

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA18/0620
Proposed development:	Subdivision of Land to Create One (1) x Residue Lot for Future Village Centre (Stage 3D), 1x Residue Lot for Future Village Park, 1x Residue Lot for Future Residential Subdivision (Stage 3C), Construction of Public Road, Landscaping Works & Associated Infrastructure
Property address:	1 Wianamatta Parkway, JORDAN SPRINGS NSW 2747
Property description:	Lot 1 DP 1248480
Date received:	22 June 2018
Assessing officer	Lucy Goldstein
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of an Integrated Development Application for the subdivision of an existing residue lot to create 1x residue lot for the future Village Centre (Stage 3D), 1x residue lot for the future Village Park, 1x residue lot for future residential subdivision (Stage 3C), construction of public road, landscaping works and associated infrastructure.

It is noted that the application does not include the construction of the Village Centre and Village Park, which will be subject to separate Development Applications. It is noted that an application for the construction and embellishment of the Village Park (DA18/0587) and further residential subdivision for Stage 3C (DA19/0595) have been lodged with Council, and are yet to be determined.

Under the provisions of Sydney Regional Environmental Plan No. 30 - St Marys (Amendment No. 2) (SREP 30), the subject land is zoned Urban. The proposal is permitted in the zone with Council consent as detailed below:

- Subdivision - clause 45 of SREP 30 permits subdivision of land to which the plan applies with Council consent
- Construction of public road and associated drainage and landscaping works - Clause 40(2) of SREP 30 permits roads and drains in the Urban zone with Council consent.

The proposal is defined as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), as the site is mapped as Bushfire Prone Land and the application is for the subdivision of land that could be lawfully used for residential purposes. NSW Rural Fire Service (NSW RFS) issued General Terms of Approval dated 3 August 2018, and raised no objections to the proposal subject to recommended conditions relating to establishing an inner protection area and requiring further development application(s) for future construction of building(s) on the site. A condition of consent has been imposed requiring the developer to comply with the General Terms of Approval.

The key issues identified during the assessment of the application include the following;

- **Precinct Plan**

The site falls under the 'Village Centre Character Area' as defined under Section 4.3 of the *Precinct Plan and Development Control Strategy (Amendment No.1) - Central Precinct St Marys* (CPP, and DCS). The location of the lot intended for the Village Centre (Lot 11) is consistent with the location identified in the CPP ('Figure

11- Central Precinct Framework Plan', pg.40). The location of the lot intended for the Village Park (Lot 12) is consistent with the location of the Village Park as identified in the CPP ('Figure 11- Central Precinct Framework Plan', pg.40). The size of the lot intended for the Village Park (being 1.22ha) meets the size requirement of 1.22ha required under the St Marys Penrith Planning Agreement dated 20 December 2018 (page 81).

- **Village Centre Concept Plan**

The CPP states that 'a concept plan setting out proposals for the development of the Village Centre is required to be lodged with the first subdivision application relating to the Village Centre' (pg. 46). The application was accompanied by a concept plan for the Village Centre, which identifies proposed land uses, dwelling yield and types, road network and car parking arrangements, and pedestrian and cycle network. It is important to the note, that the concept plan accompanying the application was submitted as supplementary information only, and as such is not endorsed as part of this application. The concept plan has been assessed in respect to access arrangements to the Village Centre site, and the design of the Village Centre will be subject to a separate, future Development Application.

- **Road Design**

The application includes the construction of public roads, being Roads 027 and 013. The proposed roads are internal roads with on-street parking, that facilitate access in and around the future Village Centre site. The application has been assessed by Council's Development Engineer and Traffic Engineer, who raised no objections to the proposal subject to conditions. It is noted that the plans as originally lodged proposed Road 027 to be two-way, with on-street car parking. Concern was raised by Council's Traffic Engineer that Road 027 did not provide sufficient width to comply with Australian Standard AS 2890 and Roads and Maritime Services (RMS) Technical Directions, as cars exiting the car parking spaces would be required to temporarily cross into the opposite lane of traffic to exit. To address this concern, the proposal was amended to provide a one-way design for Road 027, resulting in the proposal complying with the Australian Standard AS 2890. In considering that Road 027 fronts the future Village Centre and Village Park which will be a high pedestrian activity area, and that the main vehicle access for the Village Centre site is off Road 013 (two-way road), the proposal for Road 027 to be one-way is acceptable.

In accordance with the requirements under Penrith Development Control Plan 2014 (Penrith DCP), the application was notified to adjoining properties. The application was exhibited between 13 July 2018 and 27 July 2018, and Council received no submissions.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to conditions.

Site & Surrounds

The subject site is located within the Central Precinct of the St Marys Development Site. The site is legally described as Lot 1 DP 1248480, which is an existing residue lot. The proposed subdivision creates the Village Centre site (Stage 3D), the Village Park site, and a remaining residue lot for future residential subdivision (Stage 3C).

The site is located in the central portion of the Central Precinct and is bound by Stage 1 residential subdivision and future Village Park to the south and south-west, Stage 3B2 to the north-west, future Stage 3C residential subdivision, and future Regional Open Space to the south-east.

The subject site is mapped entirely as Bushfire Prone Land, and contains an easement for water within the southern portion of the site (within proposed Lot 12). It is noted that the subject land is outside 40m of a watercourse, being located approximately 60m from a watercourse to the north-west.

Background

The subject site is located within a greater development site known as the St Marys Development Site or former Australian Defence Industries (ADI) Site. The ADI Site comprises 1,545 hectares in area and was endorsed by the State Government as a housing release area. The ADI Site has been developed for housing since 2004 and is currently being developed in stages.

Proposal

The proposal includes the following works:

- Subdivision of Lot 1 DP 1248480 to create 1x residue lot for the future Village Centre (proposed Lot 11), 1x residue lot for the future Village Park (proposed Lot 12), and 1x residue lot (proposed Lot 13) for future residential Subdivision (Stage 3C).
- Design and construction of an internal road network including local roadway (Road 027 & Road 013), on-street parking, pedestrian and cycle way and services and stormwater drainage infrastructure;
- Associated street tree planting, lighting and embellishment; and
- Provision of utility infrastructure such as stormwater drainage, sewerage, telecommunications and water.

Plans that apply

- Central Precinct
- State Environmental Planning Policy No 55—Remediation of Land
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

Planning Assessment

- **Section 4.14 - Bushfire prone land assessment**

The site is identified as Bushfire Prone Land on Council's Bushfire Prone Land Map. Accordingly, the application was accompanied by a *Bushfire Protection Assessment - Proposed Subdivision: Jordan Springs Eastern Precinct Stage 3D*, prepared by Eco Logical Australia Pty Ltd, dated 31 July 2017 ('The Bushfire Report')

The Bushfire Report states that the proposed subdivision is consistent with the aim and objectives of the 'Planning for Bushfire Protection 2006', subject to a number of recommendations relating to the design and construction of public roads, inclusion of a hydrant water supply in accordance with Australian Standard AS 2419.1, having electrical services underground (or if above ground, overhanging branches are to be trimmed), and gas services to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2014. A condition of consent has been imposed requiring the developer to comply with the requirements and recommendations of the *Bushfire Protection Assessment* report.

Further to the above, the application and accompanying documentation was referred to the NSW Rural Fire Service (RFS) for consideration. In their response dated 3 August 2018, the NSW RFS raised no objections to the proposal, providing General Terms of Approval including recommended conditions of consent. The recommended conditions relate to:

- Managing the site as an inner protection area (IPA) as outlined within 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';
- Requiring any further development application(s) for class 1,2 & 3 buildings must be subject to a separate application;

A condition of consent has been imposed requiring the developer to comply with the requirements of the General Terms of Approval issued by the NSW RFS.

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

- **Section 4.46 - Integrated development**

The proposal is defined as Integrated Development under Section 4.46 of the EP&A Act 1979, as the application is for the subdivision of land that could be lawfully used for residential purposes. Accordingly, the application and supporting documentation was referred to the NSW Rural Fire Service (RFS) on 5 July 2018 seeking General Terms of Approval.

In their response dated 3 August 2018, the NSW RFS raised no objections to the proposal, issuing a Bush Fire Safety Authority under Section 100B of the 'Rural Fires Act 1997', which provided recommendation conditions relating to:

- Managing the site as an inner protection area (IPA) as outlined within 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';
- Requiring any further development application(s) for class 1,2 & 3 buildings must be subject to a separate application;

A condition of consent has been imposed requiring the developer to comply with the requirements of the General Terms of Approval issued by the NSW RFS dated 3 August 2018.

As such, the proposal is considered satisfactory in respect to the requirements under Section 4.46 of the EP&A Act 1979.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

State Environmental Planning Policy No 55—Remediation of Land

The application has been assessed against the relevant criteria under the State Environmental Planning Policy No 55—Remediation of Land (SEPP 55), as summarised below. The application is considered to be satisfactory in respect to the requirements of SEPP 55.

- The subject site is generally flat and contains no vegetation following works completed approved under DA14/1228 for bulk earthworks and tree removal.
- The Statement of Environmental Effects identifies that previous a Contamination Management Plan (CMP) prepared by JBS&G (submitted under DA15/0299) and Specific Remedial Action Plan (SRAP) report prepared by JBS&G (submitted as part of DA16/0888) outlines that there are two Site Audit Statements that apply to the whole of the Stage 3D site, being Site Audit Statement CHK001/1 and CHK001/6.
- CHK001/1 is issued for the highest possible land use (being residential) across the Central Precinct site excluding areas relating to existing structures and stockpiles, which are covered under CHK001/6 and CHK001/7.
- It is noted that CHK001/6 (which applies to the Stage 3D) is issued for continued commercial/ industrial use. However, two further Site Audit Statements submitted to Council as part of the Subdivision Certificate application for Stage 3B1 (SC18/0019) have been issued validating the land including the entirety of Stage 3D as suitable for residential use.
- It is noted that the proposal includes the importation of fill material to the site. As such, a condition of consent has been imposed requiring that prior to the importation of fill to the site, a Validation Certificate is to be provided to Council confirming the suitability of the material for the proposal.

With consideration to the above, the proposal is considered satisfactory in respect to the requirements of SEPP 55.

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.

With respect to the objectives and requirements of SREP 20, and to ensure the development will not result in sediment being deposited into the Hawkesbury-Nepean River creating adverse environmental impacts, a condition of consent has been imposed requiring the development to provide and maintain erosion and sediment control measures.

In this regard, the proposal is satisfactory in respect to the requirements under SREP 20.

Sydney Regional Environmental Plan No.30 - St Marys

An assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No. 30—St Marys (SREP 30).

The proposal meets the aims, objectives and requirements of SREP 30, as detailed below:

- **Permissibility**
Under the provisions of SREP 30, the subject site is entirely zoned Urban. All proposed works are permissible land uses with consent, as specified below:

Proposed Works	SREP 30

Subdivision	Clause 45 of SREP 30 permits the subdivision of land to which the plan applies with Council consent. It is noted that Clause 40 (2) of SREP 30 permits <i>housing</i> in the Urban zone with Council consent.
Construction of public road, and associated drainage works, road reserve landscaping	Clause 40 (2) of SREP 30 permits <i>roads</i> and <i>drains</i> in the Urban zone with Council consent.
Site grading	As a result of bulk earthworks approved under a previous Development Application (DA14/1228), the site requires minor site grading only. These works are ancillary, to facilitate creation of road and to create a more level site appropriate for the future Village Centre.

- **Zone Objectives**

The proposal is consistent with the objectives of the Urban Zone, specifically:

- (a) the proposal creates the lots indented for the future Village Park and future Village Centre, which will provide facilities for surrounding residential dwellings.
- (b) The size of the lot intended for the future Village Park meets the size requirement of 1.22 hectares as required by the St Marys Penrith Planning Agreement.

- **Clause 28 - Watercycle**

The proposal includes stormwater management and drainage works, to ensure the local waterways are not adversely impacted by the proposal. The application and accompanying concept stormwater management plans were reviewed by Council's Development Engineer, who raised no objection to the proposal subject to conditions. A condition of consent has been imposed requiring engineering and supporting calculations for the stormwater management system to be submitted as part of an application for a Construction Certificate.

- **Clause 35 Waste Management**

A Waste Management Plan has been submitted with the application, which will be ensured through a condition of consent. The proposal includes cut and fill to achieve a more level site. Appropriate conditions have been imposed requiring the developer to provide evidence of the source of all fill material brought onsite, and demonstrate that all fill materials are free of contaminants and are appropriate for residential development.

- **Clause 44 - Consultation with National Parks and Wildlife Service (NPWS)**

The subject site does not adjoin land zoned as Regional Open Park, and as such is not required to be referred to NPWS under Clause 44.

- **Clause 49 & 50 - Filling and Flood Management**

As a result of bulk earthworks approved under a previous Development Application DA14/1228, the site requires minor regrading only. A condition of consent has been applied requiring that prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the lots created are located above the Flood Planning Level for both local and mainstream flooding events. All roads within the development are required to be located above the 1% AEP mainstream flood level. It is noted that the mainstream 1% AEP flood levels are to be determined from the Final Flood Assessment Report (project No. EN04189), prepared by Jacobs, dated 20 July 2015 for South Creek, approved under DA14/1228.

- **Clause 51 Salinity and highly erodible soils**

The application was accompanied *Central Precinct St Marys Salinity Assessment Review* prepared by Cardno dated 9 December 2014 which finds that minimal disturbance of saline soils would be expected in relation to proposed developments, subject to compliance with recommended measures. A condition of consent has been imposed requiring the development to be carried out in accordance with the *Central Precinct St Marys Salinity Assessment Review* (prepared Cardno dated 9 December 2014) and the soil salinity management measures outlined in the *Water, Soils and Infrastructure Report* (prepared by SKM dated May 2009) which forms Appendix F of the Central Precinct Plan. It is noted this condition is consistent with the conditions imposed for Stage 3A (DA16/0113) and 3B2

- **Clause 52 – Tree Preservation**

The subject land is currently cleared, vacant land. The proposal will not result in the removal of any vegetation, and includes road reserve landscaping including street tree and ground cover planting, and the installation of street furniture including bench seating, waste bins, bike parking racks around the Village Centre lot. Conditions of consent have been applied requiring these landscaping works to be completed prior to the issue of a Subdivision Certificate.

- **Clause 53 – 56 – Heritage Considerations**

In review of Council's mapping system, the subject land is not identified as containing Heritage Items under the SREP 30.

Precinct Plan and Development Control Strategy - Central Precinct St Marys

The proposed works are generally in accordance with the aims, objectives and requirements of the Central Precinct Plan (CPP) and Development Control Strategy (DCS). A detailed summary is provided below.

4.3 Future Character Areas

The subject land falls under the 'Village Centre Character Area' as defined under Section 4.3 of the CPP. The future Village Centre site and surrounding character area is a key area within the Central Precinct as it is the main hub for activity. The location of the lot intended for the Village Centre (Lot 11) is consistent with the location of the CPP ('Figure 11- Central Precinct Framework Plan', pg.40). The location of the lot intended for the Village Park (Lot 12) is consistent with the location of the Village Park as identified in the CPP ('Figure 11- Central Precinct Framework Plan', pg.40). The size of the lot intended for the Village Park (being 1.22ha) meets the size requirement of 1.22ha required under the St Marys Penrith Planning Agreement dated 20 December 2018 (page 81).

Whilst the current application does not seek approval for the design or construction of the Village Centre, the application has been assessed against the design principles for the Village Centre identified by the CPP (pg.45). The application is consistent with the design principles, specifically:

- On-street parking has been provided along Road 027 facilitating additional parking for the future Village Centre (in addition to future onsite parking in the Village Centre);
- The lot intended for the Village Centre is serviced by a bus bay located at the north-east corner of the site (as required by the previous Development Application DA17/0889 for Stage 3B2), encouraging the use of public transport;
- The application includes the provision of street trees and road reserve landscaping, contributing to the identity of the Village Centre character area and providing shade.

Section 4.4 Subdivision Layout Principles

The proposal is consistent with the design principles under Section 4.4, specifically:

- The proposal includes the construction of roads (being Road 027 and Road 013) around the Village Centre lot, which will provide access to the future Village Centre and Village Park, promoting connectivity and ease of movement;
- The location of the future Village Park and Village Centre lot enables views to the Regional Open Space located to the south-east of the site;
- The subdivision provides space for street trees and landscape treatment.

Section 4.5 Dwelling Density

The application proposes residue lots only, and does not propose dwellings. However, it is noted that a future Development Application for the construction of the Village Centre (a mixed use development) will include a residential component, as identified in the CPP. It also noted that the application creates Lot 13 which is intended for further residential subdivision (being Stage 3C, a current Development Application DA19/0595 not yet determined).

Section 4.7 Access and Movement

The proposed access into the subdivision is satisfactory, as discussed below.

Proposed	Comment
Roads 027 & 013	The application includes the construction of new road being Roads 027 and 013. The proposed road works have been assessed by Council's Development Engineer and Traffic Engineer, who raised no objections to the proposal subject to conditions. Refer to discussion within this report under 'Likely Impacts' for further details.
On Street Car Parking	The proposal provides on-street car parking along both sides (north and south) of Road 027. The parking located on the southern side of Road 027 provides 90-degree parking, in order to achieve a greater number of car parking spaces. The proposed car parking includes 2x accessible spaces on Road 027. It is noted that the accessible car spaces do not provide an associated shared space as required by AS 2890.6 figure 2.3. As such, a condition of consent has been imposed requiring that prior to the issue of a Construction Certificate, the civil plans are to be amended to include the a shared space with dimensions, pavement marking and bollard that comply with the Australian Standard requirements. The provision of a kerb ramp fronting the shared area is also required to be provided, in order to provide an accessible path from the car space to the footpath and pedestrian crossing.
Bus Bay	The subdivision plan for the lot intended for the Village Centre includes a bus bay located at the north-east corner of the site (as required by the previous Development Application DA17/0889 relating to Stage 3B2).

Section 4.10 Bushfire Measures

NSW RFS issued General Terms of Approval for the proposal dated 3 August 2018, and a condition of consent has been imposed requiring the developer to comply with these requirements. Refer to discussion within this report under 'Integrated Development' for further detail.

Section 5.5 Concept Plans

The location of the lot intended for the Village Centre (Lot 11) is consistent with the location of the CPP ('Figure 11- Central Precinct Framework Plan', pg.40). The location of the lot intended for the Village Park (Lot 12) is consistent with the location of the Village Park as identified in the CPP ('Figure 11- Central Precinct Framework Plan', pg.40). The size of the lot intended for the Village Park (being 1.22ha) meets the size requirement of 1.22ha required under the St Marys Penrith Planning Agreement dated 20 December 2018 (page 81).

Section 4.15(1)(a)(iii) The provisions of any development control plan

Central Precinct

Provision	Compliance
Central Precinct Plan	Complies

Section 4.15(1)(a)(iia) The provisions of any planning agreement

Penrith City Council, St Marys Land Limited and Lend Lease Development entered into a Planning Agreement in May 2009. The St Marys Penrith Planning Agreement has provisions for open spaces, transport, human services and infrastructure works for the St Marys Development Site and was based on an approximate dwelling yield of 970 for the Central Precinct.

In September 2018, an amended Central Precinct Plan (Amendment No 1) came into force which included an increase in the number of dwellings from 970 to 1400 in the Central Precinct. This amendment to the Central Precinct Plan required a re-evaluation of the open space, community facilities and associated infrastructure required by the community. As such, a revised Development Agreement with Council was executed in December 2018.

Dwelling Yield

The current application creates residue lots only, and will not increase dwelling yields. However, the residue lots created by this application (intended for the Village Centre and Stage 3C) will be subject to separate Development Applications for residential subdivision and the construction of dwellings, which will be assessed against the dwelling yield requirements. It is noted that a current application (DA19/0595) has been lodged for Stage 3C proposing 57 lots, which has not been determined.

Open Space

The proposed new boundary of the residue lot (identified as Lot 3224 on the Plan of Subdivision which is intended for the future use as the Village Park), provides sufficient area to achieve the required amount of open space area of 1.22ha for the Village Park, as required under the Central Precinct Plan and Planning Agreement.

Road Infrastructure

As detailed in the assessment report prepared for Stage 3B2 (DA17/0889), the Traffic Modelling (*St Marys Development Site Regional Traffic Modelling - Traffic and Transport Assessment* dated October 2017) which informed the current Precinct Plan and the revised Planning Agreement included the East-West Connector road in the base project network. The current Precinct Plan and Development Control Strategy (Amendment No.1) came into effect September 2018 and accommodated an increase in the total number of dwellings from 970 to 1,400-1,600, necessitating a revised Planning Agreement. As the current application creates lots that are intended for future residential dwellings (in the Village Centre and Stage 3C), the construction and delivery of the East-West Connector Road is required to facilitate the greater densities anticipated in the Central Precinct. A condition of consent has been imposed requiring the construction and delivery of the East-West Connector road prior to the release of the subdivision certificate, in order to accommodate the proposed subdivision.

Given that lots created by this application rely on the use of the East-West Connector road, a condition of consent has also been imposed requiring plans to be prepared and submitted to Council for approval for the provision of a temporary culdesac or turning area within Lot 13 (created by this application) to connect Road 001 with the East-West Connector Road corridor (subject to DA18/0221).

Section 4.15(1)(b) The likely impacts of the development

Context and Setting

The application creates residue lots only, and does not include the construction of the Village Centre or Village Park. These works will be done under a separate development application. An application for the Village Park has been lodged, and is yet to be determined (DA18/0587). The location and size of the Village Park site is consistent with the locations identified within the Central Precinct Plan.

Construction of New Road, and Vehicle Access

The application includes the construction of new roads around the Village Centre site (being Road 027 and Road 013). Through the assessment of the application, the following key traffic and engineering matters were raised and resolved, as detailed below:

- **Road 027 One-Way Access**

The plans as lodged proposed Road 027 to be two-way, with on street car parking. Concern was raised by Council's Traffic Engineer that Road 027 did not comply with Australian Standard AS 2890.5 as cars exiting the car parking spaces would be required to temporarily cross into the other lane of

traffic. In response to this concern, the proposal was amended to provide a one-way design for Road 027, resulting in the proposal complying with the Australian Standard. In considering that the road fronts the Village Centre and Village Park which will be a high pedestrian activity area, and the main vehicle access and car parking for the Village Centre site is off Road 013 (two-way road), the proposal for Road 027 to be one-way is acceptable.

- ***Accessible Car Parking Spaces***

The proposal provides 2x accessible car parking spaces on Road 027 (fronting the future Regional Open Space site). However, the proposed accessible car spaces do not provide an associated shared space as required by AS 2890.6 figure 2.3. As such, a condition of consent has been imposed requiring that prior to the issue of a Construction Certificate, the civil plans are to be amended to include a shared space with dimensions, pavement marking and bollards that comply with the Australian Standard requirements. The provision of a kerb ramp fronting the shared area is also required to be provided, in order to provide an accessible path from the car space to the footpath and pedestrian crossing.

- ***Road Signage and Road Markings***

A condition of consent has been imposed requiring:

i) the provision of a minimum 7.5m of No Stopping Zone on both sides of Road 027 at the one way approach to the two marked pedestrian crossing in accordance with Roads and Maritime Services Technical Direction TDT 2002/12c - Mid Block Pedestrian Crossing -T000792.

ii) Provision of a minimum 20m long of edge line tapers on both sides of Road 027 at the one way approach to the two marked pedestrian crossings in order to ensure a 3.5 metre wide single marked lane approach to the marked pedestrian crossing.

iii) Provision of an additional one way pavement arrow on Road 027 located 5.0m from the Road 013 roundabout entry.

iv) Parallel parking spaces dimensioned 2.5m wide and 6.3m long and dimensions of 90 degree parking spaces to be 2.5m wide and 5.6m long.

- ***Footpath / Shared Path Gradients***

To ensure the footpaths and shared paths are an appropriate level, a condition of consent has been imposed requiring that prior to the issue of a Construction Certificate, an amended Typical Road Cross Sections Plan showing all footpaths and shared paths at 2% cross fall is to be prepared and submitted to the satisfaction of Council.

Village Centre Concept Plan

The CPP states that 'a concept plan setting out proposals for the development of the Village Centre is required to be lodged with the first subdivision application relating to the Village Centre' (pg. 46).

Accordingly, the application was accompanied by a concept plan for the Village Centre, which identifies proposed land uses, dwelling yield and types, road network and car parking arrangements, and pedestrian and cycle network.

It is however, important to note that the concept plan accompanying the application was submitted as supplementary information only, and as such, the concept plan is not endorsed as part of this application. The concept plan has been assessed in respect to access arrangements to the Village Centre site, which is considered acceptable. The application has also been assessed against the design principles for the Village Centre identified by the CPP (pg.45). The application is consistent with the design principles, specifically:

- On-street parking has been provided along Road 027 facilitating additional parking for the future Village Centre (in addition to future onsite parking in the Village Centre);
- The lot intended for the Village Centre is serviced by a bus bay located at the north-east corner of the site (as required by the previous Development Application DA17/0889 for Stage 3B2), encouraging the use of public transport;
- The application includes the provision of street trees and road reserve landscaping, contributing to the identity of the Village Centre character area and providing shade.

It is noted that the design of the Village Centre will be subject to a separate, future Development Application.

Street Trees and Landscaping

The application includes street tree planting along Roads 027 and Road 013. Accordingly, the application was reviewed by Council's Landscape Architect. Based on comments provided by Council's Landscape Architect, the following amendments have been incorporated into the landscape plan.

- The paved bend of Road 027 (fronting the Village Park and Regional Open Space) has been softened with the inclusion of additional street trees;
- *Dianella caerulea* breeze (Native Flax) and Dryland Grass mix have been deleted from the planting schedule; and
- A section has been provided of the round-a-bout to demonstrate that sight lines will not be affected due to the round-a-bout planting.

Public Domain (Social Planning)

The application was referred to Council's Social Planning Officer, and based on their comments received, the following conditions of consent have been imposed:

- An additional rubbish bin and bicycle rack is to be provided at the eastern pedestrian crossing (facing the future Regional Open Space).; and
- A Place Making and Public Art Strategy relating to the Village Centre, which incorporates elements that create a sense of arrival and vibrant destinations shall be prepared to the satisfaction of Council.
- subject to a future Development Application.

Section 4.15(1)(c) The suitability of the site for the development

The site is considered suitable for the proposal for the following reasons:

- The application creates Proposed Lot 11 which is a residue lot intended for the future Village Centre. The location of Proposed Lot 11 is consistent with the location of the Village Centre as identified in the *Precinct Plan - Central Precinct St Marys* ('Figure 11- Central Precinct Framework Plan', pg.40).
- The location of the lot intended for the Village Park (proposed Lot 12) is consistent with the location of the Village Park as identified in the *Precinct Plan - Central Precinct St Marys* ('Figure 11- Central Precinct Framework Plan', pg.40). The size of the lot intended for the Village Park (being 1.22ha) meets the size requirement of 1.22ha required under the *St Marys Penrith Planning Agreement* dated 20 December 2018 (page 81).
- The proposed new road(s) has been assessed by Council's Development Engineer and Traffic Engineer, who raised no objections to the proposal, subject to conditions.

Section 4.15(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the application was advertised in a local newspaper (12 July 2018), and notified to nearby and adjoining residents.

Council notified 50x residences in the area and the exhibition period occurred between 13 July 2018 to 27 July 2018. 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
Traffic Engineer	No objection subject to conditions
Community Safety Officer	No objections
Planning and Sustainability	Not supported
Social Planning	No objections

Planning and Sustainability

The comments provided by Council's Strategic Planning Officer (Planning and Sustainability) were provided at a time in which the current Precinct Plan (Amendment No. 1) had not yet been adopted. The concerns raised by the Strategic Planning Officer, specifically regarding the location of the Village Park, have now been resolved with the adoption of the Precinct Plan (Amendment No 1) in September 2018.

In this regard, the location of the lot intended for the Village Park (Lot 12) is consistent with the location of the Village Park as identified in the current CPP ('Figure 11- Central Precinct Framework Plan', pg.40). The size of the lot intended for the Village Park (being 1.22ha) meets the size requirement of 1.22ha required under the St Marys Penrith Planning Agreement dated 20 December 2018 (page 81).

Section 4.15(1)(e)The public interest

As outlined in this report, the site is considered suitable for the proposed works, and is unlikely to result in adverse environmental impacts. The proposed road works have been considered by Council's Development Engineer and Traffic Engineer, who raised no objection to the proposal, subject to conditions. The application includes road reserve landscaping and embellishment works which will contribute to the amenity of the area. As such, the proposal is unlikely to generate significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being *Sydney Regional Environmental Plan No St - Marys*, *State Environmental Planning Policy No 55- Remediation of Land* and *Precinct Plan and Development Control Strategy Amendment No.1 - Central Precinct St Marys*, the proposal satisfies the aims, objectives and provisions of these policies.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

As such, the application is recommended for approval, subject to conditions.

Recommendation

1. That Development Application DA18/0620 for the subdivision of land to create 1x residue lot for a Future Village Centre, 1x residue lot for a future Village Park, 1x residue lot for a future residential subdivision (Stage 3C), construction of public road, landscaping works and associated infrastructure be approved subject to the attached conditions (Development Assessment Report Part B)
2. That the NSW Rural Bushfire Service (RFS) be advised of Council's decision.

General

1 [A001 - Approved plans table](#)

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

Drawing Title	Drawing Reference	Prepared By	Dated
Plan of Subdivision of Proposed Lot Stage 3D Jordan Springs East	C212-CP3D-001, Sheets 1-3	-	26 July 2019
Jordan Springs East Stage 3D - Civil Works Development Application	CV-Cardno-ST03D-1001 (Rev 3) CV-Cardno-ST03D-1011 (Rev 3) CV-Cardno-ST03D-1021 (Rev 3) CV-Cardno-ST03D-1031 (Rev 4) CV-Cardno-ST03D-1041 (Rev 3) CV-Cardno-ST03D-1101 (Rev 4) CV-Cardno-ST03D-1131 (Rev 3) CV-Cardno-ST03D-1251 (Rev 5) CV-Cardno-ST03D-1252 (Rev 5) CV-Cardno-ST03D-1301 (Rev 8) CV-Cardno-ST03D-1351 (Rev 3) CV-Cardno-ST03D-1352 (Rev 3) CV-Cardno-ST03D-1601 (Rev 3) CV-Cardno-ST03D-1602 (Rev 3) CV-Cardno-ST03D-2201 (Rev 3) CV-Cardno-ST03D-2202 (Rev 3) CV-Cardno-ST03D-2301 (Rev 4)	Cardno	30 July 2019 and 1 August 2019
Village Centre Streetscape Development Application - Jordan Springs East	LS_01 to LS_08	AECOM	9 August 2019

Advisory Note: This consent does not approve the Village Centre Urban Design Concept Masterplan, submitted as supplementary information with this application.

2 [A005 - Approved Body Consent \(Integrated\)](#)

The development is required to comply with the Bushfire Safety Authority issued by the NSW Rural Fire Service, dated 3 August 2018 (attached to this consent).

Prior to the issue of a Construction Certificate, a copy of the Bushfire Safety Authority issued by NSW Rural Fire Services dated 3 August 2018 shall be submitted to the Principal Certifying Authority. A copy of the Bushfire Safety Authority shall be submitted to Penrith City Council with the copy of the Construction Certificate, if Council is not the Principal Certifying Authority.

Prior to the issue of a Subdivision Certificate, the Principal Certifying Authority must be satisfied that the conditions imposed by the NSW Rural Fire Service have been completed.

3 [A008 - Works to BCA requirements](#)

The work must be carried out in accordance with the requirements of the Building Code of Australia.

4 [A046 - Obtain Construction Certificate before commencement of works](#)

A **Construction Certificate** shall be obtained prior to commencement of any earthworks and construction works.

5 [A Special - Public Domain \(Community and Social Planning\)](#)

Prior to the issue of a Construction Certificate, the approved Streetscape Plan must be amended to include an additional rubbish bin and bicycle rack located at the eastern pedestrian crossing (facing the future Regional open Space).

6 [A Special Soil Salinity](#)

The soil salinity management measures outlined in the Water, Soils and Infrastructure Report prepared by SKM dated May 2009 for the Central Precinct Plan and the Central Precinct, St Marys - Salinity Assessment Review prepared by Cardno dated 9 December 2014 are to be implemented as recommended.

Heritage/Archaeological relics

7 [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

8 [D008 - Filling compaction](#)

Where a building is to take place on any land that is to be filled, such filling is to be compacted in accordance with AS3798-1996. Certification is to be submitted to the Principal Certifying Authority by a Geotechnical Engineer verifying that the work has been undertaken prior to the commencement of the construction of any building.

If Penrith City Council is not the Principal Certifying Authority, a copy of the certification is to be submitted to Council for their reference.

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

All waste materials stored onsite 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 the areas are to be fully enclosed when the site is unattended.

10 **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.

11 **D026 - Liquid wastes**

Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements.

If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility.

The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.

12 D06A – Approval 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 be carried out prior to any further approved works.

{Note: Penrith DCP 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, soil science, ecotoxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance."}

13 D Special - Dust Suppression

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

14 D Special - Mud and Soil

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

Utility Services

15 [G001 - Installation of services and Service Clearances \(subdivision\)](#)

All services (water, sewer, electricity, telephone and gas) including the provision of service conduits and stub mains, 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.

Engineering

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

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

17 [K206 - Construction Certificate for Subdivision Works](#)

A Construction Certificate is to be approved by the Certifying Authority for the provision of engineering works (road, drainage, earthworks, subdivision works).

A Construction Certificate shall be issued for any subdivision works.

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that engineering plans are consistent with the stamped approved concept plan/s prepared by Cardno, reference number CV-CARDNO-ST03D, Drawing No. [1001-1021, 1041, 1131, 1351-1602, 2201-2202] (Revision 2), [1031, 1101, 1251-1252, 2301] (Revision 3) and [1301] (Revision 4), dated 22.02.2019, and that all subdivision works have been designed in accordance with the development consent, Penrith City Council's Design Guidelines for Engineering Works for Subdivisions and Developments, Engineering Construction Specification for Civil Works, Austroads Guidelines and best engineering practice.

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

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

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

Note: Council's Development Engineering Department can provide this service. Contact Penrith City Council's Development Engineering Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

18 [K207 - Road design criteria table](#)

Prior to the issue of any 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.	ESA
013 (CH 24 to 76)	2x10 ⁶
013 (-26 to -35)	5X10 ⁴
028	2X10 ⁶
027	2x10 ⁶

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

19 [K208 - Road Safety Audit](#)

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

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

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

20 [K210 - Stormwater Management](#)

The stormwater management system shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by Cardno, reference number CV-CARDNO-ST03D, Drawing No. [1001-1021, 1041, 1131, 1351-1602, 2201-2202] (Revision 3), [1031, 1101, 2301] (Revision 4), [1301] (Revision 8), [1701] (Revision 5) dated 30.7.2019 and [1251-1252, 1701] (Revision 5) dated 01.08.2019 and Civil Engineering & Infrastructure Report prepared by Cardno, dated 15.07.2018.

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 any Construction Certificate, the Certifying Authority shall ensure that the stormwater management system has been designed in accordance with Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design (WSUD) policies.

21 [K214 - Flooding – Floor levels](#)

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that all lots within the proposed development are located above the Flood Planning Level (FPL 1% AEP adopted flood level + 0.5m freeboard) for both local and mainstream flooding events. All roads within the development shall be located above the 1% AEP mainstream flood level. Mainstream 1% AEP flood levels are to be determined from the Final Flood Assessment Report (Project No. EN04189) prepared by Jacobs, dated 20 July 2015 for South Creek approved under the Bulk Earthworks Development Consent for Central Precinct DA14/1228. Full details are to be submitted with the construction certificate.

22 **K224 - Construction Traffic Management Plan**

Prior to the commencement of any works on-site (including demolition works) or prior to the issue of any Construction Certificate, whichever occurs first, a Construction Traffic Management Plan (CTMP) shall be submitted to Council for approval. The CTMP shall be prepared in accordance with Council's Engineering Construction Specification for Civil Works. The CTMP shall be prepared by a suitably qualified consultant with appropriate training and certification from the Roads & Maritime Services (RMS), and in accordance with Council's Engineering Construction Specification for Civil Works. Approval of the CTMP may require approval of the Local Traffic Committee.

23 **K302 - Traffic Control Plan**

Prior to commencement of any works associated with the development, a Traffic Control Plan, including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Maritime Services' publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Maritime Services 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.

Notes:

- A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.
- Traffic control measures may require road occupancy / road closure approvals issued under Section 138 of the Roads Act by Penrith City Council prior to the issue of a Construction Certificate.

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

Work on the subdivision shall not commence until:

- a Construction Certificate (if required) 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 of works is to be submitted to Penrith City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

25 **K402 - Street Lighting**

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

26 **K403 - 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 and Engineering Construction Specification for Civil Works.

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

27 **K404 - Soil testing - Subdivisions**

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

28 **K405 - Turf to Verge**

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

29 **K406 - Underground Services**

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

30 **K502 - 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.

31 **K512 - 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 Penrith City Council's Street Naming Policy.

Notes:

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

32 **K513 - 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 be placed without the written consent of Penrith City Council.

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

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

33 **K514 - Outstanding Works Bond for Stormwater Management Systems**

Prior to the issue of the Subdivision Certificate, an Outstanding Works Bond for the construction, landscaping and implementation of the Bio-Retention Basin is to be lodged with Penrith City Council.

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

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

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

34 **K515 - Maintenance Bond**

Prior to the issue of a Subdivision Certificate, a Maintenance Bond is to be lodged with Penrith City Council for all subdivision works approved by this Consent.

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

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

35 **K516 - 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 Penrith City Council where Penrith City Council is not the Principal Certifying Authority:

- a) Works 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 WAE drawings shall be prepared in accordance with Penrith City Council's Engineering Construction Specification for Civil Works.
- b) The WAE drawings shall clearly indicate the 1% Annual Exceedence Probability flood lines (local and mainstream flooding).
- c) The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.
- d) CCTV footage in DVD format to Penrith City Council's requirements and a report in "SEWRAT" format for all drainage as identified as Council's future assets. Any damage that is identified is to be rectified in consultation with Penrith City Council.
- e) A copy of all documentation, reports and manuals required by Section 2.6 of Penrith City Council's WSUD Technical Guidelines for handover of stormwater management facilities to Penrith City Council.
- f) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.
- g) Documentation for all road pavement materials used demonstrating compliance with Penrith City Council's Engineering Construction Specification for Civil Works.
- h) A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Penrith City Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regarding.
 - Soil classification for all residential lots
 - Statement of Compliance
- i) Structural Engineer's construction certification of all structures
- j) A slope junction plan for interallotment drainage lines indicating distances to boundaries and depths.
- k) Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

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

The stormwater management systems, including temporary on-site stormwater detention and erosion and sediment control systems, and flow paths from the basin outlets shall continue to be operated and maintained in perpetuity for the life of the development in accordance with the final operation and maintenance management plan. Maintenance shall continue until such time the stormwater runoff from the development site is established and conveyed to the ultimate water quality treatment / stormwater detention system and the temporary system has been decommissioned. A minimum maintenance period of 36 months shall apply to the ultimate water quality treatment / stormwater detention system and shall be maintained in accordance with the final operation and maintenance management plan.

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

37 **K Special - Intersection of Road 001 and East West Connector Road**

Prior to the issue of a Construction Certificate, plans are to be submitted and approved by Penrith City Council for the provision of a temporary intersection or turning arrangement within Lot 13, to connect Road 001 with the East-West Connector Road corridor (subject to DA18/0221).

38 **K Special Condition Bond for Construction of Footpath**

Prior to the issue of the Subdivision Certificate, a bond for the construction of footpath paving along proposed Road 027 fronting the boundary of proposed Lot 11 is to be lodged with Penrith City Council. The footpath paving works shall only commence following approval from Penrith City Council.

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

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information relating to bond requirements.

39 **K Special Condition Road Safety Audit and Downstream Stormwater System**

Prior to issue of Construction Certificate, the Certifying Authority shall ensure that the following items have been addressed:

- A stage 2 Road Safety Audit shall be prepared and submitted to Penrith City Council. Plans shall be amended to incorporate the results of the Road Safety Audit accordingly.
- The applicant shall demonstrate that downstream stormwater systems have adequate capacity to accommodate stormwater flows generated from the development.

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to ensure that the plans are amended to Council's satisfaction to include:

- (a) Provision of at least 7.5 metres of No Stopping Zone on both sides of Road 027 at the one way approach to the two marked pedestrian crossing in accordance with Roads and Maritime Services Technical Direction TDT 2002/12c - Mid Block Pedestrian Crossing -T000792.
- (b) Provision of at least 20 metre long of edge line tapers on both sides of Road 027 at the one way approach to the two marked pedestrian crossings in order to ensure a 3.5 metre wide single marked lane approach to the marked pedestrian crossing.
- (c) Provision of an additional one way pavement arrow on Road 027 located 5.0 metres from the Road 013 roundabout entry.
- (d) The two accessible parking spaces on Road 027 must be relocated to the western pedestrian crossing (fronting the Village Park), as marked in red on the stamped approved Civil Works and Stormwater Drainage Plan. The accessible parking spaces must be adjusted to provide two accessible parking spaces separated by a shared space with dimensions, pavement marking and bollard complying with AS 2890.6 figure 2.3. This is also to include provision of a kerb ramp fronting the shared area and widening and realigning of the adjoining shared footpath to Council requirements.
- (e) Parallel parking spaces dimensioned 2.5 metres wide and 6.3 metre long and dimensions of 90 degree parking spaces to be 2.5 metres wide and 5.6 metres long.
- (f) Typical Road Cross Sections Plan amended to show all footpaths and shared paths at 2% cross fall.
- (g) Provision of a suitable intersection design of Road 001 and the East-West Connector road (link to Ropes Crossing).
- (h) Provision of blister islands on both sides of the two raised pedestrian crossings along Road 027, in accordance with Penrith City Council specification and standard details.

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

Note: Contact Penrith City Council's Engineering Services Department on (02) 4732 7777 for further information on this process. Allow eight (8) weeks for approval by the Local Traffic Committee. Applicable fees are indicated in Council's adopted Fees and Charges.

Landscaping

41 [L001 - General](#)

All landscape works are to be constructed in accordance with the stamped approved Plan titled Village Centre Streetscape Development Application LS_01 to LS_08, and Chapter C.6 Landscape Design of Penrith Development Control Plan 2014.

Prior to the issue of a Construction Certificate, the landscape plan as referenced above must be amended so that the Planting Schedule 3 (Road 013) provides 100L pot size for the Fraxinus 'Urbanite' (Urbanite Ash) trees.

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.

42 [L002 - Landscape construction](#)

All landscaping works subject to this consent must be completed by a suitably qualified landscape professional.

43 [L003 - Report requirement](#)

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

The Subdivision Certificate shall 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.

44 [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.

Subdivision

45 [M009 - 88B Instrument](#)

Prior to the issue of a Subdivision Certificate, the original Linen Plan and six (6) copies are to be submitted to Council.

The Linen Plan must indicate that Road 027 and Road 013 are private allotments.

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.

46 **M013 - Street trees**

Prior to the issue of a Subdivision Certificate, street trees are to be planted as indicated on the stamped approved landscape plan in accordance with Engineering Works and Construction Standards and Landscape Design the Penrith Development Control Plan 2014.

Before the street trees are planted, approval of the plant species and location of the street trees are to be approved by Penrith City Council (as the relevant Roads Authority). In this regard, please contact Council's Development Services Unit on 4732 7777.

47 **M Special - Dedication of Road**

The dedication of Road 013 and Road 027 as public road must not occur until such a time as Occupation Certificate(s) for both the Village Park (DA18/0587) and Village Centre have been issued, unless otherwise agreed upon by the Penrith City Council's Development Services Manager.

48 **M Special - Delivery of Road Infrastructure**

Prior to the issue of a Subdivision Certificate, the road corridor known as the East-West Connector Road (as detailed in the Central Precinct Plan) and connecting road network and intersection which links Jordan Springs Central Precinct, Ropes Crossing and Dunheved Industrial Precinct shall be delivered and dedicated as public road, to the written satisfaction of the Development Services Manager, Penrith City Council.

49 **M Special - Place Making and Public Art Strategy**

Prior to the issue of a Subdivision Certificate, a Place Making and Public Art Strategy relating to the Village Centre site shall be prepared to the satisfaction of Council.

The Place Making and Public Art strategy should consider the guidelines provided under Chapter C8, Public Domain of Penrith Development Control Plan 2014.

Certification

50 **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.

51 **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 1979, 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 of 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.

Advisory Note: The site is subject to the provisions of the St Marys 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 Central Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.