

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA15/1213
Proposed development:	Landscape Embellishment Works Including Creation of a Local Park (Village 5 and East Lake)
Property address:	3997 Greenwood Parkway, JORDAN SPRINGS NSW 2747
Property description:	Lot 3997 DP 1179646
Date received:	9 October 2015
Assessing officer	Belinda Borg
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a Development Application for the Construction of a Local Park and Landscape Embellishment works at Lot 3997 Greenwood Parkway Jordan Springs. The purpose of the works is to provide landscape embellishment of the existing permanent basin (to be referred to as East Lake) and provide an activated local park.

The site is zoned Urban under the provisions of Sydney Regional Environmental Plan No. 30 – St Marys (SREP 30). The proposal is for landscaping which is permitted as outlined within Clause 41 of the SREP being parks which are permissible land uses in the zone.

The matter was referred to NSW Office of Water as "Nominated Integrated Development" as a "Controlled Activity" under the Water Management Act, 2000, who raised no objection to the proposal and issued a General Terms of Approval subject to conditions.

In accordance with Clause 44 of SREP 30, National Parks and Wildlife Services have also been consulted and they raise no objection to the proposal subject to conditions relating to the width of the ramp into the lake to allow for access for fire fighting purposes.

This application was advertised, notified and exhibited from 26 October 2015 - 25 November 2015. Council has not received any submissions objecting to the proposal.

The application has been assessed with respect to the Environmental Planning and Assessment Act, 1979 (EP&A Act). Having regard to the relevant statutory provisions, it is recommended that the application be approved.

Background

The St Marys site was endorsed by the NSW Government for inclusion on the Urban Development Program in 1993. The St Marys Site has a total site area of approximately 1,545 hectares comprising six (6) precincts including the Western Precinct, Central Precinct, North and South Dunheved Precincts, Ropes Creek Precinct and Eastern Precinct. A Regional Park surrounds the Precincts, which has an area of approximately 900ha.

Precinct Plans have been prepared in accordance with Part 3 of SREP 30 for each of the six (6) precincts subsequently. The Western Precinct Plan was adopted by Penrith City Council on 23 March 2009.

The site is located within the eastern portion of the Western Precinct, which is now known as Jordan Springs. On 13 July 2013, DA13/0065 was approved for the construction of a temporary basin on the site. Development Application 14/1497 approved the retention of the temporary basin as a permanent lake.

Under DA14/0935, the site was also approved to be subdivided to form Village 5 which included the creation of a lot which accommodates the existing lake.

Site & Surrounds

The site is located within Village 5 of Jordan Springs and is bounded by Lakeside Parade to the south, Greenwood Parkway to the west, Callistemon Circuit to the north, Bungendore Circuit to the north-east and the Wianamatta Regional Park to the east. The site has a total area of 65,571m² and currently contains a permanent lake (East Lake).

Proposal

This DA seeks approval for the provision of landscaping and embellishment works within the area surrounding the permanent East Lake. Specifically, this proposal includes the following:

- landscaping of the park area including native canopy tree planting;
- minor works to the approved shared pathway;
- children's play space and play equipment;
- picnic facilities;
- internal/street path linkages and connections to cycle/pedestrian links; and
- landscape embellishments and macrophyte areas.

Plans that apply

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

Planning Assessment

• **Section 5A - Threatened Species assessment**

Flora and Fauna Assessment and Assessments of Significance were prepared in accordance with the Environmental Planning and Assessment Act, 1979 (EP&A Act), Threatened Species Conservation Act, 1995 (TSC Act) and the Director General's Requirements under DA14/0935 for the Stage 5 Subdivision. The application included a Species Impact Statement, which also included location of the permanent East Lake. However, as the proposed works included the removal of some 24 trees within the site, a separate addendum has been provided to the abovementioned report which specifically assessed the health of the trees to be removed. The report determined that the vegetation to be removed was of low to low-medium landscape significance.

The proposed level of vegetation is not significant we considering the land area within the East Lake and the level of vegetation retention as a part of the proposal. Further to this, the proposed development includes significant enhancement of the landscaping that is retained within the East Lake area.

The proposed works do not extend into the Regional Park. The Wianamatta Regional Park Master Plan requires 2.1m and 1.8m fencing around the perimeter of the park (interfacing with Village 5). The proposed works do not impact on this required fencing.

• **Section 79C - Evaluation**

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

• **Section 91- Integrated development**

The development is defined as "Nominated Integrated Development" under the Environmental Planning & Assessment Act, 1979. A "Controlled Activity" approval under the Water Management Act 2000 is required from the NSW Office of Water. The application was referred to the NSW Office of Water and General Terms of Approval were granted on 20 November 2015.

The application was notified and exhibited in accordance with the advertising requirements for Nominated Integrated Development.

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

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (SREP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas, including Penrith), except for land covered by Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme. SREP 20 is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal is in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6. In particular, provision will be made for adequate erosion and sediment control measures to ensure sediment as a result of the development is not deposited in the Hawkesbury-Nepean River via the stormwater system

Sydney Regional Environmental Plan No.30 - St Marys

An assessment has been undertaken of the application against relevant criteria with Sydney Regional Environmental Plan No 30—St Marys and the application is satisfactory.

Clause 3 Aims of this plan

The proposed park and landscape embellishment works are consistent with the aims of the REP as it will ensure the land achieves a desirable environmental economic outcome which in turn facilitate future urban and employment-generating developments.

Clause 23 Air Quality

The proposed park and landscaping embellishment works are unlikely to create large amounts of dust. Having considered the nature of the proposed works, it is considered that the proposed dust suppression techniques identified by the applicant in the SEE have satisfactorily addressed the requirement of this clause. The standard condition in relation to dust suppression is recommended accordingly.

Clause 24 Conservation

The proposed development includes the removal of 24 trees that are considered to be of low to low-medium value. The better quality endangered ecological communities are found within the proposed Regional Park. It is unlikely that the proposal will impact on any endangered plant species and endangered communities in the locality. Therefore the application has demonstrated that the objective of minimising any adverse impacts on the vegetation and fauna habitats can be achieved.

25 Heritage

East Lake is not located within close vicinity of heritage items within the locality. No further assessment is required.

Clause 28 Watercycle

The standard condition for installation and maintenance of erosion and sediment control is recommended to ensure there is no net adverse impact upon the watercycle.

Clause 29 Soils

The Western Precinct has been the subject of extensive investigation and remediation throughout the 1990s. The applicant has submitted a contamination assessment as a part of DA14/0935 and no further remediation of the site is required as a part of the proposal.

Clause 35 Waste Management

All the waste generated will be disposed offsite and/or for recycling. This is considered satisfactory.

Clause 44 Consultation with National Parks and Wildlife Service

The application was referred to National Parks and Wildlife Services (NPWS). No objections were raised to the proposal.

Western Precinct Plan and Development Control Strategy

The Central Precinct was declared a release area by the Minister of Planning on 29 September 2006. The Western Precinct Plan and Development Control Strategy had been prepared and adopted by Council. The Precinct Plan has identified various land uses within the Precinct including:

- Employment and related uses in the northern part of the Precinct.
- A Village Centre Character Area comprising retail, commercial, community, open space, and residential uses.
- Residential developments in the remainder of the Precinct.
- Open space, Riparian Corridors and stormwater basins.
- Road network and stormwater infrastructure.

The design and layout of the proposed local park and landscape embellishment works has taken into consideration Section 5.3 Public Domain of the DCS in relation to landscape character, landscape presentation and public domain materials and treatments.

The proposed landscaping works and entry feature is consistent with the purpose and aims of the Precinct Plan and Development Control Strategy as it will provided an attractive and activated open space area for the enjoyment of the local community.

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

Western Precinct

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

Section 79C(1)(a)(iv) The provisions of the regulations

The proposal was advertised, exhibited and notified from 26 October 2015 to 25 November 2015 in accordance with Clause 89(3) of the EP&A Regulation 2000.

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

The proposal is compatible with the surrounding and adjacent land uses and will enhance the amenity of the area. The choice of landscaping species is responsive to its location, being adjacent to the future Regional Park.

The application was considered at the Access Committee on 9 December 2015 and no objection was raised in relation to the proposed development. A condition of consent has been included to ensure no steps impede access to the view platforms within the East Lake.

Additionally, the development will not generate any significant social or economic impacts, due to the nature of the proposal.

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

The site is suitable for the proposed development for the following reasons:

- The proposal is a permissible land use under the provisions of SREP 30.
- It is consistent with aims of the REP and zone objectives.
- The site will be suitable for landscape embellishment works upon completion of subdivision earthworks (DA14/0935);
- The proposal is consistent with the St Marys Western Precinct Plan and Development Control Strategy especially in relation to connecting with nature and delivering parks and open space
- The proposal is consistent with the Landscape and Open Space Masterplan.

Section 79C(1)(d) Any Submissions

Community Consultation

External Referrals

The following authorities were consulted as per the relevant legislation as follows: -

- Office of Water - Water Management Act 2000
- National Parks and Wildlife Services – Sydney Regional Environmental Plan No. 30 - St Marys.

Council has received the following in response to the proposal:

- A "Controlled Activity" approval dated 20 November 2015 from the Office of Water.
- National Parks and Wildlife Service have provided comments on 31 December 2015 raising no objection and no recommended conditions.

Public Submissions

The development application was advertised in local newspapers, exhibited and notified to adjoining property owners and occupants for thirty (30) days in accordance with the EP&A Act and EP&A Regulation. The notification period was 26 October 2015 to 25 November 2015 and Council received no submissions.

Referrals

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

Referral Body	Comments Received
Development Engineer	No objections - subject to conditions
Landscape Architect	No objections
Parks and recreation	No objections

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

The proposed development is consistent with the objectives of the EP&A Act in so far as it promotes the coordinated and orderly, and economic use and development of the land. As a result Council can be satisfied that the development subject to conditions is consistent with the public interest.

Conclusion

The proposed development is appropriately located within Urban zone under the provisions of SREP 30 and is generally consistent with the aims and objectives of the SREP other relevant strategies.

The proposed park and landscape embellishment of the Village 5 East Lake will provide an attractive public space for the enjoyment of the local residents. Furthermore, the development performs adequately in terms of its relationship to the surrounding built and natural environment, particularly in relation to likely impacts upon surrounding properties. Consequently, the proposal is supported from an environmental planning perspective.

Recommendation

1. That DA15/1213 for the Construction of a Park and Landscape Embellishment work within Village 5 East Lake, Lot 3997 DP 1179646 Greenwood Parkway Jordan Springs, be approved subject to the attached conditions (Development Assessment Report Part B).

General

1 A001

The development must be implemented substantially in accordance with the stamped approved plans issued by Penrith City Council and other plans, the application form, the BASIX Certificate, reports or documents approved by Council, except as may be amended in red on the attached plans and by the following conditions:

Drawing Title	Drawing No.	Issue	Prepared by	Dated
Landscape Plans	JRO-0013 DA01 to JRO-0013 DA 27	E	Clouston Associates	16 September 2015
Erosion and Sedimentary Control Plan	IA16600-ECC-DG-0011	A	Jacobs Group	24 September 2015
Statement of Environmental Effects	Reference 14673	-	JBA Urban Planning Consultants	9 October 2015
Bushfire Protection Assessment	09SUTBUS-0001	1	Eco Logical Australia Pty Ltd	19 June 2014
Supplementary Arboricultural Impact Assessment Report	-	-	Fiddlehead Landscape Design Pty Ltd	14 September 2015
Waste Management Plan	-	-	Lend Lease	6 October 2015

2 A019 - OCCUPATION CERTIFICATE (ALWAYS APPLY)

The development shall not be used or occupied until an Occupation Certificate has been issued.

3 A039 - Graffiti

The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired.

4 A046 - Obtain Construction Certificate before commencement of works

A **Construction Certificate** shall be obtained prior to commencement of any building works.

5 A Special Condition 01 - Office of Water

The development is required to comply with the General Terms of Approval (GTA) dated 25 November 2015, issued by the NSW Office of Water as outlined below:

(a) These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/1216 and provided by Council:

- (i) Site plan, map and/ or surveys

Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.

(b) Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.

(c) The consent holder must prepare or commission the preparation of:

- (i) Vegetation Management Plan
- (ii) Erosion and Sediment Control Plan
- (ii) Soil and Water Management Plan

(d) All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water guidelines located at www.water.nsw.gov.au/Water-Licensing/approvals/default.aspx

- (i) Vegetation Management Plans

(ii) Riparian Corridor

- (e) The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.
- (f) The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.
- (g) The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.
- (h) The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.
- (i) The consent holder must provide a security deposit (bank guarantee or cash bond) equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.
- (j) The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.
- (k) The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks, are left on waterfront land other than in accordance with a plan approved by DPI Water.
- (l) The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.
- (m) The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.
- (n) The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
- (o) The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.
- (p) The consent holder must establish a riparian corridor along the watercourse in accordance with a plan approved by DPI Water.

6 [A Special Condition 02 - Maintenance Period](#)

The landscape maintenance and handover of Village 5 Park/ East Lake shall be undertaken in accordance with the St Marys Western Precinct - Landscape Maintenance and Handover Plan (part of the St Marys Western Precinct Plan) which includes an on-going maintenance period of no less than 3 years (from the issue of an Occupation Certificate).

7 [A Special Condition 03 - Compliance with Site Audit Statements](#)

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.

Heritage/Archaeological relics

8 C003 - Uncovering relics

If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further directed by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

Environmental Matters

9 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).

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the land, that was subject to the works, have been 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.

10 D006 - No filling without prior approval (Use always, except for bulk earthworks/ major fill 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, considered and approved by Council. The Validation Certificate shall:

- state the legal property description of the fill material source site,
- be prepared by an appropriately qualified person 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.

{Note: 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, 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."}.

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.

11 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.

12 **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.

13 **D Special Condition 01 - Mud/ Soil**

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

14 **D Special Condition 02 - Dust**

Dust suppression techniques are to be employed during construction to reduce any potential nuisance to surrounding properties.

BCA Issues

15 **E001 - BCA compliance**

All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the community. Compliance with the performance requirements can only be achieved by:

(a) complying with the deemed to satisfy provisions, or

(b) formulating an alternative solution which:

- complies with the performance requirements, or
- is shown to be at least equivalent to the deemed to satisfy provision, or

(c) a combination of (a) and (b).

Construction

16 **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.

Engineering

17 **K101 - Works at no cost to Council**

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

18 **K203 - S138 Roads Act – Works and structures - Roadworks requiring approval of civil drawings. CIVIL CONSTRUCTION IN THE ROAD RESERVE**

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that a S138 Roads Act application, including the 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:

- Heavy duty vehicular crossing/s. The location of the crossing/s is to be determined prior to the issue of the construction certificate and reflect the location of the access track for maintenance and Rural Fire Service vehicles to access the lake.
- Widen existing path to 2.5m in Lakeside Parade from the pedestrian refuge to the new shared path connection at the south eastern corner of the lake.

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 or visit Penrith City Council's website for more information.

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. All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

19 **K206 - Construction Certificate for Subdivision Works**

A Construction Certificate for the provision of landscaping works is to be approved by the certifying authority.

Prior to the issue of any Construction Certificate the Certifying Authority shall ensure that landscape plans are consistent with the stamped approved concept plan/s prepared by Clouston Associates, reference number JOR-0013, revision E, dated 16/09/2015 and that all 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, and best engineering practice.

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

- Access track from a public road to the lake to service maintenance and RFS vehicles.
- 4m wide heavy duty concrete access/boat ramp.
- Path paving.
- Earthworks.
- Bridges, culverts, retaining walls and other structures.
- Stormwater outlet structures including rock dissipation devices (rock riprap)
- Landscaping and embellishment works

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

Note:

1. Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on 4732 7777 or visit Penrith City Council's website for more information.

20 **K301 - Sediment & Erosion Control**

Prior to commencement of any works associated with the development 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 and Managing Urban Stormwater series from the office of Environment and Heritage.

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

21 **K303 - Matters to be addressed prior to commencement of Subdivision Works**

Works 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 works 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 landscape works or clearing associated with the works.

22 **K502 - Completion of subdivision works**

At completion of the works and prior to handover of assets to Penrith City Council, the Principal Certifying Authority shall ensure that all works required by this consent have been satisfactorily completed or that suitable arrangements have been made with Penrith City Council for any outstanding works.

23 **K516 - Subdivision Compliance documentation**

At completion of the works and prior to handover of assets to Penrith City Council, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Penrith City Council where Penrith City 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 Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the top water level for the 1% AEP (1 in 100 year) and 5% AEP (1 in 20 year) storm events, and the permanent operational water level.
- c) Structural Engineer's construction certification of all structures

24 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that details of floodway signage along the weir/spillway is shown on the plans. Signage is to be in accordance with Australian Standards.

25 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate the Certifying Authority shall ensure that grades steeper than 1:5 (vertical:horizontal) are vegetated.

26 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the landscaping embellishment works do not conflict with the engineering plans prepared by Jacobs, reference EN04189-ECC-DG, sheets 0001 - 0028, revision B and dated 17/09/2015. The landscape plans shall make particular regard to the conveyance of stormwater and overland flows, and shall not restrict, dam or divert the conveyance of these flows. Final landscape treatments within the overland flow paths shall be flood compatible.

27 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that appropriate barrier fencing is provided where all footpaths adjoin batter slopes greater 1:3 (vertical:horizontal), adjoin stormwater outlet structures (rock riprap), and crossings over culverts/bridge structures.

28 **K Special Condition BLANK**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that structural certification is submitted and accepted by Council for all structures including but not limited to, viewing platforms and picnic shelters. The structural certification shall verify that any viewing deck that extends over the lake is constructed to withstand water inundation and flows up to the 1 in 100 year storm event.

Landscaping

29 **L002 - Landscape construction**

The approved landscaping for the site must be constructed by an appropriately qualified landscape professional.

30 **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.

31 **L007 - Tree protectionmeasures–no TMPwith 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 F4 of Council's Landscape Development Control Plan.

32 **L008 - Tree PreservationOrder**

No trees are to be removed, ringbarked, 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 Council's Tree Preservation Order and Policy.

33 **L Special Condition 01 - Inspection prior to handover**

Prior to the formal handover of the East Lake and associated park, the applicant shall contact Council's City Parks Department for a final inspection to ensure all the works have been carried out in accordance with the requirements of the St Mary's Penrith Planning Agreement, as amended and to the satisfaction of Penrith City Council.

34 **L Special Condition 02 - Distance Markers**

Prior to the issue of an Occupation Certificate, distance markers are to be provided pedestrian path that surrounds the East Lake. Markers to be provided at 100m increments and detail the total distance of the path.

35 **L Special Condition 03 - Trampoline Specifications**

Prior to the release of an Occupation Certificate, maintenance specifications for the trampoline are to be provide to Penrith Council.

Certification

36 **Q01F - Notice of Commencement & Appointment of PCA2 (use for Fast Light only)**

Prior to the commencement of any earthworks or construction works on site, the proponent is to:

- employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

37 [Q Special 01 - St Marys Penrith Planning Agreement Advisory Note](#)

The site is subject to the provisions of the St Mary's Penrith Planning Agreement, as amended. The applicant is reminded of the obligations under the Planning Agreement with regard to the delivery of certain infrastructure and services as part of the development of the Western Precinct. All works shall be carried out in accordance with the requirements of the St Mary's Penrith Planning Agreement, as amended.

Appendix - Development Control Plan Compliance

Western Precinct

St Marys Western Precinct Plan and Landscape and Open Space Masterplan

The Framework Plan for Western Precinct has been developed to include but not limited to, pedestrian and cycle friendly street design and integration of built form, street and parkland designed to encourage passive surveillance ensuring safe and usable public spaces.

The site has been identified as active open space in the Framework Plan and Environmental Management Strategies in which reference is made to the Open Space and Landscape Masterplan. According to the Masterplan, a 0.5 hectare activate open space area is proposed for the site.

The proposal has demonstrated the following objectives for open space provision and distribution of the Masterplan can be achieved:

- network connectivity especially the facility is within walking distance;
- multi use facilities in relation to providing opportunity for a variety of facilities, linking with other community facilities and being practical dimensions to achieve the recreational / landscape role intended; and
- provide a safe and secure recreation environment that is responsive to various family and personal needs.

The proposal is also designed to comply with the relevant open space performance criteria outlined in the Masterplan in relation to:

- size
- Intent
- locational principles
- recreation range and facilities
- landscape character
- management and maintenance.

The proposal has also taken into consideration the Streetscape/Access for collector street and local street and off road cycle ways / pedestrian links.

The proposed landscape character and associated public amenities, paving, street furniture and lighting are consistent with the relevant Public Domain Character of the Masterplan.

Western Precinct Development Control Strategy

The design and layout of the proposed oval has taken into consideration Section 5.3 Public Domain of the DCS in relation to landscape character, landscape presentation and public domain materials and treatments.