

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0889
Proposed development:	Torrens Title Subdivision to Create 24 x Residential Lots, Open Space and Public Roads (Stage 3B2)
Property address:	1 Wianamatta Parkway, LLANDILO NSW 2747
Property description:	Lot 1 DP 1248480
Date received:	25 September 2017
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 Torrens Title subdivision to create 24x residential lots, open space and public roads.

Under the Sydney Regional Environmental Planning Policy No. 30 - St Marys (SREP 30), the subject land is zoned 'Urban', and the proposal is defined as subdivision. Pursuant to Clause 45 of SREP 30, the proposal is a permitted land use in the zone with Council consent.

In accordance with Section 4.46 of the Environmental Planning and Assessment Act 1979 (The Act), the proposal is defined as Integrated Development as the works require authorisation under Section 100B of the Rural Fires Act 1997 in respect to bushfire safety for the subdivision of land that could lawfully be used for residential. The NSW Rural Fire Service issued their General Terms of Approval on 23 January 2019, and provided recommended conditions of consent relating to the establishment of an Asset Protection Zone.

The proposal has been amended to address matters raised by Council staff, and the proposed works now generally meet the aims and objectives of SREP 30 and the Central Precinct Plan (CPP) and accompanying Development Control Strategy (DCS).

Key issues raised throughout the assessment of the application include:

Road Design

- The proposal includes the construction of part of Road 001 which fronts the future Central Precinct Village Centre site (Lot 3224). As the future Village Centre site will be a key site within the Precinct, and will be an area of high activity, access arrangements in respect to future public transport routes have been considered as part of this application. A condition of consent has been applied requiring the provision of bus bays and associated bus zones on Road 001. The condition requires the developer to provide an indented bus bay and associated bus zone along the westbound carriageway of Road 001 that commences 10m west from the tangent point of Road 013 and extends in a westerly direction, and provide a 15m bus zone along the eastbound carriage of Road 001 opposite the green space area of Road 022. The condition also requires two (2) bus shelters to be installed at the two (2) bus bays.
- The application includes a boundary readjustment to the existing residue lot (identified on the Plan of Subdivision as Lot 3224). The residue lot is subject to a separate Development Application (Stage 3D, DA18/0620) which is yet to be determined, which seeks to further subdivide the residue lot for the future use of the Village Centre and Village Park. As the current application includes the construction of the road that fronts the Future Village Centre site, vehicle access arrangements to the Village Centre site have been considered as part of this application. Draft sketches have been submitted as part of this application which demonstrate that suitable vehicle access to the Village Centre site can be achieved for both cars and trucks.
- A signalised intersection has been provided at Road 001 and Road 0013. Turns paths have been provided for a 14.0m bus, demonstrating suitable access to the future Regional Open Space from the signalised intersection can be accommodated.

The Development Application was advertised in local newspapers, exhibited and notified to adjoining property owners and occupants for fourteen (14) days in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000. The notification period was between 20 October 2017 to 3 November 2017. 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 recommended conditions.

Site & Surrounds

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.

The subject works are located within the Central Precinct of the ADI Site, and form part of Stage 3B2. The Stage 3B2 site is located within the central portion of the Central Precinct, and is an irregular, curved-shape parcel of land. As a result of previous bulk earthworks (DA14/1228) the site is generally flat and contains no existing vegetation.

Adjoining the site to the north, north-west and south-west is residential development at various stages of completion, being Stage 3B1, Stage 3A and Stage 1 respectively. To the south of the site is the future Village Centre and Village Park sites, which are subject to current Development Applications (DA18/0620 and DA18/0587 respectively).

Proposal

The application seeks consent for the following development:

- Subdivision of Lot 1 DP 1248480 to create 24x residential lots. Lot 1 DP 1248480 is an existing residue lot created under Development Application DA18/1075.
- Boundary readjustment of the existing residue lot (identified on the Plan of Subdivision as Lot 3224). The residue lot is intended for the future uses of a Village Park, and Village Centre. The Village Park and Village Centre sites are subject to separate current Development Applications (DA18/9587 and DA18/0620 respectively) which are yet to be determined.
- Construction of an internal road network, including local laneways (Lane 001 and Lane 002), extension of Wianamatta Parkway to the east (Road 001), and pedestrian footpaths and cycleways.
- Creation of 2x green links (pedestrian link only) within Road 021 and Road 022.
- Provision of utility infrastructure including stormwater drainage, sewerage, telecommunications and water;
- Boundary adjustments to allow for road widening to accommodate cycleway works at the intersection of R002 and Road 001;
- Grading of the site for final residential lots, landscape shaping, boundary interfaces and roadway levels; and
- Associated street tree planting.

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

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 (79C) of the Environmental Planning and Assessment Act, 1979 (as amended) (EP&A Act), and having regard to those matters; the following issues have been identified for further consideration.

- **Section 4.46 - Integrated development**

On Council's Bushfire Prone Land Map, the subject site is identified as Bushfire Prone Land. Given that the proposal seeks development consent for the Torrens Title subdivision of bushfire prone land, the application is Integrated Development, requiring authorisation under Section 100B of the Rural Fires Act 1997 in respect of bush fire safety for the subdivision of land that could lawfully be used for residential or rural residential purposes.

Accordingly, the Development Application and accompanying documentation was referred to the NSW RFS for consideration. NSW RFS issued General Terms of Approval for the development dated 23 January 2019 (Reference D17/3804 DA17102409931 RB), providing recommended conditions relating to the creation of Asset Protection Zones.

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

State Environmental Planning Policy No 55—Remediation of Land

An assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy No 55—Remediation of Land (SEPP 55) and the application is satisfactory in this regard. A detailed summary is provided below:

- The subject site is generally flat and contains no vegetation following works completed approved under DA14/1228 for bulk earthworks and tree removal.
- The Contamination Management Plan (CMP) prepared by JBS&G and submitted as part of DA15/0299, and the 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 3B2 site (being Site Audit Statement CHK001/1 and CHK001/6).

Site Audit Statement CHK001/1: The majority of the 3B2 site is covered by this Site Audit Statement, which identifies the site as being suitable for residential development, including for vegetable garden and poultry use (highest level of clearance available).

Site Audit Statement CHK001/6: This Site Audit Statement relates to a number of buildings, hard stand areas, roads and stockpiles which were excluded from the Site Audit Statement CHK001/1.

The application was accompanied by the Auditor Interim Advice No.53 - *Review of revised Specific Remedial Action Plan (Rev 4), Central Precinct, Llandilo NSW* which states that 'Based on the previous Site Audit completed for this area (CHK001/1 the current development site (i.e. land surrounding the previously inaccessible sealed roads, building and stockpile footprints) is considered suitable for the land use and therefore no further investigations, remediation or management are proposed.'

- The proposal includes the importation of fill material to the site, and as such a further Site Audit Statement will be required to be issued after fill works are completed. This approach is consistent with that taken for Stage 1 and Stage 2, and conditions will be recommended in line with those included on those consents. This requirement aims to ensure that the Auditor was satisfied with the procedures implemented during all fill importation works, and so that Council can be satisfied that the site is suitable for the residential and open space uses.

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

- **Permissibility**
Under the provisions of SREP 30, Stage 3B2 is entirely zoned Urban. All proposed works are permissible land uses with consent, as specified below:

Proposed Works	SREP 30
Torrens Title 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, drainage works	Clause 40 (2) of SREP 30 permits <i>roads</i> and <i>drains</i> in the Urban zone with Council consent.
Site grading and provision of infrastructure	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, and are to facilitate the residential lots and public roads.

- **Zone Objectives**

The proposal is generally consistent with the following objectives of the Urban zone:

- (a) the proposal ensures that works within the zone are primarily used for residential purposes and associated facilities.
- (b) the proposal creates 24x residential lots and limits the range and scale of non-residential uses.
- (d) the lots created facilitate medium density residential development in a location which is in close proximity to future public transport and services (that are associated with the future Village Centre Site), while maintaining residential amenity.

- **Clause 23 Air Quality**

Clause 23(1) requires that adverse impact on the air quality of the Penrith City local government area is minimised through the implementation of appropriate measures as part of any development. In accordance with this clause, a condition of consent has been imposed requiring the developer to prepare and submit to Council for approval, a Construction Environmental Management Plan (CEMP) prior to commencing the subject works. The CEMP is to include details of appropriate environmental management practice and controls, including noise mitigation measures, which are associated with the works.

In respect to Clause 23(2), the proposal includes the provision of bus shelters along Road 001 for a future bus route, which is consistent with the intention of Clause 23(2) to encourage public transport use.

- **Clause 28 - Watercycle**

Throughout the assessment of the application, the subdivision plans were amended to create 24x residential lots, whereas the original plans lodged created 4x residue lots (that were intended to be further subdivided for residential purposes). The consent require a Construction Certificate to be approved by the Certifying Authority (Council) for the provision of drainage works, and updated stormwater management details that reflect the amended subdivision plans will need to be submitted and approved by Council during the Construction Certificate process.

- **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. Notwithstanding this, the application was discussed in a meeting between Council and NPWS on 19 October 2017. NPWS raised no objection to the proposal and did not recommend any conditions.

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

As a result of bulk earthworks approved under a previous Development Application DA14/1228, the site requires relatively minor site grading only (approximately 700m³ of fill and 4,650m³ of cut). A condition of consent has been applied requiring that prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that all residential lots 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).

- **Clause 52 – Tree Preservation**

The site is currently cleared vacant land. The proposal will not result in the removal of any vegetation. The proposal includes street tree planting and creation of green links at Road 021 and Road 022. 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**

The Central Precinct includes a number of items of heritage significance including the site known as Elizabeth Farm. Stage 3B contains no items of heritage significance, therefore no further assessment of heritage matters is required and the proposal is consistent with the objectives of Clause 25 of the SREP.

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 site 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 design of the subdivision reflects the more medium density character of the future Village Centre, which is appropriate given the lots are adjacent to the future Village Centre site, and will be in close proximity to future public transport connections.

All lots within the subdivision meet the minimum lot size of 270m² permitted for detached housing under the DSC, with the lot sizes ranging between 273.5m² and 644.3m². The lot depths and widths, with the exclusion of Lot 3222, meet the typical lot requirements under the DCS for detached dwellings. It is acknowledged that Lot 3222 does not comply with the typical lot frontage of 9.0m for detached housing as specified under the DCS. Lot 3222 provides a reduced frontage of 8.69m, resulting a shortfall of 0.31m. Whilst this does not strictly comply with the typical lot frontage under the DSC, given Lot 3222 achieves an appropriate overall lot size of 284m² and lot depth of 28.19m, and the lot is rear loaded meaning that the frontage will not require to accommodate driveway/car parking, the variation is considered acceptable.

- **Section 4.4 Subdivision Layout Principles**

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

- The inclusion of the Green Links establishes a permeable street system which promotes connectivity and ease of movement for pedestrians;
- The subdivision configuration and the size of lots are appropriate in respect to its location, being the Village Centre Character Area;

- The subdivision provides a variety of block sizes;
- The subdivision provides space for street trees and landscape treatment.

- **Section 4.5 Dwelling Density**

Clause 30(6) of SREP 30 outlines that the overall net neighbourhood density target for the St Marys site is to achieve at least 15 dwellings per hectare. The proposal provides 24x lots across approximately 0.7ha, meeting this requirement.

- **Section 4.7 Access and Movement**

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

Proposed	Comment
Residential Lots	Whilst the residential lots created have a frontage to Road 001, vehicular access is provided from the rear (Lane 001 and Lane 002). A condition of consent has been applied requiring that a Restriction as to User is created for all lots, prohibiting vehicular access from Road 001.
Bus Bay/Shelters	Given that Road 001 provides access to the future Village Centre site which is a key site within the Central Precinct, and will be an area of high activity, a condition of consent has been applied requiring the provision of bus bays and associated bus zones on Road 001, as detailed below: i) provision of an indented bus bay and associated bus zone along the westbound carriageway of Road 001 that commences 10m west from the tangent point of Road 013 and extends in a westerly direction. ii) provision of a 15m bus zone along the eastbound carriage of Road 001 opposite the green space area of Road 022.
Future Village Centre Lot	The application includes the creation of a residue lot intended for the future Village Centre site (Lot 3224). As this application includes the creation of Lot 3224 and the construction of road that fronts the Future Village Centre site, vehicle access arrangements to the Village Centre site has been considered as part of this application. Draft sketches have been submitted as part of this application which demonstrate that suitable vehicle access to the Village Centre site can be achieved. The draft sketches demonstrate that vehicular access to the Village Centre, including delivery truck access, can be accommodated via a possible additional driveway along the main road (Road 001). The detail of final access arrangements to the Village Centre site will be subject to a future development application.

- **Section 4.9 Landscape and Open Space Network**

Whilst the CPP does not require Stage 3B2 to deliver a pocket park or open space area, the application creates two open space areas (Green Links) within Road 021 and Road 022. The inclusion of the Green Links contributes positively to the design and amenity of the subdivision, by providing areas for substantial vegetation, and providing some 'breathing space' between sections of the subdivision. The inclusion of the two Green Links is considered particularly beneficial, given the density of the subdivision, and that the majority of the lots are under 300m².

Notwithstanding the above, some concerns were raised regarding the future ongoing maintenance costs for Council once the Green Links are dedicated to Council. However, these concern are considered to be able to be addressed through landscape design measures, so that high quality and low cost maintenance outcome is achieved.

The application was accompanied by a high level concept plan for the design of the Green Links (titled Stage 3B2 Green Links Drw. No L01-L05, Issue A, dated March 2018). The concept plan is generally acceptable with the selected vegetation species supported by Council's Landscape Architect. A condition of consent has been imposed requiring a final detailed landscape plan for the Green Links to

be submitted and approved to Council, prior to the release of a Subdivision Certificate.

- **Section 4.10 Bushfire Measures**

NSW RFS issued General Terms of Approval for the proposal dated 23 January 2019. The General Terms of Approval include recommended conditions relating to the establishment of Asset Protection Zones. Compliance with the requirements of the NSW RFS will be imposed through conditions of consent.

- **Section 5.5 Concept Plans**

The proposal is considered consistent with the concept plan for the Central Precinct. The subdivision is located within the Village Centre character area, which consists of higher density, diverse residential built forms. The subdivision is located within approximately five minute walking distance from an anticipated bus stop (on Road 001).

The proposed new boundary of the residue lot (identified as Lot 3224 on the Plan of Subdivision) 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.

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

Central Precinct

Provision	Compliance
Central Precinct Plan	Complies

Section 79C(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.

Dwelling Yield

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 recently executed (December 2018).

It is noted that the Forecast Dwelling Count provided prepared by Lendlease dated 7 March 2018 identifies that Stage 3B2 is anticipated to provide 35x dwellings. The application proposes 24x residential lots, which is within the anticipated dwelling figure.

Further to the above, *Figure 13- Dwelling Yield Plan* within the Central Precinct Plan (pg.41) identifies that Stage 3 has a total number of dwellings between 345-435. The approved number of lots within Stage 3 is currently 131 lots (comprising 79x lots within Stage 3A, and 52x lots within Stage 3B1). The current application proposes an additional 24x lots, which will not exceed the number of dwellings for Stage 3 (being 445-435 dwellings) as shown within the *Dwelling Yield Plan*.

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.

With consideration to the above, the subject lots are captured by the Planning Agreement, and as such development contribution fees have not been imposed for this application.

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

The proposed development can comply with the requirements of the Regulations.

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

Context and Setting

The proposal is consistent with the adjoining and adjacent land uses, with the majority of the Central Precinct zoned Urban to accommodate residential housing. The lots created are rear-loaded lots, which is an appropriate design given that Road 001 is a main thoroughfare which frames the entrance to the Village Centre site.

Road Design

The final road design has been subject to ongoing discussions between the developer and Council's Development Engineer. The amended road design is considered acceptable, with the following comments provided by Council's Development Engineer.

- A signalised intersection has been provided at Road 001 and Road 0013. Turns paths have been provided for a 14.0m bus, demonstrating suitable access to the future Regional Open Space from the signalised intersection can be accommodated.
- Turns paths for a 12.5m HRV at the signalised intersection of Road 001 and Road 013 have been provided, and are acceptable.
- A condition of consent has been imposed requiring that the intersection of Road 001 and Road 023 is to be left-in and left-out with continuation of the central median across the intersection.
- The application seeks a variation to the overall road reserve width of 9.5m required under Appendix C - Street Sections of the Central Precinct Plan (CPP) for an Access Way. Stage 3B2 provides an overall road reserve width of 8.5m at the rear of the proposed lots, with the verge being reduced from 2.5m to 1.5m. To reduce the impact of having a reduced verge of 1.5m in front of the lots, a condition of consent has been imposed requiring a Restriction as to User be created on Lots 3200 to 3223 (adjoining the lane way) which requires a minimum 1.0m setback of all buildings, awnings or verandahs from the lane way property boundary. This will create a minimum 1.0m buffer of open, unobstructed space to compensate for the reduced verge width.
- It is noted that the application has been amended to exclude the future intersection at the Employment Street in Stage 5B and the future East-West Connector Road.

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 subject land is zoned 'Urban' and the proposal is a permitted land use in the zone with Council consent;
- The lots will be adequately serviced by roads, utility services and stormwater infrastructure;
- The proposal is generally consistent with the St Marys Central Precinct Plan and accompanying Development Control Strategy (DCS);
- The site is within close proximity of the future Central Precinct Village Centre, Village Park and Regional Open Space.

Section 79C(1)(d) Any Submissions

Community Consultation

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 from 20 October 2017 to 3 November 2017. 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
Traffic Engineer	Not supported

Traffic Engineer

Council's Traffic Engineer raised the following concerns regarding traffic capacity, which has resulted in the referral recommendation for not supporting the application.

- The application was accompanied by a traffic assessment, titled *Jordan Springs East Stage 3B2 Traffic Impact Assessment*, prepared by WSP dated September 2017. The supporting traffic modelling within this report assumes that the road corridor known as the East-West Connector Road would be constructed before the occupation of Stage 3B2. The report also confirms that the functional capacity for one lane is 900 vehicles per hour.
- The traffic model identifies the traffic generated by the Central Precinct of approved previous stages only, and does not include traffic generated by Stage 3B2 lots, as the application was originally lodged to create 4x residue lots (rather than the amended proposal which creates 24x residential lots).
- The model assumes that in the AM peak hour, there would be a split in traffic being 20% in, and 80% out. In the PM peak hour, it assumes that there would be a split in traffic of 80% in and 20% out.
- The model then assigned trip distribution of 55% (during AM peak hour) to / from the East West Connector Road (to the east) and 53% (during PM peak hour) to/from the East-West Connector Road.
- Council's Traffic Engineer has calculated the additional traffic that would be generated as a result of the amended Stage 3B2 proposal (i.e. 24x residential lots). This additional traffic would be fully directed to Lakeside Parade (to the west) and the Lakeside Park/Jordan Springs Boulevard intersection, given the East-West Connector road is not constructed.
- The traffic in one lane of Lakeside Parade will exceed the maximum capacity of 900 vehicles per lane per hour is exceeded at the single turning lanes to and from Jordan Springs Boulevard.
- The report shows the Sidra intersection modelling for Jordan Springs Boulevard / Lakeside Parade PM peak with all trips to the Northern Road (without the East-West Connector Road). This shows that the level of service is at capacity, which is undesirable. It also shows that the back of queue will be 377m long, which is unacceptable.
- In addition to the above, 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. Therefore, it is acknowledged by both traffic reports that the construction of the east-west connector road is required to facilitate the densities anticipated for the Central Precinct.

To address these concerns, a condition of consent has been imposed requiring that the East-West Connector road is delivered and constructed prior to the release of a Subdivision Certificate for Stage 3B2 lots.

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

The development is unlikely to generate any significant issues of public interest for the following reasons:

- The proposal is permissible in the zone with Council consent;
- The subdivision layout and lot configuration is consistent with the Central Precinct Development Control Strategy;
- The road works have been designed to the satisfaction of Council's Development Engineer;
- The proposal has considered access arrangements to the future Village Centre site as part of the current application.

Conclusion

The above assessment has demonstrated that the amended proposal has met the relevant provisions of the following legislation:

- 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

The proposed subdivision is generally consistent with objectives and controls under SREP 30 and the Central Precinct Plan and accompanying Development Control Strategy.

With consideration to the above, the application is recommended for approval, subject to conditions of consent.

Recommendation

1. That the Integrated Development Application DA17/0889 for the Torrens Title subdivision to create 24x residential lots, open space and public roads (Stage 3B2) be approved subject to the attached conditions of consent.
2. The NSW Rural Fire Service be advised of Council's decision.

General

1 [A001 - Approved plans that are architecturally drawn](#)

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

Drawing Title	Drawing Reference	Prepared By	Dated
Plan of subdivision	C212, Sheets 1-2	Anthony Nicolaas Rood	24/10/2018
Stage 3B2 Green Links (Landscape Plans)	Dwg. No. L01 - L05, Issue A	JMD Design	28/03/2018
Civil Works Plan	89914020-SK843, Revision 3	Cardno	14/11/2018
Road 001 Longitudinal Section	89914020-SK844, Revision 3	Cardno	14/11/2018
Typical Road Cross Sections	89914020-SK845, Revision 3	Cardno	14/11/2018
Signalised Intersection Turn Path	89914020-SK846, Revision 1	Cardno	14/11/2018
Road 001 Parking Clearances	89914020-SK1038, Revision 3	Cardno	22/01/2019

2 [A005 - Approved Bodys Consent](#)

The development is required to comply with the General Terms of Approval issued by the NSW Rural Fire Service, dated 23 January 2019 (Reference D17/3804 DA17102409931 RB).

Prior to the issue of a Construction Certificate, a copy of the General Terms of Approval issued by NSW Rural Fire Services shall be submitted to the Principal Certifying Authority. A copy of the General Terms of Approval 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 Principle Certifying Authority must ensure 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. If the work relates to a residential building and is valued in excess of \$20,000, then a contract of insurance for the residential development shall be in force in accordance with Part 6 of the Home Building Act 1989.

{Note: Residential building includes alterations and additions to a dwelling, and structures associated with a dwelling house/dwelling such as a carport, garage, shed, rural shed, swimming pool and the like}.

4 **A046 - Obtain Construction Certificate before commencement of works**

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

5 **A Special Condition 06 - Soil Salinity Measures**

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 shall be considered and implemented.

Heritage/Archaeological relics

6 **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

7 **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.

8 **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.

9 **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.

10 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.

11 D06A – Approval for bulk earthworks/major filling operations (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 Development Control Plan 2014 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, 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."}

12 D Special - Dust Suppression

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

13 D Special - Mud/Soil

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

14 **D Special (BLANK)**

Prior to the issue of a Subdivision Certificate, the recommendations made in the Cardno Salinity Assessment Review Report dated 9 December 2014 are to be implemented during Stage 3B2 construction phase and all recommended works are to be implemented during construction phase of Stage 3B2. A written certification prepared by qualified person shall be submitted to Council for record demonstration that all recommendations have been carried out in the land preparation works of subdivision phase of consideration.

15 **D Special Condition 01 - Implementation of Existing Plans**

The following existing plans and impact mitigation strategies prepared as part of the Central Precinct Plan 2009 are to be implemented:

- (a) Central Precinct Weed Management Plan (Cumberland Ecology, 2008);
- (b) Central Precinct Feral and Domestic Animal Management Strategy (Cumberland Ecology, 2008);
- (c) Central Precinct Bushfire Management Plan (BES, 2008); and
- (d) St Mary's Macrofauna Management Plan (Cumberland Ecology, 2005).
- (e) Salinity Assessment Review prepared by Cardno dated 9 December 2014.

16 **D Special Construction Environmental Management Plan**

Prior to the issue of a Construction Certificate, a Construction Environmental Management Plan (CEMP) addressing all works subject to this consent, is to be prepared by a suitably qualified person and submitted to Council for approval. If Council is not the certifying authority, a copy of Council's approval is to be provided to the Principal Certifying Authority.

The CEMP shall address the environmental aspects of the development and is to include details on the environmental management practices and controls to be implemented on the site.

17 **D Special Site Audit Statement**

Upon the completion of fill importation works (including works the subject of DA14/1228), a Site Audit Statement is to be issued by a NSW Accredited Site Auditor. **Prior to the issue of the Subdivision Certificate**, the Site Audit Statement and the associated Site Audit Report is to be submitted to and approved by Penrith City Council.

This Site Audit Statement is to confirm that all land subject to development as a part of the subdivision works is suitable for the proposed residential and open space uses.

Utility Services

18 **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.

19 [G006 - NBN Co](#)

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997:
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

Prior to the issue of a Subdivision Certificate, written certification from all relevant service providers that the telecommunications infrastructure is installed in accordance with the requirements above and the applicable legislation at the time of construction, must be submitted to the Principal Certifying Authority.

Construction

20 [H002 - All forms of construction](#)

Prior to the commencement of construction works:

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

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

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

21 [H006 - Submission of and implement waste management plan](#)

A completed waste management plan shall be submitted to Penrith City Council for consideration and approval. Council must approve the plan before works can commence on site.

The waste management plan shall be prepared in accordance with the Waste Planning Development Control Plan (2004), and shall address all waste materials likely to result from the proposed development, with details of the estimated waste volumes, onsite storage and management, proposed re-use of materials, designated waste contractors, recycling outlet and / or landfill site.

The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.

22 H01F - Stamped plans and erection of site notice 2

Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction. The following details are to be displayed in a maximum of 2 signs to be erected on the site:

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

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

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

All construction signage is to be removed on completion of earthworks or construction works and when a Compliance Certificate has been issued by the Principal Certifying Authority certifying that the development has complied fully with the development consent and, where required, been constructed in accordance with the Construction Certificate.

Engineering

23 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.

24 K202 - S138 Roads Act – Works and Structures

Prior to the issue of any Construction Certificate, a Section 138 Roads Act applications, including payment of application and inspection fees, shall be lodged and approved by Penrith City Council (being the Roads Authority for any works required in a public road). These works may include but are not limited to the following:

- a) Provision of lead in utility services

All works shall be carried out in accordance with the Roads Act approval, the development consent, including the stamped approved plans, and Penrith City Council's specifications, guidelines and best engineering practice.

Contact Penrith City Council's City Works Department on (02) 4732 7777 or visit Penrith City Council's website for more information.

Note:

- 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.
- Separate approvals may also be required from the Roads and Maritime Services for classified roads.
- All works associated with the Roads Act approval must be completed prior to the issue of any Occupation Certificate or Subdivision Certificate as applicable.

25 [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, sheet numbers 89914020-SK843, 89914020-SK844, 89914020-SK845, revision 3, dated 14-11-2018, and 89914020-SK846, revision 1, dated 14-11-2018 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.

26 [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
001	2×10^6
013, 021, 022, 023, LANE 001, LANE 002	5×10^4

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

27 **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.

28 **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.

29 **K222 - Access, Car Parking and Manoeuvring – General**

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

30 **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.

31 **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.

32 **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.

Note:

- 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.

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

Work on the subdivision shall not commence until:

- a Construction Certificate has been issued,
- a Principal Certifying Authority has been appointed for the project, and
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement 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.

34 **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.

35 **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.

36 **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.

37 **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.

38 **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.

39 **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.

40 **K509 - Linemarking & Signage**

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

Notes:

- 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

41 [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.

Note:

- 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.

42 [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 (consent will generally be provided when 80% of the housing within the subdivision has been completed).

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

Note:

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

43 [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.

44 **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".

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

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

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

46 **K Special Condition - Central Median**

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the 1.2m wide central median in Road 001 to be extended across the intersection of Road No 001 and Road No 023 to provide a left-in and left-out type treatment.

47 [K Special Condition - Drainage](#)

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

- All kerb inlet pits are not located within kerb returns and are located a minimum distance of 1m from the tangent point of any kerb return.
- All drainage pits, including junction pits, shall be grated kerb inlet pits located within the kerb & gutter.

48 [K Special Condition - Flood Map](#)

Prior to the release of a Subdivision Certificate the applicant shall submit to Penrith City Council the following information:

(a) A flood map incorporating the 1% AEP (1 in 100 year) flood extent for the Central Precinct for both the local flood event and the mainstream flood event from South Creek.

49 [K Special Condition - Laneways](#)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the Laneways have been design to the following criteria:

- 1m verge adjoining Stage 3B1, 6m pavement, 1.5m verge adjoining residue lots
- Flush kerb adjoining the residue lots
- Upright 150mm kerb & gutter adjoining lots in Stage 3B1
- One-way cross fall draining to the kerb & gutter
- All drainage to be located under the kerb & gutter
- Heavy duty concrete crossovers at each intersection with a local road
- Details and locations of any utility services including street light poles required to service the laneway and lots.
- Safe intersection sight distance and safe intersection stopping distance has been provided in accordance with Austroads for each intersection of the laneway with the local roads.
- Pedestrian and driver sight distance is in accordance with AS2890.1 Figures 3.2 and 3.3
- Garbage truck (12.5m Single Unit Truck) access has been provided to service all lots within the adjoining Stage 3B1 subdivision. Turn paths are to be provided for each path of travel required for garbage truck access into and out of the laneways to service the lots.

Full details shall be provided on engineering drawings with any application for a Construction Certificate.

50 [K Special Condition - Pedestrian Barrier Fence](#)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that a pedestrian barrier fence, compliant with RMS requirements, is provided along the central median in Road 001. Full details are to be provided with the construction certificate.

51 [K Special Condition Bus Bay & Associated Bus Zone](#)

Prior to the issue of a Construction Certificate, the Certifying Authority shall ensure that the following facilities for bus stops have been provided on engineering plans:

- Provision of an indented bus bay and associated bus zone along the westbound carriageway of Road No 001 that commences 10m west from the tangent point of Road 013 and extends in a westerly direction. The bus bay shall be 3m wide with an overall length of 25m long that includes a 6m ingress taper and 4m egress taper. The road reserve boundary shall be modified to accommodate a 5m wide verge area for the length of the indented bus bay.
- Provision of a 15m bus zone along the eastbound carriageway of Road 001 opposite the green space area of Road 022. The road pavement is to be locally widened by 0.5m for 15m with additional 5m tapers at either end to accommodate a 3m wide bus zone and 3.5m wide eastbound traffic lane.
- Provision of a DDA compliant bus boarding point, including tactiles at each of the bus zones.
- Provision of a cantilever bus shelter at each bus zone

Full details are to be shown on plans submitted with the application for a construction certificate.

Landscaping

52 L001 - General

All landscape works are to be constructed in accordance with the stamped approved Plan titled Landscape Overall Plan, dated March 2018, Drwg no. L01 - L05, Issue A, prepared by JMD Design, and Chapter C.6 Landscape Design of Penrith Development Control Plan 2014.

Prior to the issue of a Construction Certificate, a detailed Landscape Plan for the 2x Green Links is to be submitted to Council for consideration and approval. The plans shall indicate the specific quantity of selected species and their location.

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.

53 L002 - Landscape construction

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

54 L003 - Report requirement

The following series of reports relating to landscaping are to be submitted to the nominated consent authority at the appropriate time periods as listed below. These reports shall be prepared by a Landscape Consultants or landscape professional landscape works.

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

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

55 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.

56 L Special - Street Tree inspections

Prior to the planting of street trees, an inspection of example street tree pits is to be prepared, and an inspection is to be undertaken by relevant staff of Penrith City Council.

Note: A minimum two days notice of the inspection is required to enable arrangements of Council staff to attend.

57 L Special -Tree Report

Prior to the release of a Construction Certificate, a report detailing the methodology of how the vegetation will thrive within the compacted fill layers is to be provided to Penrith City Council. The report shall consider the use of root barrier to prevent long term damage to surrounding infrastructure from street trees and confirm if this is required on a street by street basis depending on the space available and intended design outcomes.

The recommendations of the report are to be certified by a suitably qualified arborist.

Subdivision

58 M007 - Street lighting

An additional street light is to be installed midway along each inter-allotment pathway. Arrangements are to be made with Integral Energy for this additional light.

59 M008 - Linen Plan

Submission of the original Linen Plan and six (6) copies. The Linen Plan must indicate that:

- a) "It is intended to dedicate all new roads to the public as road"
- b) "It is intended to create part of Road 021 and Road 022 as a public reserve"

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

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

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

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

60 M009 - 88B Instrument

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

- a) Lots 3200 to 3223 inclusive shall have a restriction placed upon the title preventing the encroachment any of buildings, awnings or verandas within a 1m rear setback from the laneway property boundary.
- b) Lots 3200 to 3223 inclusive shall have a restriction placed upon the title prohibiting any vehicular access from Road 001.
- c) Residue Allotment - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.

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

61 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.

62 M Special - Delivery of 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 which links Jordan Springs Central Precinct, Ropes Crossing and Dunheved Industrial Precinct shall be delivered and dedicated as public road to accommodate the increased dwelling density as a result of this consent, to the written satisfaction of the Development Services Manager, Penrith City Council.

Certification

63 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.

64 **Q01F - Notice of Commencement & Appointment of Principal Certifying Authority**

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

- (a) 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
- (b) 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.

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 Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.

65 **Q Special 01 - Advisory Note**

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 Western Precinct. All works shall be carried out in accordance with the requirements of the St Marys Penrith Planning Agreement, as amended.