

PRE APPLICATION MEETING (PAM)
Site of proposal: Central Precinct, St Marys
Proposal: East-West connector road from Ropes Creek Precinct to Central Precinct.
Note: a copy of these minutes must be submitted with any subsequent development application (DA).
Date: 17/05/2016
Representing the applicant: Richard Ward (Lendlease), Sean Porter (Cardno), Shawn Hotong (Cardno), Chris Curtis (JBA).
Council officers present: Alan Middlemiss (Gateway Team Leader), Anthony Shorten (Senior Engineer), Michael Cividin (Gateway Town Planner), Abdun Noor (Senior Traffic Management Officer), Nadeem Shafi (Co-ordinator Traffic Management)

1. **The following environmental planning instruments (EPIs) and development control plans (DCPs) are relevant to the site of this proposal:**

	Applicable	N/A
Blacktown Local Environmental Plan 2015	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sydney Regional Environmental Plan No 30—St Marys	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Precinct Plan and Development Control Strategy – Ropes Creek Precinct, St Mary's – September 2010	<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. **The following controls and development standards are of particular relevance to this proposal:**

The site is zoned Road and Road Widening under Sydney Regional Environmental Plan No 30—St Marys.

Is the development permissible? Yes No

Note: You are advised to carefully check all relevant development controls to ensure all relevant matters and documentation are included in any application.

Is there a possibility of a Voluntary Planning Agreement (VPA) required to be executed?

Yes No

For details, contact Council's S94 Contributions Officer Dennis Bagnall.

Is there a possibility of a Special Infrastructure Contribution (SIC) levy applying to the site/development?

Yes No

Any departures from development controls and standards must be accompanied by a comprehensive written justification for consideration by Council at the time of the assessment.

3. Will any NSW Legislation cause the proposal to be integrated development (pursuant to Environmental Planning & Assessment Act 1979)?

	Applicable	N/A
Fisheries Management Act 1994 <i>(*Note: the development will become integrated development if any permit under the Fisheries Management Act 1994 is required)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Heritage Act 1977 <i>(*Note: the development will become integrated development if any works are proposed to an item on the State Heritage Register)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Mine Subsidence Compensation Act 1961 <i>(*Note: the development will become integrated development if approval is sought to alter or erect improvements within a mine subsidence district or to subdivide land therein)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Mining Act 1992 <i>(*Note: the development will become integrated development if the proposal relates to the granting of a mining lease)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
National Parks and Wildlife Act 1974 <i>(*Note: the development will become integrated development if a grant of Aboriginal heritage impact permit is required)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/> *
Petroleum (Onshore) Act 1991 <i>(*Note: the development will become integrated development if a grant of production lease is required)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Protection of the Environment Operations Act 1997 <i>(*Note: the development will become integrated development if an environmental protection licence under POEO Act 1997 is required)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Roads Act 1993 <i>(*Note: the development will become integrated development if it is proposed to erect a structure or carry out a work in, on or over a public road; or dig up or disturb the surface of a public road; or remove or interfere with a structure, work or tree on a public road; or pump water into a public road from any land adjoining the road; or connect a road, whether public or private to a classified road)</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/> *
Rural Fires Act 1997 <i>(*Note: the development will become integrated development if authorisation under section 100B of RF Act 1997 is required)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Water Management Act 2000 <i>(*Note: the development will become integrated development if water use approval, water management work approval or a controlled activity approval under Part 3 of Chapter 3 of the Water Management Act 2000 is required). If the proposal is integrated development, additional fees of \$140 (payable to Blacktown City Council) and \$320 (payable to the referral agency) are required to be submitted with the application at the time of lodgement.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/> *

The DA will be referred to:

- The National Parks and Wildlife Service

- NSW Office of Water
- Roads and Maritime Services

4. Physical characteristics of the site:

Configuration of road networks that do not compromise the amenity of the locality requires careful and skilful execution of site planning and building layout. Site planning should: –

- Ensure the site layout and responds to the unique characteristics of the site and the surrounding context.

Preparation of the DA must refer to this section for guidance on the layout of the road and arrangement of built elements on the site.

Particular issues which should be addressed: –

Flooding	The subject site is identified as flood prone land within the 1-100 year flood area.
Bushfire	The subject site is identified as bushfire prone land.
Contamination	<i>State Environmental Planning Policy No 55 – Remediation of Land</i> Clause 7 'Contamination and remediation to be considered in determining development applications' applies. A Stage 1 site contamination report prepared by a suitably qualified geotechnical professional must be submitted in accordance with SEPP 55 with the DA.
Salinity	A salinity report prepared by a suitably qualified professional is required to be submitted with the DA.
Easements	It is the responsibility of the applicant to conduct a Property Title Search through NSW Land and Property Information for any easements affecting the property and annotate these on the site plans. Any proposed easements or encumbrances must be clearly indicated on plans submitted with the DA.
Trees and vegetation	Landscape plan is required to be submitted upon DA lodgement.
Heritage and archaeology	A Due Diligence report under the National Parks and Wildlife Act 1974 is required. This is to be prepared by a suitably qualified aboriginal heritage consultant and must be submitted with the DA.
Traffic	A comprehensive traffic impact report prepared by a suitably qualified traffic professional is to be submitted with the DA.
Cut and fill and retaining walls	Details of any cut and fill are to be verified on a separate cut and fill plan. All retaining wall details (e.g. location, top-of-wall height, bottom-of-wall height, sections, elevations etc.) are to be clearly shown on plans and must be constructed of masonry material. The cut and fill plan and details of retaining walls are to be submitted with the DA.
Waste management	A waste management plan (WMP) is to be submitted with the DA. A template for a WMP can be found at http://www.blacktown.nsw.gov.au/Resident_Services/Application_Forms/Development_Construction_Forms .

5. The proposed development within the context of the site:

The DA must address the contextual aspects influencing urban form such as: -

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- Neighbourhood/locality context, street layout and hierarchy and prevailing development densities
- Open space distribution and quality, topography, views and built for rhythm
- Heights, alignments and massing of surrounding buildings
- Prevailing character elements, such as roof forms, building articulation and modulation and the range and combinations of materials and details

The DA must be accompanied by a context analysis of the existing prevailing built and natural features of the site/in the streetscape and provide a suitable design response.

You are therefore required to submit a context/site analysis in the form of a scaled plan addressing the specific details and format requirements identified in the DA Guide including: -

- Property details including site boundaries, dimensions and area
- Encumbrances such as easements or rights of way
- Orientation, aspect, view corridors
- Landform including contours or spot levels, areas of landfill
- Landscape including existing trees, vegetation and natural features
- Services and infrastructure including stormwater drainage
- Access and street features including roads, poles, footpaths, driveways
- Existing development including buildings, fences, driveways
- Existing heritage or archaeological features on or adjoining the site
- Existing land and development adjoining the site

Particular issues which should be addressed include:-

Traffic generation	Will form part of the traffic report.
Stormwater management	Please call Council's drainage engineers on 9839 6000.

6. Issues identified in PAM Request:

Queries for discussion:

- Road design
 - o Typical road cross sections
 - o Longitudinal grading through Dunheved Precinct (DA Approved)
 - o Threshold treatments
 - o Interface tie in at Ropes Crossing
 - o Roundabout diameters
 - o Shared path facilities
 - o Pavement details

- Bridges and culverts
 - o Preferred bridge type
 - o Design life of bridges
 - o Structural assessment of existing assets
 - o Culvert / bridge flow conveyance capacity
 - Road drainage
 - o Open channels / pit and pipe network
 - o Water quality

- Regional Flooding

o Reliance on South Creek Flood Impact Assessment flood reporting prepared by Jacobs and WorleyParsons

- DA documantation requirements

7. Issues discussed at PAM:

- 500m of the collector road is located in the Penrith LGA
- The DA will be referred to the NSW Office of Water as part of the application process.
- The DA will be referred to Penrith Council for concurrent assessment, along with the NSW Office of Water.
- Contamination/Salinity reports are required as part of the DA documentation.
- DA forms and checklist is available on the Blacktown Council website.
- For information regarding drainage and water quality, proponents are to engage with Council's drainage engineers on 9839 6000.

Engineering matters

- The road to be re-constructed has been identified as a collector road. The road is to be designed for 80km/h traffic in accordance with Blacktown City Council standards.
- The road is to have a 3.7m carriageway with a sealed shoulder and kerb as per Anthony Shorten (Senior Engineer).
- It is the applicant's responsibility to conduct a structural assessment of Ropes Creek Bridge to determine whether or not demolition is a necessity. If not, arguments for the retention of the bridge (subject to a pedestrian bridge) will need to be part of the DA documentation.
- The road will need to be higher than 100 year flood levels.
- Any portion of the road that is located upstream of any water bodies is to contain satisfactory plans that show how ponding issues are resolved.
- If it can be demonstrated that MUSIC modeling is unnecessary due to the road forming part of a subdivision, this will need to be documented as part of the DA. It is requested that the proponents liaise with Council's drainage engineers to confirm this information.
- DA documentation:
 - Civil engineering report
 - Long sections containing flood levels
 - Typical cross sections

Traffic matters

- A comprehensive traffic report (traffic modeling) is to accompany the DA.
- Road construction is required to facilitate a bus (to Council's standards).
- Roundabout design
 - To cater for a 14m long bus (standard design)

8. Further consultation recommended? YES NO

9. DA submission and supporting documentation:

Should you proceed with a DA, the information requirements are included with the DA form and must also include the following specific documentation: -

- Owner's consent

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- The owner's names must match those recorded on Council's rates system. If the names differ, then proof of change of ownership must be provided. If there is more than one owner on Council's rates system, then all owners must sign. Where the owner is a company, owner's consent must be provided in the form of a letter on the company letterhead or stamped by the company seal and be signed by a Director of the company.
 - Where the owner is a strata corporation, owner's consent must be on the strata corporation letterhead or stamped by the strata seal.
 - If the owner company does not have company letterhead or a company seal, the owner's consent must be executed in accordance with Corporations Act 2001 (Cth) Section 127 – Execution of Documents. This requires the signature of two directors of the company, or a director and a company secretary, or by the sole director.
 - If the owner's consent is signed on the owner's behalf by their legal representative, documentary evidence (eg Power of Attorney, Executor or Trustee) must be provided.
 - Important: Applications lodged without complete owner's consent will be rejected.
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- Statement of environmental effects - a comprehensive statement of environmental effects outlining the proposal's compliance with relevant planning controls and the anticipated impacts of the proposal (including any means to mitigate such impacts) must be submitted with any DA for the site, including a detailed table indicating compliance with the relevant numerical standards. DAs lodged without a statement of environmental effects will be rejected.
 - DA submission will require all plans, elevations and cross-sections. If these plans are not drawn to scale or are illegible, the DA will be rejected.
 - A survey plan of the property indicating existing levels to Australian Height Datum (AHD). Location and roof ridge and eave levels of dwellings on adjoining properties must also be indicated on the plans.
 - Proposed and existing ground level (including levels of adjoining properties), natural ground level and finished ground levels to AHD must be clearly indicated on the submitted plans. DAs lodged without this information will be rejected.
 - Retaining wall and boundary fencing details (if applicable and including any macro fauna fencing) to be constructed on site as part of the development shall be submitted at DA stage, including proposed use of materials and RLs to AHD for the top of the walls. Please note that Council requires the construction of masonry retaining walls (i.e. no timber walls) on property boundaries. Any retaining walls must comply with the requirements of Blacktown Growth Centre Precincts Development Control Plan 2014 or Blacktown Development Control Plan 2015 (as applicable). Any macro fauna fencing shall be subject to the approval of the National Parks and Wildlife Services.
 - Detailed stormwater plans (to the standards required by Council's drainage engineers) prepared by a qualified hydraulic engineer. This may necessitate separate discussions with the engineers.

Estimated Cost of Works

The DA must nominate the estimated cost of development (which includes consultant fees and GST) as defined in Clause 255 of the *Environmental Planning and Assessment Regulation 2000*.

Please note this must be accompanied by either a Cost Summary Report for development costs less than \$500,000 or a Registered Quantity Surveyor's Detailed Cost Report for development costs more than \$500,000. The report templates can be downloaded off Council's website.

Fees in addition to the DA fee

A \$320 cheque needs to be provided to each integrated referral authority the DA will be referred to if the application is an integrated development. An administration cost of \$140 will also be payable. Additional fees is also payable if a newspaper advertisement is required, in which case the fee for an advertisement is \$1,105.

10. Limitation on the information provided in PAM minutes:

- (a) This report is not a zoning certificate. Such a certificate can be purchased from Council by completing the relevant application form and payment of the appropriate fee.
- (b) To confirm all the relevant environmental planning instruments applicable for a particular development site, a Section 149 Certificate will need to be purchased from Council.
- (c) It is the responsibility of the applicant to ensure that a DA adequately addresses all relevant environmental planning instruments and DCPs.
- (d) Council has provided the information in this report in response to the material provided by the prospective applicant. An applicant who requires independent professional advice must engage a consultant who is qualified to provide such advice.
- (e) Information in this report concerning the permissibility of a particular form of development is provided in good faith at the time these minutes were prepared. Should the permissibility of the proposal be in doubt or the interpretation of development controls be unclear, you must seek guidance from a legal or town planning consultant.
- (f) You are advised that any proposal must fully comply with the applicable planning controls. Applicants must substantiate compliance with the objectives of all prevailing planning controls.
- (g) Council cannot pre-determine its position in regard to the merits of a development. Council's final decision regarding a development can only be made upon the lodgement of a DA and following Council's full and proper evaluation and determination of that application under Part 4 of the Environmental Planning and Assessment Act 1979. This report can in no way infer or imply that development consent may be granted.
- (h) All local and State planning controls are constantly under review. While this report reflects the controls operating at the time of the meeting, the relevant policies and controls may alter between the time of this meeting and the lodgement of a DA. Assessment of any DA must be on the basis of the controls in force at the time the application is evaluated and determined.
- (i) The information provided at the PAM and in this report is intended to assist in the preparation and lodgement of a DA. Although it is preliminary information, Council provides this service at no cost with the expectation that a prospective applicant will respond positively and take account of the information provided.
- (j) Further investigation of the proposal and the site, as well as comments by statutory authorities and local residents as part of the assessment of the DA, may necessitate amendments to any proposed plans for development. Conditions will be applied to any

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development consent. Furthermore, Council may refuse to issue development consent for a DA which is considered unsatisfactory following an evaluation under s.79C of the Environmental Planning and Assessment Act 1979.

- (k) This meeting or the minutes provided do not guarantee that any variations sought to Council's controls will be granted. Such variations are proposed at the applicant's own risk and may result in a longer DA processing time.
 - (l) No guarantee can be given that this proposal will be approved until a full assessment of a DA has been made by the assessing town planner and development consent is granted, as other issues may be identified during the assessment process.
 - (m) Your DA will be delayed should inadequate information be lodged. It is in your interests to provide as much information as possible to assist in Council's assessment of the DA. Applications lodged without key documentation such as a statement of environmental effects, stormwater plans, owner's consent, plans drawn to scale and other specific information highlighted either in these minutes or the relevant checklist will be rejected. There are no appeal rights under the EPA Act 1979 for rejected DAs.
 - (n) Capital gain – please note that where a variation is sought under Clause 5.3 of the State Environmental Planning Policy – Sydney Region Growth Centres 2006 and where the variation results in capital gain to the developer or owner of 10% or more, ratification by Council will be required and may require a report to Council.
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11. Acknowledgement of minutes:


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Gateway Town Planner

23/5/2016
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Date


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Gateway Team Leader

23.5.2016
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Date