October 2014.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Council's Water Sensitive Urban Design Policy.

38 [K221 - Access, Car Parking and Manoeuvring – General](#)

**Prior to the issue of a Construction Certificate**, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

39 [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.

40 [K302 - Traffic Control Plan](#)

**Prior to commencement of works**, a Traffic Control Plan including details for pedestrian management shall be prepared in accordance with AS 1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority 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 Control Plan shall accompany the Notice of Commencement to Penrith City Council.

41 **K304 - Matters to be addressed prior to commencement of Subdivision Works**

Work on the subdivision shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority 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 is to be submitted to Penrith City Council two (2) days prior to commencement of engineering works or clearing associated with the subdivision.

42 **K405 - Street Lighting**

Street lighting is to be provided for all new and existing streets within the proposed subdivision to Penrith City Council's standards.

43 **K407- Major Filling/ Earthworks**

All earthworks shall be undertaken in accordance with AS 3798 and Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works.

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

44 **K408 - Soil testing - Subdivisions**

Soil Testing is to be carried out to enable each lot to be classified according to AS2870 "Residential Slabs and Footings".

45 **K501A - Completion of subdivision works**

**Prior to the issue of a Subdivision Certificate**, the Principal Certifying Authority 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.

46 **K507 - Linemarking & Signage**

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

Notes:

1. Contact Penrith City Council's **Engineering Services Department** on (02) 4732 7777 for further information on this process.
2. Allow eight (8) weeks for approval by the Local Traffic Committee.

47 **K510 - Street Naming**

**Prior to the issue of a 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 Council's Street Naming Policy.

Notes:

1. Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for advice regarding the application process and applicable fees.
2. Allow eight (8) weeks for notification, advertising and approval.

48 [K511 - Bond for final wearing course](#)

**Prior to the issue of the 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 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 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.

49 [K513 - Maintenance Bond](#)

**Prior to the issue of nominate a Subdivision Certificate**, a maintenance bond is to be lodged with Penrith City Council for all subdivision works.

The value of the bond 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.



50 **K514 - Subdivision Compliance documentation**

**Prior to the issue of a Subdivision Certificate**, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Work as Executed (WAE) drawings of all civil works. The WAE drawings shall be marked in red on copies of the stamped Construction Certificate drawings signed, certified and dated by a registered surveyor or the design engineer. The Work as Executed drawings shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of fill for the entire development site. The plans must show, by various shadings or cross hatchings, the depth of any fill within 0.3m depth ranges.
- d) CCTV footage in DVD format to Council's requirements and a report in "SEWRAT" format for all drainage within future public roads and public land. Any damage that is identified is to be rectified in consultation with 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 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.
- g) Documentation for all road pavement materials used demonstrating compliance with 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 Council's Design Guidelines and Construction specifications. The report shall include:
  - Compaction reports for road pavement construction
  - Compaction reports for bulk earthworks and lot regrading.
  - Soil classification for all residential lots
  - Statement of Compliance
- i) Structural Engineer's construction certification of all structures
- j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.

51 **K601 - Stormwater Management system operation and maintenance**

The stormwater management systems, including the temporary on-site stormwater detention and erosion and sediment control system and flow paths from the basin outlet shall continue to be operated and maintained for the life of the development in accordance with Appendix C of the Stormwater Management Strategy report by J Wyndham Prince, reference 9343-03 Village 5SWMS 071014, dated 7 October 2014. Maintenance shall continue until stormwater runoff from the development site is stabilised and conveyed to the ultimate water quality / stormwater detention system and the temporary system has been decommissioned. A minimum maintenance period of 36 months shall apply to the ultimate water quality / stormwater detention system and shall be maintained in accordance with the final operation and maintenance management plan.

52 **K Special Condition – Turf to Verge**

All verge areas are to be turfed for the full width from back of kerb to property boundary at the completion of the works.

53 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that pedestrian safety fencing and vehicular safety crash barriers are to be installed along the perimeter roads and retaining walls adjoining the regional park boundary in accordance with Austroads Guidelines.

54 **K Special Condition BLANK**

**Seven (7) days prior to the commencement of works**, a copy of the pavement design report is to be submitted to Penrith City Council.

## Landscaping

55 **L001 - General**

All landscape works are to be constructed in accordance with the stamped approved plan Street Tree Plan Drawing No. WP V5 STP Sheet 1 to Sheet 3 Issue A dated 14.07.14, and Section 2.6 Landscape of the Penrith Development Control Plan 2006.

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.

56 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

57 **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 landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

i. Implementation Report

Upon completion of the landscape works associated with the development and prior to the issue of an Occupation 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. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. 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 Occupation Certificate for the development.

ii. Maintenance Report

On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

58 **L005 - Planting of plant**

All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Section 2.6 Landscape of the Penrith Development Control Plan 2006.

59 **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.

60 **L007 - Tree protection measures—no TMP with DA**

All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in Section 2.6 Landscape of the Penrith Development Control Plan 2006.

61 **L009 - Tree Preservation Order (subdivision)**

No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

## Subdivision

62 **M001 - Prior to subdivision work (Applies to subdivision except strata)**

Work on the subdivision is not to commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority 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.

Penrith City Council is to be notified 48 hours prior to commencement of engineering works or clearing associated with the subdivision.

63 **M008 - Linen Plan**

Submission of the original Linen Plan and five (5) copies. The Linen Plan must indicate that:

- a) "It is intended to dedicate all new roads to the public as road"
- b) "It is intended to create Lot 5149 as a public reserve".

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

64 **M009 - 88B Instrument**

The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:

- a) Easement for support-the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.
- b) Residue Allotment - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.
- c) other

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

## Development Contributions

65 **N003 - Planning Agreements**

**Prior to the issue of a Subdivision Certificate**, a matrix table shall be submitted to and endorsed by Penrith City Council detailing any infrastructure works, development contributions and/or land dedications required as a result of this development consent pursuant to the St Marys Penrith Planning Agreement and St Marys (State) Development Agreement. All applicable infrastructure works, development contributions and/or land dedications shall be completed **prior to (or concurrently with, in the case of land dedications) the issue of a Subdivision Certificate** or as detailed in the endorsed matrix table.

## Payment of Fees

66 **P001 - Costs**

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

67 [P002 - Fees associated with Council land \(Applies to all works & add K019\)](#)

Prior to the commencement of any works on site, all fees associated with Penrith City Council-owned land and infrastructure shall be paid to Council. These fees include Road Opening fees and Infrastructure Restoration fees.

## **Certification**

68 [Q008 - Subdivision Certificate](#)

A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

# Appendix - Development Control Plan Compliance

## Western Precinct

The development originally consented to has demonstrated compliance with the Western Precinct Plan and Development Control Strategy in relation to

- urban structure and major land uses.
- subdivision layout.
- conservation of natural values.
- water cycle and soils.
- sustainability infrastructure and services.
- street types.

The proposed modification would not impact on the approved subdivision layout, road layout, dwelling yield and allotment mix and therefore remains compliant with the WPP and DCS.